

AGENDA
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
BUILDING A LARGE CONFERENCE ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185

August 20, 2025

4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes of the July 23, 2025, Regular Meeting

D. OLD BUSINESS

1. C-25-0002. Solara Woods - Water and Sewer Subdivision Exception Request

E. NEW BUSINESS

F. ADJOURNMENT

MINUTES
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
BUILDING A LARGE CONFERENCE ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
July 23, 2025
4:00 P.M.

A. CALL TO ORDER July 23

Mr. Polster called the meeting to order at approximately 4:02 p.m.

B. ROLL CALL

Committee Members Present:

Frank Polster, Chair
Steve Rodgers
Scott Maye
Jack Haldeman

Staff Present:

Morgan Risinger, Senior Planner
Will Albiston, Planner
Hannah Hunnicutt, Administrative Coordinator

C. MINUTES

1. Minutes of the June 18, 2025, Regular Meeting

Mr. Haldeman made a motion to Approve the Minutes.

On a voice vote, the Committee approved the Minutes of the June 18, 2025, Regular Meeting.
(4-0)

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. C-25-0021. Stonehouse Tract 2, Review of Conceptual Plan

Mr. Will Albiston, Planner, addressed the Development Review Committee (DRC) Members. Mr. Albiston stated that Mr. Jeff Huentelman submitted a conceptual plan for Stonehouse Tract 2 for the construction of 400 residential units with 318 units being single-family homes, 19 units being attached residences with two to four units, and 63 units being attached residences that were less than three stories and contained more than four units. Mr. Albiston noted that the conceptual plan also included common open space with a community center, swimming pool, playground, tennis court, multipurpose athletic field, and off-street parking.

Mr. Albiston further stated that the property was governed by the Stonehouse Master Plan and Proffers which were approved in Case Nos. MP-18-0002 and Z-19-0010, approved by the Board of Supervisors on November 12, 2019.

Mr. Albiston noted that the reason for the DRC review was found in the proffers, specifically: Proffer No. 10, which would require a conceptual plan to be submitted to the Planning Director and the DRC for review at least 60 days prior to submittal of a development plan for the tract. Mr. Albiston stated that the purpose of this review was to determine general consistency with Zoning Ordinance requirements, the adopted Master Plan, and other applicable County policies.

Mr. Albiston stated that the other relevant proffers to Tract 12 include the creation of the following; the Ware Creek Road amenity, a playground, and multiuse trails and/or bike lanes along Ware Creek Road and Six Mount Zion Road. Mr. Albiston noted that the additional proffers related to transportation improvements, traffic generation, and cash contributions, etc. were monitored by the County and would be applied and examined during the development of this parcel when engineered plans were submitted.

Mr. Albiston further stated that after review of the conceptual plan staff found the proposed conceptual plan to be generally consistent with the Zoning Ordinance, adopted Master Plan, adopted Proffers, and other applicable County policies.

Mr. Albiston noted that staff recommended that the DRC find the proposed conceptual plan to be generally consistent with the Zoning Ordinance, adopted Master Plan, adopted Proffers, and other applicable County policies.

Mr. Polster asked the Committee if there were any questions for staff.

Mr. Haldeman asked for Mr. Albiston to run through the affordable housing proffer and if some of the housing had already been built.

Mr. Polster noted 70 units had already been built while 15 additional units were required.

Mr. Haldeman asked if the proffers only applied to the parcels in this application or the entire Stonehouse development.

Mr. Albiston stated that Stonehouse was done in multiple phases and redesigned a couple of times with the most recent redesign in 2019 which created these proffers and Master Plan. Mr. Albiston pointed out that the 2019 redesign did not include the entirety of the Stonehouse development but most of it was included.

Mr. Haldeman asked if they only needed to build 15 more affordable housing units.

Mr. Albiston responded yes.

Mr. Polster expressed his concern regarding affordable housing practices in various developments which were structured in a way that led to unit costs that might not be affordable today.

Mr. Rodgers asked what was the total number of units planned for the Stonehouse development.

Ms. Risinger stated that the total was approximately 2,300.

Mr. Haldeman asked if there were only 85 workforce housing units required for the total 2,300 units.

Mr. Polster responded yes.

Ms. Risinger stated that the 2019 Stonehouse proffers also required a cash payment per unit from the developer and that those funds were required to be spent on affordable housing programs. She further noted that the County's policies on affordable and workforce housing have changed since 2019 and that the Workforce Housing Task Force was instrumental in creating the new policies.

Mr. Polster stated that with previous conceptual plans for Stonehouse, the DRC had commented on stormwater. Mr. Polster asked why the DRC was only allowed to look at Proffer No. 10 but not Proffer No. 9.

Mr. Albiston responded that they were separate proffers.

Mr. Polster noted that the DRC had never been limited to looking at a specific proffer number and wanted to know what had changed that only allowed the DRC to review Proffer No. 10 for this case.

Ms. Risinger stated that Proffer No. 9 was for conceptual level stormwater review that directed the Stormwater and Resource Protection Division to review the conceptual stormwater plan and Proffer No. 10 was for general conceptual level review of the development that directed the DRC to review the conceptual development that was included in the packet. Ms. Risinger noted that the previous conceptual plan used a similar approach, as it had a general site layout and then a separate document that went to the Stormwater and Resource Protection Division that fulfilled the Proffer No. 9 requirement.

Mr. Polster stated that his interest with the stormwater materials was due to the type of terrain at this site. He added that in the past when the DRC had reviewed conceptual plans the DRC received a layout showing the location and type of stormwater facilities. Mr. Polster noted that he was glad to see the high level of detail in the conceptual stormwater management plans and that he felt the plans addressed many of his concerns.

Mr. Albiston stated that the intent was to clarify that the conceptual stormwater management plans were subject to review by the Stormwater and Resource Protection Division per Proffer No. 9 and that the conceptual development plan included in the packet was subject to review by the DRC per Proffer No. 10. Mr. Albiston also noted that comments from the DRC or any citizen were always welcomed related to anything that the DRC or the citizens felt the need to draw attention to. Mr. Albiston stated that the intent was to clarify what the proffers stated in terms of what the DRC was to consider for its vote.

Mr. Polster stated that he did not view the proffers as separate requirements but rather that all proffers were joined together.

Mr. Polster asked when the amenities would be built.

Ms. Risinger stated that the Ware Creek Road amenity was required before 1,200 units were built in the portion of Stonehouse subject to the 2019 Master Plan, which included Tract 3 and Land Bay 5, had 511 units built, an approved plat for Tract 11A included approximately 80 units. Ms. Risinger noted that the total for all planned lots at this point was above 1,200 units but were all at various stages of the planning process. Ms. Risinger noted that the plans were close to reaching a point where the Ware Creek Road amenity would be required to start the development process and that it would need to be open before the approval of a plat that resulted in more than 1,200 units.

Mr. Polster stated that he was impressed with the walking paths and the connection of them throughout the development.

Mr. Rodgers asked that of the 2,300 unit maximum, how many were still undeveloped or yet to be submitted on plans.

Ms. Risinger responded that it was about two thirds through the 2,300 unit maximum.

Mr. Albiston stated that this plan would be essentially the final major buildout along Six Mount Zion Road and then would start to see parcels along Mount Laurel Road.

Mr. Haldeman made a motion that the DRC find C-25-0021. Stonehouse Tract 2 to be generally consistent with the Zoning Ordinance, adopted Master Plan, adopted Proffers, and other applicable County policies.

On a voice vote, the Committee voted to approve the motion. (4-0)

F. ADJOURNMENT

Mr. Haldeman made a motion to Adjourn the meeting.

On a voice vote, the meeting was adjourned at approximately 4:14 p.m.

Frank Polster, Chair

Susan Istenes, Secretary

CONCEPTUAL PLAN-25-0002. Solara Woods - Water and Sewer Subdivision Exception Request
Staff Report for the August 20, 2025, Development Review Committee Meeting

SUMMARY FACTS

Applicant: Mr. Jay Epstein, HEALTH-E-COMMUNITY ENTERPRISES OF VIRGINIA, INC.

Landowner: MARSTON, LLC HEALTH-E COMMUNITY

Proposal: An exception request to allow for a major subdivision that utilizes land within the Primary Service Area (PSA) to be served by individual wells and individual on-site sewage disposal systems.

Locations: 242 Bush Springs Road
268 Bush Springs Road
275 Bush Springs Road
282 Bush Springs Road
290 Bush Springs Road
291 Bush Springs Road
308 Bush Springs Road

Tax Map/Parcel Nos.: 2220100038
2220100037
2220100033
2220100036
2220100035
2220100090
2220100034

Project Acreage: ± 82.16 acres

Current Zoning: R-1, Limited Residential

Comprehensive Plan: Low Density Residential
Rural Lands

Primary Service Area

(PSA): Inside (parcels designated Low Density Residential)
Outside (parcels designated Rural Lands)

Staff Contact: Morgan Risinger, Senior Planner

REASON FOR DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW

Section 19-59(a) and Section 19-61 of the Subdivision Ordinance require all major subdivisions inside the PSA to connect to public water and sewer systems, respectively. The proposed subdivision of the property into 38 single-family residential lots is more than five lots and would involve extending the Bush Springs Road right-of-way through parcels inside the PSA, meaning the subdivision would be required to connect to public water and sewer systems. The developer would like to construct this subdivision without connecting to public water and sewer. Therefore, pursuant to Section 19-18 of the Subdivision Ordinance, an exception request has been submitted to allow the proposed lots to be served by individual wells and individual on-site sewage disposal systems.

FACTORS FAVORABLE

1. The Virginia Department of Health (VDH) and the Virginia Department of Transportation (VDOT) have stated no objection to this exception request.

FACTORS UNFAVORABLE

1. The Fire Department has stated its preference would be for the subdivision to connect to the public water system. This would allow fire hydrants to be located throughout the subdivision, per current standards.

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

**CONCEPTUAL PLAN-25-0002. Solara Woods - Water and Sewer Subdivision Exception Request
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2. Staff finds that the long-term inspections and maintenance of the in-home fire sprinkler systems could not be practically or reasonably enforced by the County and does not support the use of a perpetual surety to the County.
3. In addition, staff finds the developers proposal for enforcement guarantees via a perpetual surety would represent a substantial burden on the County's resources and staff.
4. In addition, the County's fee structure and costs for managing and holding onto sureties for an extended length of time would also represent an ongoing burden and expense to the homeowners.
5. Staff further finds that the proposed exception request does not fully meet the criteria found in Section 19-18 of the Subdivision Ordinance.
6. Further, staff finds that rather than the DRC and Planning Commission potentially approving an exception request via the Subdivision Ordinance, staff recommends the developer continue to pursue providing public water and adequate fire protection to this proposed development via the extension of a James City Service Authority (JCSA) public water main via the Special Use Permit (SUP) process, as originally sought via SUP-21-0023, which was considered by the Planning Commission on February 2, 2022, and March 2, 2022.

CHANGES SINCE THE MAY 21, 2025, DEVELOPMENT REVIEW COMMITTEE MEETING

A meeting was held between the development team and County staff on July 17, 2025, to discuss the proposed in-home fire sprinkler systems. Discussion included the intent of the systems as a life safety measure protecting the means of egress from a home in the event of a

fire. Discussion also included the potential for long-term maintenance and enforcement provisions for the systems.

Following this meeting, the developer has provided a narrative, proposed condition language, and homeowner's and resale disclosures for the DRC's consideration. (see Attachment Nos. 4-7) The developer's proposed condition references draft covenant language which would require the homeowners association (HOA) to retain a third-party property management company, require the HOA to complete annual inspections and maintenance of the in-home fire sprinkler systems and provide a record of the inspections to the County annually, and for the HOA to maintain a surety with the County. The purpose of the surety would be for the County to complete inspections and maintenance of the in-home fire sprinkler systems in the event that the HOA and third-party property management company have not completed the required inspections and maintenance. The surety proposed by the developer would have an initial amount of \$50,000, would be adjusted for inflation every five years, and be replenished for any amount used by the County for ensuring inspections and maintenance of the systems.

Staff continues to find that the ongoing maintenance and inspections of the in-home fire sprinkler systems could not be practically or reasonably enforced by the County. Typically, sureties are held by the County for the purpose of ensuring completion of public improvements, erosion and sediment control measures, installation of required landscaping, and similar features and impacts of approved development plans. These sureties are intended to be held only until project completion, or be drawn upon by the County should the project be abandoned and actions are required to either complete the work or stabilize the site.

As proposed by the developer, the surety for the in-home fire sprinkler systems would be held by the County in perpetuity. This would require County resources and staff time both for annual reviews of the

CONCEPTUAL PLAN-25-0002. Solara Woods - Water and Sewer Subdivision Exception Request
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inspection reports submitted to the County and for maintaining the surety. Further, should the HOA and third-party property management company no longer be in place for the subdivision, the County would then be obligated to contract with a third-party company to complete the inspections and maintenance inside of the privately-owned homes. Staff consulted with the County Attorney and finds that the developer's proposed condition would be a *substantial* burden on the County's resources and staff and does not support its use in affording the developer an exception from the development standards in the Subdivision Ordinance. The County's fee structure and costs for managing and holding onto sureties for an extended length of time would also represent an ongoing burden and expense to the homeowners.

The applicant has also provided an exhibit for the proposed drainage plan for the portion of the road extension which is along neighboring properties (see Attachment No. 8) in response to discussion at the May 21, 2025, DRC meeting.

Staff has also received correspondence from members of the Bush Springs Road neighborhood which is included for the DRC's reference (see Attachment No. 9).

STAFF ANALYSIS

Section 19-59(a) and Section 19-61 of the Subdivision Ordinance require all major subdivisions inside the PSA to connect to public water and sewer systems, respectively. Staff's review of the proposed major subdivision determined that extending the Bush Springs Road right-of-way requires the use of properties inside the PSA which necessitates the subdivision's connection to public water and sewer systems. The requirement to connect to public water and sewer systems was established on December 11, 2012, when the Board of Supervisors approved an amendment to the Subdivision Ordinance. While there are two notable major subdivisions, Liberty Ridge and

Westport, that involved creating rights-of-way through property inside the PSA to create lots outside of the PSA that were not connected to public water and sewer, both were approved prior to the establishment of the requirement for major subdivisions to connect to public water and sewer in 2012.

The analysis below provides information on each of the criteria listed in Section 19-18 of the Subdivision Ordinance:

"The Commission shall not approve any exception unless it first receives a recommendation from the DRC and unless it finds that":

- a. "Strict adherence to the ordinance requirement will cause substantial injustice or hardship;"

Staff finds that adherence to this Ordinance requirement would not create a substantial hardship for the property owner, given that the property owner is choosing to pursue a more intensive development of the property and retains the ability to use the property for residential purposes as they currently exist.

- b. "The granting of the exception will not be detrimental to public safety, health, or welfare, and will not adversely affect the property of others;"

Subject to the installation of residential sprinkler systems in each home, staff finds that the granting of the exception request may not be detrimental to public safety, health, or welfare, and may not adversely affect the property of others. However, as previously stated, staff finds that such a condition could not practically or reasonably be enforced by the County.

- c. "The facts upon which the request is based are unique to the property and are not applicable generally to other property so as not to make reasonably practicable the formulation of general regulations to be adopted as an amendment to this chapter;"

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Staff Report for the August 20, 2025, Development Review Committee Meeting

Staff finds that a portion of the subject properties are zoned for residential uses while being designated as Rural Lands and located outside the PSA which is unique and not generally applicable to other undeveloped properties in the County.

- d. “No objection to the exception has been received in writing from the transportation department, health department, or fire chief.”

*The VDH and VDOT did not object to the exception request. However, the Fire Department initially objected to the exception request (see Attachment No. 5) due to the fact that granting the exception request would mean that no fire hydrants would be installed in the subdivision. To mitigate this concern, individual in-home sprinkler systems have been proposed by the developer. While the requirement for the initial construction of an in-home sprinkler system could be ensured via the building permit process, the Virginia Statewide Fire Prevention Code does **not** (emphasis added) require residential dwellings to be subjected to routine inspections. Ensuring continual maintenance and operation of residential sprinkler systems would require a means outside of typical code enforcement.*

- e. “The hardship or injustice is created by the unusual character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property. Personal, financial, or self-inflicted hardship or injustice shall not be considered proper justification for an exception.”

Staff finds that while the situation of the properties being zoned for residential uses but designated as Rural Lands and located outside the PSA is unusual, the proposal to create a more intensive use of the property by creating a major subdivision of 38 lots which requires the extension of the Bush Springs Road right-of-way and public water and sewer systems represents a self-inflicted hardship.

STAFF RECOMMENDATION

Staff recommends that the DRC recommend denial of this exception request to the Planning Commission. Should the DRC recommend approval of this exception request to the Planning Commission, staff does not recommend the inclusion of conditions to require the installation of residential sprinkler systems in each home and for inspections and maintenance to be enforced by the HOA (see Attachment No. 1).

It is significant to note that staff finds that such a condition could not practically or reasonably be enforced by the County.

Staff further finds the developers’ proposal for enforcement guarantees via a perpetual surety would represent a substantial burden on the County’s resources and staff.

Staff further finds the County’s fee structure and costs for managing and holding onto sureties for an extended length of time would also represent an ongoing burden and expense to the homeowners.

Finally, rather than the DRC and Planning Commission potentially approving an exception request via the Subdivision Ordinance, staff recommends the developer continue to pursue providing public water and adequate fire protection to this proposed development via the extension of a JCSA public water main via the SUP process, as originally sought via SUP-21-0023, which was considered by the Planning Commission on February 2, 2022, and March 2, 2022. The ability to address and mitigate impacts of development via the Subdivision Ordinance exception process is limited compared to that of the legislative process. Further, while the Subdivision Ordinance exception process is publicly noticed to adjacent property owners, it is not the same as the public hearing process that occurs consistent with the review of an SUP. Staff finds that consideration of a request of whether or not impacts can be appropriately mitigated, in all contexts,

**CONCEPTUAL PLAN-25-0002. Solara Woods - Water and Sewer Subdivision Exception Request
Staff Report for the August 20, 2025, Development Review Committee Meeting**

can be better considered and accommodated for via the legislative process and public hearings.

MR/ap
CP25-2_SolaraWds

Attachments:

1. Proposed Conditions
2. Location Map
3. Solara Woods Subdivision Layout
4. Applicant's Narrative
5. Applicant's Proposed Condition
6. Applicant's Proposed Homeowner Disclosure
7. Applicant's Proposed Resale Disclosure
8. Road Extension Drainage Plan
9. Citizen Correspondence
10. May 21, 2025, Development Review Committee Packet Materials

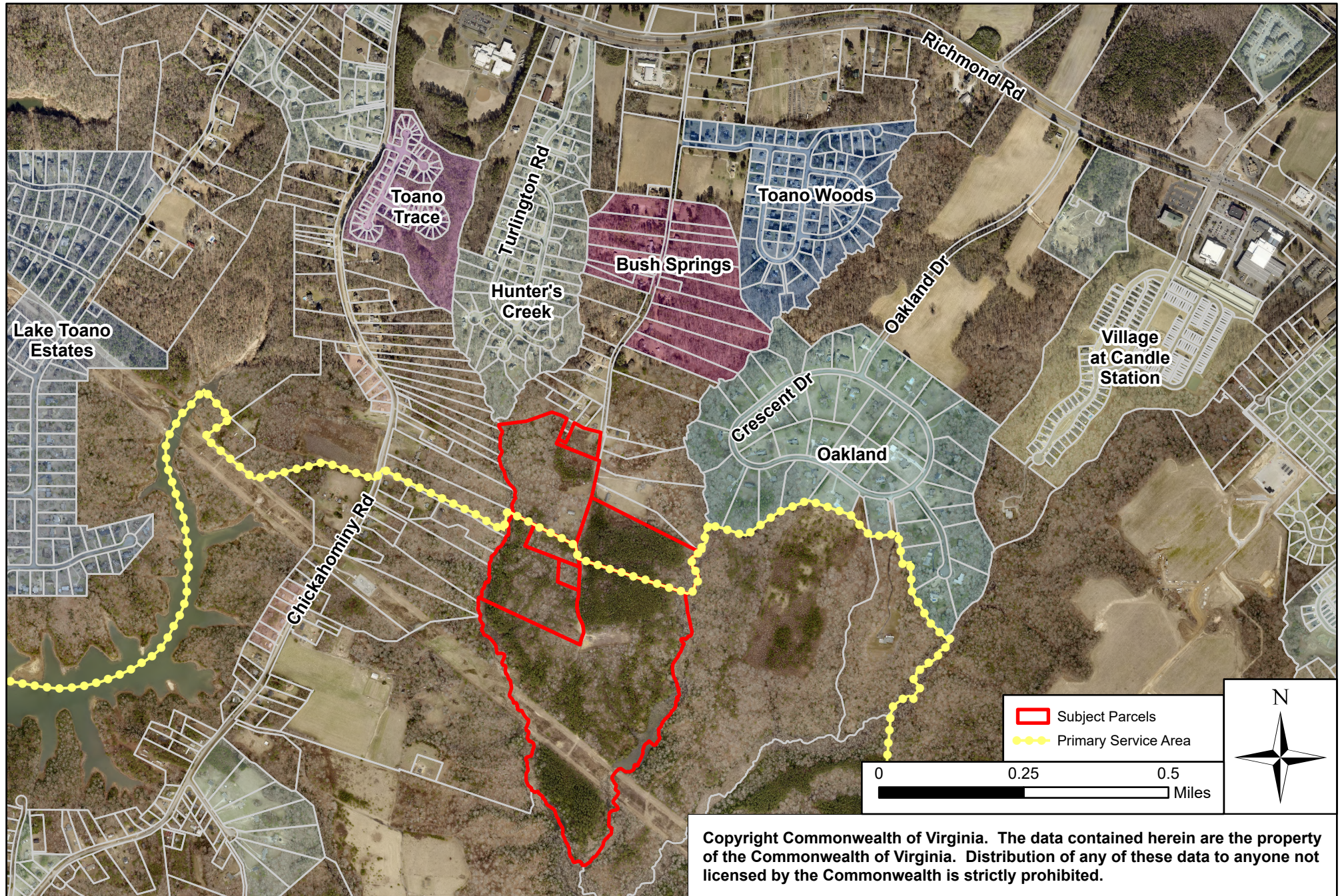
This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PROPOSED CONDITIONS FOR C-25-0002.

SOLARA WOODS - WATER AND SEWER SUBDIVISION EXCEPTION REQUEST

1. *Subdivision Layout.* This exception to Section 19-59(a) and Section 19-61 of the Subdivision Ordinance shall be valid for the subdivision of property located at 242, 268, 275, 282, 290, 291, and 308 Bush Springs Road and further identified as James City County Real Estate Tax Map Parcel Nos. 2220100038, 2220100037, 2220100033, 2220100036, 2220100035, 2220100090, and 2220100034, respectively (collectively, the “Properties”). The subdivision of the Properties shall be substantially in accordance with the proposed subdivision layout titled “Subdivision Plan for Solara Woods” prepared by Landtech Resources, Inc., and dated February 26, 2024 (the “Master Plan”), with any deviations to be reviewed and approved by the Director of Planning.
2. *Fire Protection.* Each new dwelling unit shall include a residential sprinkler system in accordance with National Fire Protection Association (NFPA) 13D, *Standard for the Installation of Sprinkler Systems on One- and Two-Family Dwellings and Manufactured Homes*, and such details shall be approved by the Director of Building Safety and Permits or designee prior to the issuance of a building permit for each dwelling unit. The homeowners association (HOA) shall enforce annual inspections and maintenance for each residential sprinkler system and such provisions shall be included with the HOA documents required in accordance with Section 19-70 of the Subdivision Ordinance.

JCC C-25-0002, Solara Woods Water and Sewer Subdivision Exception Request



SHEET C4.4

N/F
JAMES CITY COUNTY
PARCEL #233010001B
ZONED: A-1

N/F
JAMES CITY COUNTY
PARCEL #233010001B
ZONED: A-1

N/F
WARREN O. MABLE WYNNE
PARCEL #2220100029
ZONED: R-1

N/F
CHARLES E. &
LORI WALKER
PARCEL #2220100032A
ZONED: R-1

N/F
CLARENCE
WASHINGTON ESTATE
PARCEL #2220100031
ZONED: R-1

N/F
ALICE R. WILSON
PARCEL #2220100041
ZONED: R-1

N/F
JAMES W. BRAXTON, JR.
PARCEL #2220100032C
ZONED: R-1

N/F
JAMES W. BRAXTON, JR.
PARCEL #2220100032B
ZONED: R-1

N/F
RICHARD O'NEAL MOORE
PARCEL #2220100030
ZONED: R-1

N/F
MARSTON, LLC.
PARCEL #2220100038
1.5 AC.±
ZONED: R-1

N/F
ROBERT N. SMITH
PARCEL #2220100042
ZONED: R-1

N/F
EUROHARDT M. TABB
ESTATE
PARCEL #2220100039
ZONED: R-1

N/F
PEACHIE R. HOLLAND &
MARK PAULETTE L.
LANDCASTER
PARCEL #2220100040
ZONED: R-1

N/F
WILLIAM ALBERT
BRAXTON ESTATE
PARCEL #2220100043
ZONED: R-1

N/F
MARSTON, LLC.
PARCEL #2220100033
12.0 AC.±
ZONED: R-1

N/F
MARSTON, LLC.
PARCEL #2220100037
16.5 AC.±
ZONED: R-1

N/F
HIDDEN ACRES FARM, INC.
PARCEL #2330100001
ZONED: A-1

N/F
EDWARD K/ ENGLISH ESTATE
PARCEL #2240100001A
ZONED: A-1

N/F
J. PAYTEN HARCUM
PARCEL #2220100087
ZONED: A-1

N/F
VIRGINIA ELECTRIC &
POWER COMPANY
PARCEL #2220100078
ZONED: R-8

N/F
TOP NOTCH BUILDERS, INC.
PARCEL #2220100076C
ZONED: R-8

N/F
EDITH S. BOWMAN
PARCEL #2220100069
ZONED: R-8

N/F
THOMAS L. WYNNE, SR.
& ELLEN P. WYNNE
PARCEL #2220100065
ZONED: R-8

N/F
ANNETTE WISE FLOYD
PARCEL #2220100061
ZONED: R-8

N/F
ANNETTE WISE FLOYD
PARCEL #2220100059
ZONED: R-8

N/F
ANNETTE WISE FLOYD
PARCEL #2220100058
ZONED: R-8

N/F
EUGENIE K. &
DORIS BROWN
PARCEL #2220100062
ZONED: R-8

N/F
MICHAEL M. GRIMES
PARCEL #2220100066
ZONED: R-8

N/F
LORRAINE R. HAWKINS &
WALTER WALLACE
PARCEL #2220100074
ZONED: R-8

N/F
LOIS G. REED
PARCEL #2220100073A
ZONED: R-8

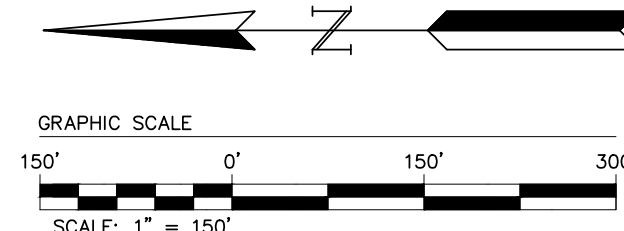
N/F
KIRK E. ADAMS
PARCEL #2220100077
ZONED: R-8

LEGEND

- COMMON OPEN SPACE
- UNDISTURBED NATURAL OPEN SPACE

LAND USE SUMMARY

	S.F.	AC.	PERCENTAGE
AREA OF SINGLE-FAMILY LOTS:	1,466,847	33.674	30.4%
AREA OF PUBLIC RIGHT-OF WAY:	230,000	5.280	4.8%
AREA OF COMMON OPEN SPACE:	1,882,023	43.205	38.9%
OVERALL DEVELOPMENT AREA:	3,578,870	82.160	74.1%
NON-DEVELOPABLE AREA:			
WETLANDS:	599,718	13.768	16.8%
RESOURCE PROTECTION AREA:	820,148	18.828	22.9%
UTILITY EASEMENTS:	125,296	2.876	3.5%
SLOPES 25% OR GREATER:	183,748	4.218	5.1%
TOTAL NON-DEVELOPABLE AREA:	1,728,910	39.690	48.3%
TOTAL NET DEVELOPABLE AREA:	1,849,960	42.469	51.7%
UNDISTURBED NATURAL OPEN SPACE:			
AREA #1:	532,243	12.219	
AREA #2:	337,981	7.759	
AREA #3:	623,704	14.318	
TOTAL UNDISTURBED NATURAL OPEN SPACE:	1,493,928	34.296	
TOTAL NUMBER OF SINGLE-FAMILY LOTS:		38	
SMALLEST SINGLE-FAMILY LOT 23		(30,000 S.F. / 0.689 AC.)	
LARGEST SINGLE-FAMILY LOT 16		(77,586 S.F. / 1.781 AC.)	
AVERAGE LOT SIZE (SFD):		38,677 S.F. / 0.888 AC.	
NET DENSITY:		1.12 LOTS PER ACRE (38 LOTS DIVIDED BY 42.469 AC.)	

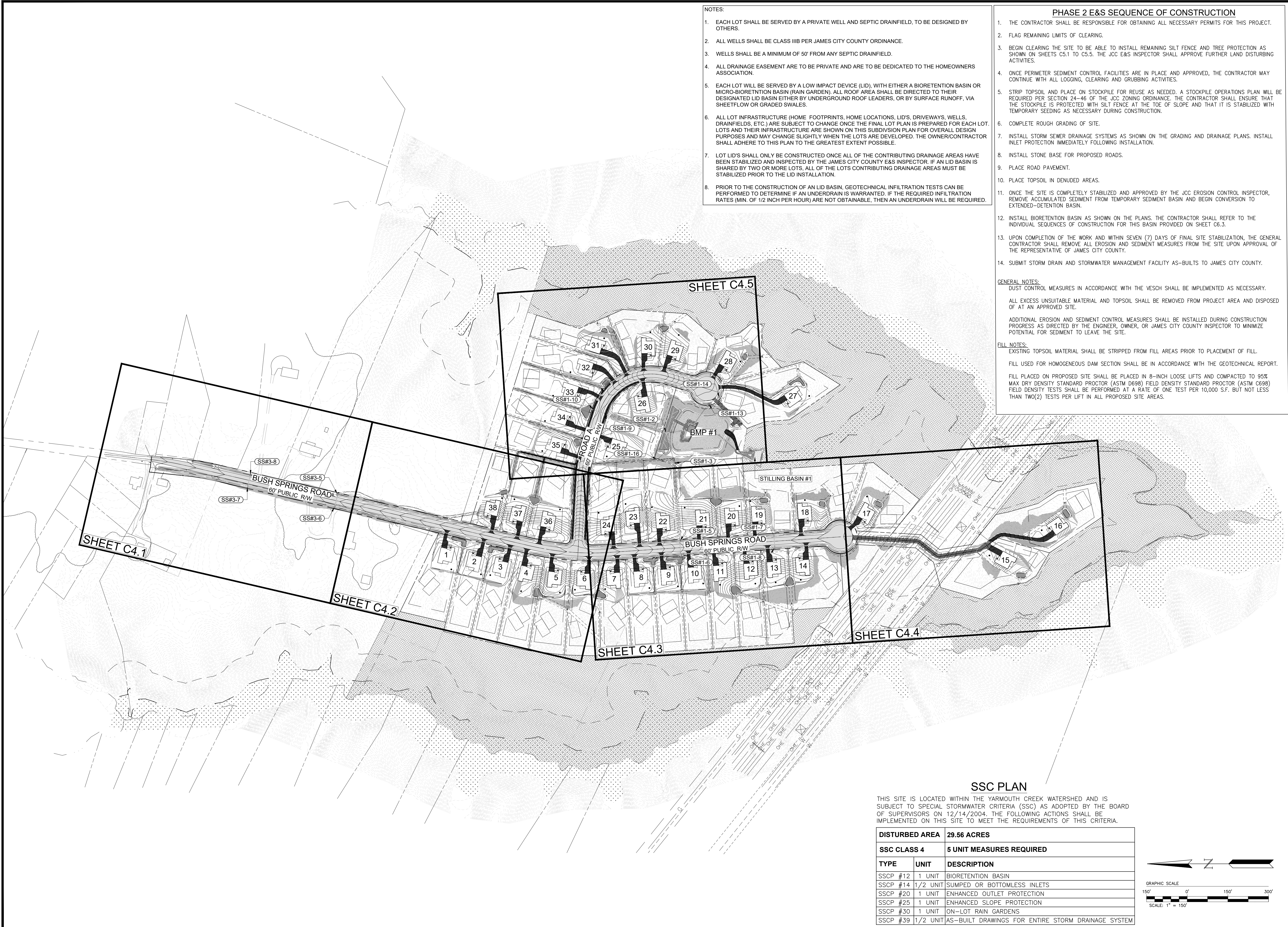


SUBDIVISION PLAN
FOR
SOLARA WOODS

JAMES CITY COUNTY STONEHOUSE MAGISTERIAL DISTRICT VIRGINIA

Scale: 1"=150'
Date: February 26, 2024
Job Number: 19-240
Designed By: GSW
Sheet Title:
OVERALL
PRELIMINARY
PLAT
Sheet Number:
C4.0





NOTES:

1. EACH LOT SHALL BE SERVED BY A PRIVATE WELL AND SEPTIC DRAINFIELD, TO BE DESIGNED BY OTHERS.
2. ALL WELLS SHALL BE CLASS IIIB PER JAMES CITY COUNTY ORDINANCE.
3. WELLS SHALL BE A MINIMUM OF 50' FROM ANY SEPTIC DRAINFIELD.
4. ALL DRAINAGE EASEMENT ARE TO BE PRIVATE AND ARE TO BE DEDICATED TO THE HOMEOWNERS ASSOCIATION.
5. EACH LOT WILL BE SERVED BY A LOW IMPACT DEVICE (LID), WITH EITHER A BIORETENTION BASIN OR MICRO-BIORETENTION BASIN (RAIN GARDEN). ALL ROOF AREA SHALL BE DIRECTED TO THEIR DESIGNATED LID BASIN EITHER BY UNDERGROUND ROOF LEADERS, OR BY SURFACE RUNOFF, VIA SHEETFLOW OR GRADED SWALES.
6. ALL LOT INFRASTRUCTURE (HOME FOOTPRINTS, HOME LOCATIONS, LID'S, DRIVEWAYS, WELLS, DRAINFIELDS, ETC.) ARE SUBJECT TO CHANGE ONCE THE FINAL LOT PLAN IS PREPARED FOR EACH LOT. LOTS AND THEIR INFRASTRUCTURE ARE SHOWN ON THIS SUBDIVISION PLAN FOR OVERALL DESIGN PURPOSES AND MAY CHANGE SLIGHTLY WHEN THE LOTS ARE DEVELOPED. THE OWNER/CONTRACTOR SHALL ADHERE TO THIS PLAN TO THE GREATEST EXTENT POSSIBLE.
7. LOT LID'S SHALL ONLY BE CONSTRUCTED ONCE ALL OF THE CONTRIBUTING DRAINAGE AREAS HAVE BEEN STABILIZED AND INSPECTED BY THE JAMES CITY COUNTY E&S INSPECTOR. IF AN LID BASIN IS SHARED BY TWO OR MORE LOTS, ALL OF THE LOTS CONTRIBUTING DRAINAGE AREAS MUST BE STABILIZED PRIOR TO THE LID INSTALLATION.
8. PRIOR TO THE CONSTRUCTION OF AN LID BASIN, GEOTECHNICAL INFILTRATION TESTS CAN BE PERFORMED TO DETERMINE IF AN UNDERDRAIN IS WARRANTED. IF THE REQUIRED INFILTRATION RATES (MIN. OF 1/2 INCH PER HOUR) ARE NOT OBTAINABLE, THEN AN UNDERDRAIN WILL BE REQUIRED.

PHASE 2 E&S SEQUENCE OF CONSTRUCTION

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FOR THIS PROJECT.
2. FLAG REMAINING LIMITS OF CLEARING.
3. BEGIN CLEARING THE SITE TO BE ABLE TO INSTALL REMAINING SILT FENCE AND TREE PROTECTION AS SHOWN ON SHEETS C5.1 TO C5.5. THE JCC E&S INSPECTOR SHALL APPROVE FURTHER LAND DISTURBING ACTIVITIES.
4. ONCE PERIMETER SEDIMENT CONTROL FACILITIES ARE IN PLACE AND APPROVED, THE CONTRACTOR MAY CONTINUE WITH ALL LOGGING, CLEARING AND GRUBBING ACTIVITIES.
5. STRIP TOPSOIL AND PLACE ON STOCKPILE FOR REUSE AS NEEDED. A STOCKPILE OPERATIONS PLAN WILL BE REQUIRED PER SECTION 24-46 OF THE JCC ZONING ORDINANCE. THE CONTRACTOR SHALL ENSURE THAT THE STOCKPILE IS PROTECTED WITH SILT FENCE AT THE TOE OF SLOPE AND THAT IT IS STABILIZED WITH TEMPORARY SEEDING AS NECESSARY DURING CONSTRUCTION.
6. COMPLETE ROUGH GRADING OF SITE.
7. INSTALL STORM SEWER DRAINAGE SYSTEMS AS SHOWN ON THE GRADING AND DRAINAGE PLANS. INSTALL INLET PROTECTION IMMEDIATELY FOLLOWING INSTALLATION.
8. INSTALL STONE BASE FOR PROPOSED ROADS.
9. PLACE ROAD PAVEMENT.
10. PLACE TOPSOIL IN DENUDED AREAS.
11. ONCE THE SITE IS COMPLETELY STABILIZED AND APPROVED BY THE JCC EROSION CONTROL INSPECTOR, REMOVE ACCUMULATED SEDIMENT FROM TEMPORARY SEDIMENT BASIN AND BEGIN CONVERSION TO EXTENDED-DETENTION BASIN.
12. INSTALL BIORETENTION BASIN AS SHOWN ON THE PLANS. THE CONTRACTOR SHALL REFER TO THE INDIVIDUAL SEQUENCES OF CONSTRUCTION FOR THIS BASIN PROVIDED ON SHEET C6.3.
13. UPON COMPLETION OF THE WORK AND WITHIN SEVEN (7) DAYS OF FINAL SITE STABILIZATION, THE GENERAL CONTRACTOR SHALL REMOVE ALL EROSION AND SEDIMENT MEASURES FROM THE SITE UPON APPROVAL OF THE REPRESENTATIVE OF JAMES CITY COUNTY.
14. SUBMIT STORM DRAIN AND STORMWATER MANAGEMENT FACILITY AS-BUILTS TO JAMES CITY COUNTY.

GENERAL NOTES:

DUST CONTROL MEASURES IN ACCORDANCE WITH THE VESCH SHALL BE IMPLEMENTED AS NECESSARY. ALL EXCESS UNSUITABLE MATERIAL AND TOPSOIL SHALL BE REMOVED FROM PROJECT AREA AND DISPOSED OF AT AN APPROVED SITE.

ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED DURING CONSTRUCTION PROGRESS AS DIRECTED BY THE ENGINEER, OWNER, OR JAMES CITY COUNTY INSPECTOR TO MINIMIZE POTENTIAL FOR SEDIMENT TO LEAVE THE SITE.

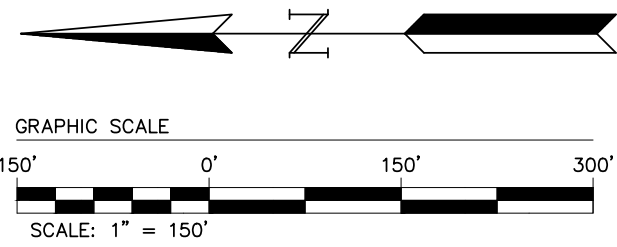
FILL NOTES:

EXISTING TOPSOIL MATERIAL SHALL BE STRIPPED FROM FILL AREAS PRIOR TO PLACEMENT OF FILL. FILL USED FOR HOMOGENEOUS DAM SECTION SHALL BE IN ACCORDANCE WITH THE GEOTECHNICAL REPORT. FILL PLACED ON PROPOSED SITE SHALL BE PLACED IN 8-INCH LOOSE LIFTS AND COMPACTED TO 95% MAX DRY DENSITY STANDARD PROCTOR (ASTM D698) FIELD DENSITY STANDARD PROCTOR (ASTM C698) FIELD DENSITY TESTS SHALL BE PERFORMED AT A RATE OF ONE TEST PER 10,000 S.F. BUT NOT LESS THAN TWO(2) TESTS PER LIFT IN ALL PROPOSED SITE AREAS.

SSC PLAN

THIS SITE IS LOCATED WITHIN THE YARMOUTH CREEK WATERSHED AND IS SUBJECT TO SPECIAL STORMWATER CRITERIA (SSC) AS ADOPTED BY THE BOARD OF SUPERVISORS ON 12/14/2004. THE FOLLOWING ACTIONS SHALL BE IMPLEMENTED ON THIS SITE TO MEET THE REQUIREMENTS OF THIS CRITERIA.

DISTURBED AREA		29.56 ACRES
SSC CLASS 4		5 UNIT MEASURES REQUIRED
TYPE	UNIT	DESCRIPTION
SSCP #12	1 UNIT	BIORETENTION BASIN
SSCP #14	1/2 UNIT	SUMPED OR BOTTOMLESS INLETS
SSCP #20	1 UNIT	ENHANCED OUTLET PROTECTION
SSCP #25	1 UNIT	ENHANCED SLOPE PROTECTION
SSCP #30	1 UNIT	ON-LOT RAIN GARDENS
SSCP #39	1/2 UNIT	AS-BUILT DRAWINGS FOR ENTIRE STORM DRAINAGE SYSTEM



REVISION / COMMENT / NOTE

DATE

NO.

SUBDIVISION PLAN
FOR
SOLARA WOODS

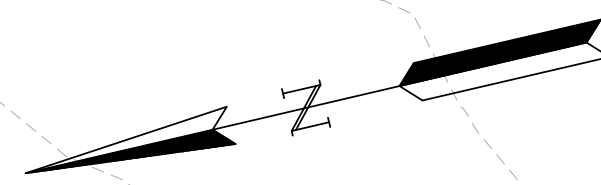
JAMES CITY COUNTY STONEHOUSE MAGISTERIAL DISTRICT VIRGINIA

Scale: 1"=150'
Date: February 26, 2024
Job Number: 19-240
Designed By: GSW
Sheet Title:
OVERALL
DEVELOPMENT
PLAN
Sheet Number:
C5.0



Scale: 1"=30'
Date: February 26, 2024
Job Number: 19-240
Designed By: GSW
Sheet Title: DEVELOPMENT PLAN AND PHASE 2 E&S PLAN
Sheet Number: C5.1

MATCHLINE - SEE SHEET C5.5



N/F
MARSTON, LLC.
PARCEL #2220100033
12.0 AC±
ZONED: R-1

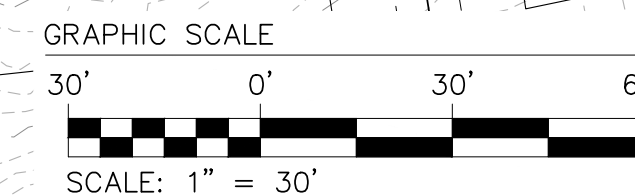
N/F
MARSTON, LLC.
PARCEL #2220100037
16.5 AC.±
ZONED: R-1

PRIVATE WELL

PRIMARY DRAINFIELD

RESERVE DRAINFIELD

STABILIZE ALL SLOPES 3:1 OR GREATER WITH ECSC-3 STRAW/COCONUT TURF REINFORCING MATTING MANUFACTURED BY US CONSTRUCTION FABRICS, LLC (OR APPROVED EQUAL)



SUBDIVISION PLAN
FOR
SOLARA WOODS

Scale: 1"=30'
Date: February 26, 2024
Job Number: 19-240
Designed By: GSW
Sheet Title:
DEVELOPMENT PLAN AND PHASE 2 E&S PLAN
Sheet Number:
C5.2

REVISION / COMMENT / NOTE	
NO	DATE



LRI
LANDTECH
RESOURCES, INC.
ENGINEERING • SURVEYING • GPS

205—E Builants Boulevard — Williamsburg, VA 23185
Ph: (757) 565-1677 Fax: (757) 565-0782
web: landtechresources.com

JAMES CITY COUNTY STONEHOUSE MAGISTERIAL DISTRICT VIRGINIA

MATCHLINE - SEE SHEET C5.5



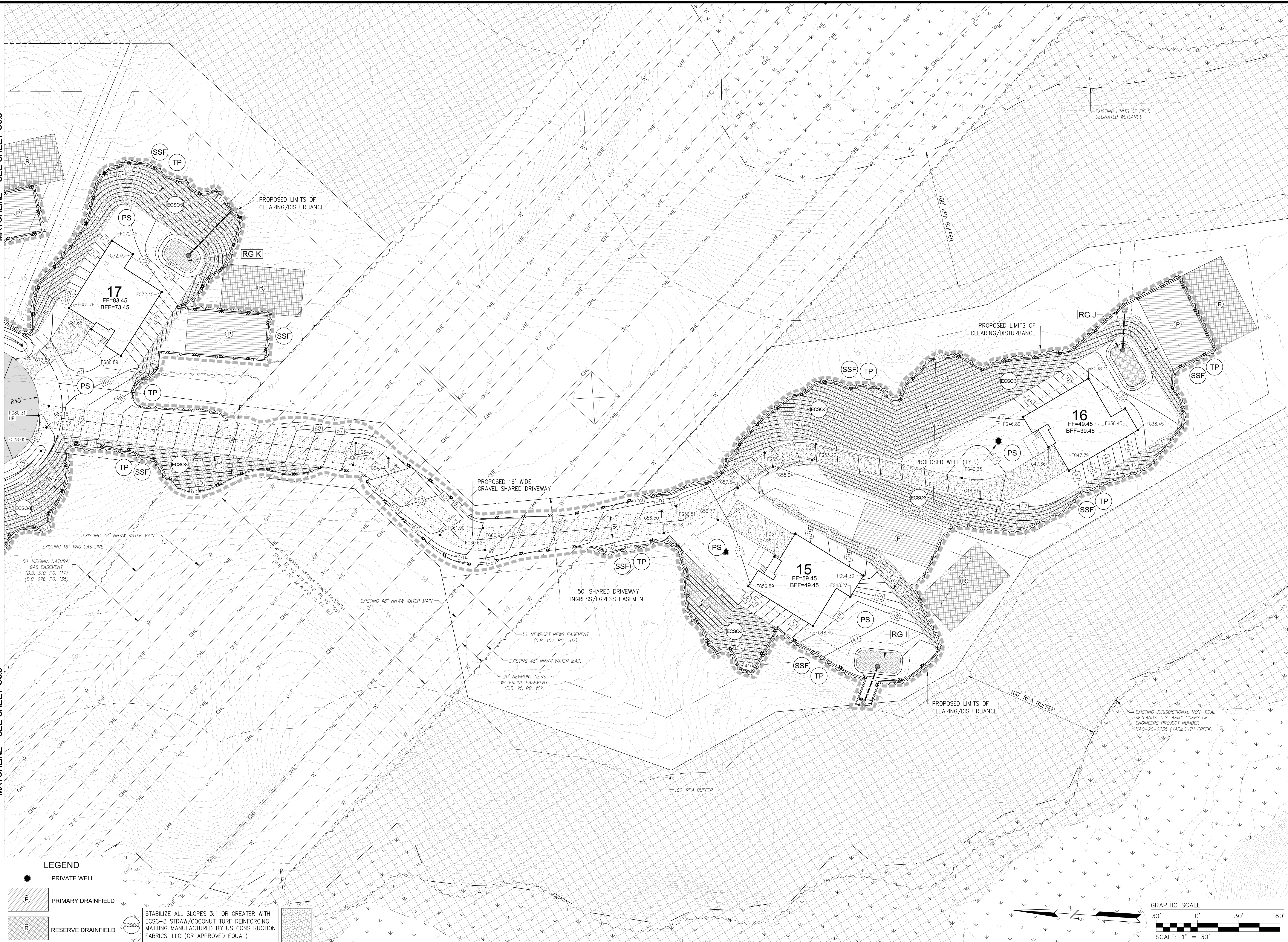
SUBDIVISION PLAN
FOR
SOLARA WOODS

JAMES CITY COUNTY STONEHOUSE MAGISTERIAL DISTRICT VIRGINIA

Scale: 1"=30'
Date: February 26, 2024
Job Number: 19-240
Designed By: GSW
Sheet Title:
DEVELOPMENT PLAN AND PHASE 2 E&S PLAN
Sheet Number: C5.3

MATCHLINE - SEE SHEET C5.3

MATCHLINE - SEE SHEET C5.3



REVISION / COMMENT / NOTE

NO. DATE



SUBDIVISION PLAN
FOR
SOLARA WOODS

JAMES CITY COUNTY STONEHOUSE MAGISTERIAL DISTRICT VIRGINIA

Scale: 1"=30'
Date: February 26, 2024
Job Number: 19-240
Designed By: GSW
Sheet Title:
**DEVELOPMENT
PLAN AND
PHASE 2 E&S PLAN**
Sheet Number:
C5.4

MATCHLINE - SEE SHEET C61

MATCHLINE - SEE SHEET C52

MATCHLINE - SEE SHEET C53

MATCHLINE - SEE SHEET C53

MATCHLINE - SEE SHEET C60



STABILIZE ALL SLOPES 3:1 OR GREATER WITH ECSC-3 STRAW/COCONUT TURF REINFORCING MATTING MANUFACTURED BY US CONSTRUCTION FABRICS, LLC (OR APPROVED EQUAL)

LEGEND

- PRIVATE WELL
- P PRIMARY DRAINFIELD
- R RESERVE DRAINFIELD

REVISION / COMMENT / NOTE

DATE

NO.



SUBDIVISION PLAN FOR SOLARA WOODS

JAMES CITY COUNTY STONEHOUSE MAGISTERIAL DISTRICT VIRGINIA

Scale: 1"=30'
Date: February 26, 2024
Job Number: 19-240
Designed by: GSW
Sheet Title: **DEVELOPMENT PLAN AND PHASE 2 E&S PLAN**
Sheet Number: **C5.5**

Narrative – Updates Since the May DRC Meeting

Following the DRC meeting in May, we took the feedback from DRC members and neighbors on Bush Springs Road and immediately focused on two objectives:

1. Develop a long-term maintenance plan for the in-home fire suppression systems that would address public safety concerns and gain the support of the Building & Safety Department, Fire Department, and Planning Department.
2. Engage directly with Bush Springs Road residents to discuss concerns, share our plans, and foster a positive relationship as future neighbors.

Fire Suppression System Maintenance Plan

On July 17th, we met with representatives from the Building & Safety Department, Fire Department, Planning Department, and Zoning to present our proposed long-term maintenance protocol for in-home fire suppression systems.

To provide expert insight, we invited Hooper Loscomb—President of the Virginia Chapter Fire Association and Account Manager at Eagle Fire, a company specializing in fire suppression system design and installation. Mr. Loscomb was able to answer technical questions from each department and will also attend the August 20th DRC meeting.

The meeting was productive and collaborative. The primary concern raised was enforcement in the event that the HOA fails to comply with the Declaration requirements to inspect and maintain the systems. It is the developer's intent to ensure that the HOA is well managed and properly funded with reserves to mitigate the risk of that outcome. However, in the unlikely event that the HOA fails to comply and the County elects to enforce its rights under the Declaration, the developer has proposed the requirement of maintaining a substantial surety with the County to cover the cost of any enforcement action.

We have submitted the updated protocol to Ms. Risinger and uploaded it to PermitLink. We are confident that this plan significantly enhances public safety.

Community Engagement with Bush Springs Road Residents

On August 7th, we met with Bush Springs Road homeowners at the Toano Women's Club. This was an open and constructive discussion where concerns were voiced and the various mitigation measures that are in place were discussed, and we were candid about limitations.

The meeting concluded with strengthened relationships—contact information was exchanged, and there was mutual agreement to work together if this community is able to proceed. Our goal is to have our new neighborhood join the broader Bush Springs Road community as a positive and contributing component.

PROPOSED CONDITION

C-25-0002

The Declaration of Covenants and Restrictions for the subdivision shall include language that is substantially similar to the following language which shall be applicable to all of the lots and binding upon the owners thereof, and which Declaration of Covenants and Restrictions shall be submitted to the County Attorney for review and approval prior to final subdivision plat approval:

Solara Woods Homeowners Association

Provisions for incorporation in the Declaration of Covenants

Mandatory Professional Management

The Association shall retain a licensed, third-party property management company at all times once the Declarant has transitioned control of the Association to the homeowners. The requirement for third-party professional management and for the existence, inspection, and maintenance of Fire Suppression Systems shall be perpetual and may not be amended or repealed without the written consent of 100% of all Association Members and the express written approval of James City County (the "County").

Fire Suppression System Requirements

Each residence within the community shall be equipped with a NFPA 13D system (or such successor system as the Board of Directors and the County may approve) (a "Fire Suppression System"). The Association shall oversee inspection tracking, maintenance compliance, and enforcement of the inspection and maintenance of all Fire Suppression Systems within the community.

Annual Inspection and Reporting

The Association shall conduct annual inspections of each Fire Suppression System with licensed contractors. The Association shall also oversee the performance of any required maintenance of the Fire Suppression Systems with licensed contractors. An easement is hereby established over and upon each Lot in favor of the Association for the limited purpose of performing the inspection and maintenance of the Fire Suppression Systems specified herein. Homeowners upon receipt of at least 15 days advance notice shall cooperate with the Association and its contractors to provide the requisite access to their system during the scheduled inspection and for any required maintenance. The County shall have no obligations hereunder but is hereby established as a beneficiary of the foregoing easement, in the event it desires to verify and/or ensure compliance.

The Association shall provide an annual report to the County Fire Marshal, Building Safety Department, or other County designee which confirms compliance with the inspection and maintenance obligations associated with the Fire Suppression Systems.

Enforcement and Penalties

The failure of a homeowner to maintain its Fire Suppression System in good order and repair and/or to provide access to the Association and its contractors to ensure the same shall constitute a violation of the Declaration of Covenants. In such event, the Association is authorized to impose a monthly fine of up to \$500.00 until compliance

is achieved. Additional enforcement measures may include suspension of common area privileges, injunctive relief, and placement of a lien on the Lot to recover fines and enforcement costs.

Disclosure Requirements

Upon initial sale and resale of a home, the requirement of having a Fire Suppression System and the associated inspection and maintenance obligations shall be disclosed to the purchaser in the HOA disclosure packet.

Surety

To ensure ongoing compliance with the Fire Suppression System requirements of this Declaration, the Association shall establish and maintain with the County surety in the amount of \$50,000.00 in a form acceptable to the County Attorney, which amount shall be adjusted every 5 years in accordance with the Marshall & Swift Building Cost Index (or such comparable successor index as the County may determine). This surety may be drawn upon by the County as necessary to fund any measures taken by the County to confirm or establish compliance with the Fire Suppression inspection and maintenance obligations hereunder, which amounts shall be immediately restored by the Association.

Disclaimer

The County shall have no responsibility for inspection, maintenance, or operation of any Fire Suppression System or for enforcement of the terms of this Declaration. Any rights afforded the County hereunder are exercisable at the County's sole and absolute discretion without obligation of any kind.

FIRE SPRINKLER SYSTEM HOMEOWNER DISCLOSURE

Keeping Your Home Safe in Solara Woods

James City County's 1st NFPA 13D Residential Fire Sprinkler System Community : Like having a firefighter living in your home!

Your Home is Equipped with a Life-Saving Feature:

Your new home is protected by a **residential fire sprinkler system** installed under **NFPA 13D** standards. This system is designed to detect and suppress fires automatically, giving you and your loved ones critical time to escape safely—and potentially stopping a fire before it spreads.

Homeowner Responsibilities

To keep your system working as intended:

1. Annual Inspection Required

The fire sprinkler system must be inspected and certified by a licensed contractor annually. The Solara Woods Homeowners Association shall be responsible for scheduling and coordinating the required inspections. Homeowners are required to provide access to their property to allow the HOA's designated third-party contractor to conduct the inspection. Inspection Reports will be supplied to the James City County Fire Marshall annually.

2. Keep the System Active

Do not disconnect, tamper with, or remove the system or its components unless you are replacing or repairing them with approval and proper permits.

Why This Matters

- **Safety:** The system can stop a fire in its earliest stage—protecting your home, family, and neighbors.
 - **Insurance:** Many insurers offer discounts for having a sprinkler system—maintaining it keeps you eligible.
 - **Community Compliance:** This is a required part of your HOA agreement and deed covenant.
-

 Need Help?

We recommend the following licensed contractors for service repairs:

Eagle Fire

7459 White Pine Rd

Richmond, VA 23237

P: [\(804\) 743-2500](tel:(804)743-2500)

Solara Woods Fire Sprinkler System Maintenance Covenant Disclosure

This disclosure is provided as part of the HOA Resale Package for the property listed below. Solara Woods is a community in which each home is equipped with a residential fire sprinkler system designed and installed in accordance with NFPA 13D standards. This system is governed by a recorded covenant and subject to HOA enforcement.

Property Information

Property Address: _____

Lot #: _____ Section: _____ Tax ID: _____

Owner Responsibilities

1. The fire sprinkler system must be inspected and certified by a licensed contractor annually. The Solara Woods Homeowners Association shall be responsible for scheduling and coordinating the required inspections. Homeowners are required to provide access to their property to allow the HOA's designated third-party contractor to conduct the inspection.
2. Failure to comply with these requirements may result in enforcement action by the HOA, including fines of no more than \$500 per month of noncompliance, suspension of community privileges, or placement of a lien on the property.

Buyer Acknowledgment

By signing below, the undersigned Buyer acknowledges receipt of this disclosure and agrees to comply with the ongoing obligations as stated above.

Buyer Signature: _____ Date: _____

Buyer Printed Name: _____

Property Address: _____

Please return this signed form to your settlement agent or to:

Solara Woods Homeowners Association

[HOA Mailing Address]

[HOA Email Contact]

August 7, 2025

To: The James City County Development Review Board
Ms. Morgan Epspein, Solara Woods Developer

From: The Current Residents of the Bush Springs Road Community, Toano, VA

Re: Purposed Solara Woods Community, Toano, VA

We, the current Residents of the Bush Springs Road Community, would like to submit the following concerns/dissatisfactions that we have about the Purposed Solara Woods Community:

1. We are NOT in favor of the building/construction of this Community to be located at the very end of Bush Springs Road. Because of the proposed assessed value of these new homes could exceed \$450,000 and up, building this Community with this price range would be the catalyst for increasing our Real Estate Taxes.
2. We are NOT in favor of this proposed project because the current Rural Road will not be able to handle the increased volume of traffic. Thirty-eight (38) homes are proposed for this Community. If each home has two (2) cars – and most families do, if each car is driven each day, that would be an Additional seventy-six (76) cars going out each morning and seventy-six (76) cars coming in in the afternoon.
3. We are also dissatisfied if they construct thirty-eight (38) individual wells on this property, that it will have a negative impact on some of the wells of current residents. Many do not have deep wells. Most have shallow wells.
4. We are also NOT in favor of this proposed project because if it is decided that the better way for this project is to install Public Water and Sewage down Bush Springs Road, then this could impact Residents that have wells very close to Bush Springs Road and the wells would have to be moved. In addition, this could be an enormous expense for them to dig another well.
5. Additionally, if it is decided that Public Water and Sewage is approved and installed, then the Residents could have a Mandatory Connection fee – a fee that would be out of range for most residents, even to borrow.

Ref: Purposed Solara Woods Community, Toano, VA (Continued)

We, the Residents of Bush Springs Road Community, do hereby officially propose the following:

1. First and foremost, We respectfully ask, request and recommend that the James City County Development Review Committee will not and do not APPROVE this Community.
2. If you must approve this project, we request that **before you begin** construction of these homes, that a new road is constructed according to the dimensions of State Route 60 with 2 specific lanes, width and middle stripes. If this is not done at the very beginning of construction or before construction, you will be creating a castastrophic unsafe environment for our Community and all that drive on Bush Springs Road.
3. If you must approve this project and Public Water and Sewage is installed down Bush Springs Road, and it is mandatory that Residents connect, all the expenses will be payable by James City County and/or the Developer of Solara Woods. Residents will not be responsible for fees for any of these connections or modifications.
4. If new wells must be moved and dug, that will be done at the sole expense of James City County or the Developer of Solara Woods.
5. If this project is approved with the individual wells for each home as currently proposed, and any of the current Residents' private wells run dry, then the Developer of Solara Woods would be liable and would be responsible for compensation to the Resident for the moving and digging of a new well.

We would highly recommend that before final approval of this Project that the above conditions (bottom #1 thru #5) are carefully evaluated for the safety and well-being of all citizens.

The Contact Persons for the Bush Springs Road Community are Ms. Janice Jackson (757-719-2970) and Ms. Vivian Morgan at 757-876-5660.

Thank you.

Respectfully Submitted
The Bush Springs Road Community
Toano, VA

CONCEPTUAL PLAN-25-0002. Solara Woods - Water and Sewer Subdivision Exception Request
Staff Report for the May 21, 2025, Development Review Committee Meeting

SUMMARY FACTS

Applicant: Mr. Jay Epstein, HEALTH-E-COMMUNITY ENTERPRISES OF VIRGINIA, INC.

Landowner: MARSTON, LLC HEALTH-E COMMUNITY

Proposal: An exception request to allow for a major subdivision that utilizes land within the Primary Service Area (PSA) to be served by individual wells and individual on-site sewage disposal systems.

Locations: 242 Bush Springs Road
268 Bush Springs Road
275 Bush Springs Road
282 Bush Springs Road
290 Bush Springs Road
291 Bush Springs Road
308 Bush Springs Road

Tax Map/Parcel Nos.: 2220100038
2220100037
2220100033
2220100036
2220100035
2220100090
2220100034

Project Acreage: ± 82.16 acres

Current Zoning: R-1, Limited Residential

Comprehensive Plan: Low Density Residential
Rural Lands

Primary Service Area

(PSA): Inside (parcels designated Low Density Residential)
Outside (parcels designated Rural Lands)

Staff Contact: Morgan Risinger, Senior Planner

REASON FOR DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW

Section 19-59(a) and Section 19-61 of the Subdivision Ordinance require all major subdivisions inside the PSA to connect to public water and sewer systems, respectively. The proposed subdivision of the property into 38 single-family residential lots is more than five lots and would involve extending the Bush Springs Road right-of-way through parcels inside the PSA, meaning the subdivision would be required to connect to public water and sewer systems. The developer would like to construct this subdivision without connecting to public water and sewer. Therefore, pursuant to Section 19-18 of the Subdivision Ordinance, an exception request has been submitted to allow the proposed lots to be served by individual wells and individual on-site sewage disposal systems.

FACTORS FAVORABLE

1. The Virginia Department of Health (VDH) and the Virginia Department of Transportation (VDOT) have stated no objection to this exception request.

FACTORS UNFAVORABLE

1. The Fire Department has stated its preference would be for the subdivision to connect to the public water system. This would allow fire hydrants to be located throughout the subdivision, per current standards. Without connecting to public water, and

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

CONCEPTUAL PLAN-25-0002. Solara Woods - Water and Sewer Subdivision Exception Request
Staff Report for the May 21, 2025, Development Review Committee Meeting

without fire hydrants, the developer has proposed that each home be constructed with an in-home fire sprinkler system. The water supply for the sprinkler system would come from large water holding tanks, fed by a well, located outside of each house.

The developer has provided information supporting the installation and maintenance of residential sprinkler systems. The National Fire Protection System (NFPA) 13D, *Standard for the Installation of Sprinkler Systems on One- and Two-Family Dwellings and Manufactured Homes* is a nationally recognized document that is referenced in the building code.

However, while the requirement for the initial construction of an in-home sprinkler system could be ensured via the building permit process, the Virginia Statewide Fire Prevention Code (VSFPC) does **not** (emphasis added) require residential dwellings to be subjected to routine inspections. Ensuring continual maintenance and operation of residential sprinkler systems would require a means outside of typical code enforcement.

The developer has proposed that long-term maintenance and operation of these in-home systems would fall under the purview of the homeowners association (HOA), using covenants and deed restrictions, subject to language approved by the County Attorney's Office.

Staff from the Community Development Department and Fire Department find that a requirement to maintain and ensure continual operation of in-home fire sprinkler systems for single-family detached dwellings by the HOA to be nonviable.

More significantly, whether those requirements fall on the HOA or even to an individual homeowner, over the life of the single-family home, staff finds such a requirement to be something that County staff could not practically or reasonably enforce.

2. Staff further finds that the proposed exception request does not fully meet the criteria found in Section 19-18 of the Subdivision Ordinance.

STAFF RECOMMENDATION

Staff recommends that the DRC recommend denial of this exception request to the Planning Commission. Should the DRC recommend approval of this exception request to the Planning Commission, staff recommends the inclusion of conditions to require the installation of residential sprinkler systems in each home and for inspections and maintenance to be enforced by the HOA. (see Attachment No. 1). As previously stated, staff finds that such a condition could not practically or reasonably be enforced by the County.

PROJECT DESCRIPTION

The applicant is requesting an exception from the Subdivision Ordinance's requirement for major subdivisions to connect to public water and sewer systems if they are located inside the PSA (see Attachment No. 2). The proposed subdivision would include extending the Bush Springs Road right-of-way, and is greater than five lots, to create a major subdivision of 38 new residential lots. While the proposed residential lots are shown as being platted outside of the PSA, the right-of-way extension would involve dedication of property located inside the PSA (see Attachment No. 3).

PROJECT HISTORY

- Land use applications have been submitted during previous Comprehensive Plan update processes in 1997, 2003, 2008, and 2021 to request 282 Bush Springs Road, 290 Bush Springs Road, 291 Bush Springs Road, and 308 Bush Springs Road be redesignated to Low Density Residential and be included in the PSA. Each request has been denied and no change has been made to the PSA for these properties during that timeframe.

CONCEPTUAL PLAN-25-0002. Solara Woods - Water and Sewer Subdivision Exception Request
Staff Report for the May 21, 2025, Development Review Committee Meeting

- In 2021, a Special Use Permit application was submitted for the extension of public water and sewer mains along Bush Springs Road to serve the proposed development. The application was withdrawn prior to consideration by the Board of Supervisors.

SURROUNDING ZONING AND DEVELOPMENT

- The following table lists information on the parcels adjacent to the subject properties:

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	R-1, Limited Residential	Single- Family Residential	Low Density Residential
SOUTH	A-1, General Agricultural	Single- Family Residential	Rural Lands
EAST	A-1, General Agricultural	Forested land	Rural Lands
WEST	A-1, General Agricultural; and R-8, Rural Residential	Single- Family Residential	Rural Lands; and Low Density Residential

STAFF ANALYSIS

Section 19-59(a) and Section 19-61 of the Subdivision Ordinance require all major subdivisions inside the PSA to connect to public water and sewer systems, respectively. Staff's review of the proposed major subdivision determined that extending the Bush Springs Road right-of-way requires the use of properties inside the PSA which necessitates the subdivision's connection to public water and sewer

systems. The requirement to connect to public water and sewer systems was established on December 11, 2012, when the Board of Supervisors approved an amendment to the Subdivision Ordinance. While there are two notable major subdivisions, Liberty Ridge and Westport, that involved creating rights-of-way through property inside the PSA to create lots outside of the PSA that were not connected to public water and sewer, both were approved prior to the establishment of the requirement for major subdivisions to connect to public water and sewer in 2012.

The analysis below provides information on each of the criteria listed in Section 19-18 of the Subdivision Ordinance:

"The Commission shall not approve any exception unless it first receives a recommendation from the DRC and unless it finds that:"

- a. "Strict adherence to the ordinance requirement will cause substantial injustice or hardship;"

Staff finds that adherence to this Ordinance requirement would not create a substantial hardship for the property owner, given that the property owner is choosing to pursue a more intensive development of the property and retains the ability to use the property for residential purposes as they currently exist.

- b. "The granting of the exception will not be detrimental to public safety, health, or welfare, and will not adversely affect the property of others;"

Subject to the installation of residential sprinkler systems in each home, staff finds that the granting of the exception request may not be detrimental to public safety, health, or welfare, and may not adversely affect the property of others. However, as previously stated, staff finds that such a condition could not practically or reasonably be enforced by the County.

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

CONCEPTUAL PLAN-25-0002. Solara Woods - Water and Sewer Subdivision Exception Request
Staff Report for the May 21, 2025, Development Review Committee Meeting

- c. “The facts upon which the request is based are unique to the property and are not applicable generally to other property so as not to make reasonably practicable the formulation of general regulations to be adopted as an amendment to this chapter;”

Staff finds that a portion of the subject properties are zoned for residential uses while being designated as Rural Lands and located outside the PSA which is unique and not generally applicable to other undeveloped properties in the County.

- d. “No objection to the exception has been received in writing from the transportation department, health department, or fire chief.”

*The VDH and VDOT did not object to the exception request. However, the Fire Department initially objected to the exception request (see Attachment No. 5) due to the fact that granting the exception request would mean that no fire hydrants would be installed in the subdivision. To mitigate this concern, individual in-home sprinkler systems have been proposed by the developer. As noted previously, while the requirement for the initial construction of an in-home sprinkler system could be ensured via the building permit process, the VSFPC does **not** (emphasis added) require residential dwellings to be subjected to routine inspections. Ensuring continual maintenance and operation of residential sprinkler systems would require a means outside of typical code enforcement (see Attachment No. 6).*

- e. “The hardship or injustice is created by the unusual character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property. Personal, financial, or self-inflicted hardship or injustice shall not be considered proper justification for an exception.”

Staff finds that while the situation of the properties being zoned for residential uses but designated as Rural Lands and located outside the PSA is unusual, the proposal to create a more intensive use of the

property by creating a major subdivision of 38 lots which requires the extension of the Bush Springs Road right-of-way and public water and sewer systems represents a self-inflicted hardship.

STAFF RECOMMENDATION

Staff recommends that the DRC recommend denial of this exception request to the Planning Commission. Should the DRC recommend approval of this exception request to the Planning Commission, staff recommends the inclusion of conditions to require the installation of residential sprinkler systems in each home and for inspections and maintenance to be enforced by the HOA (see Attachment No. 1). It is significant to note, however, staff finds that such a condition could not practically or reasonably be enforced by the County.

MR/ap
CP25-2SolaraWds

Attachments:

1. Proposed Conditions
2. Location Map
3. Applicant’s Exception Request
4. Solara Woods Subdivision Layout
5. February 4, 2025, Fire Department Comments
6. April 21, 2025, Fire Department Comments

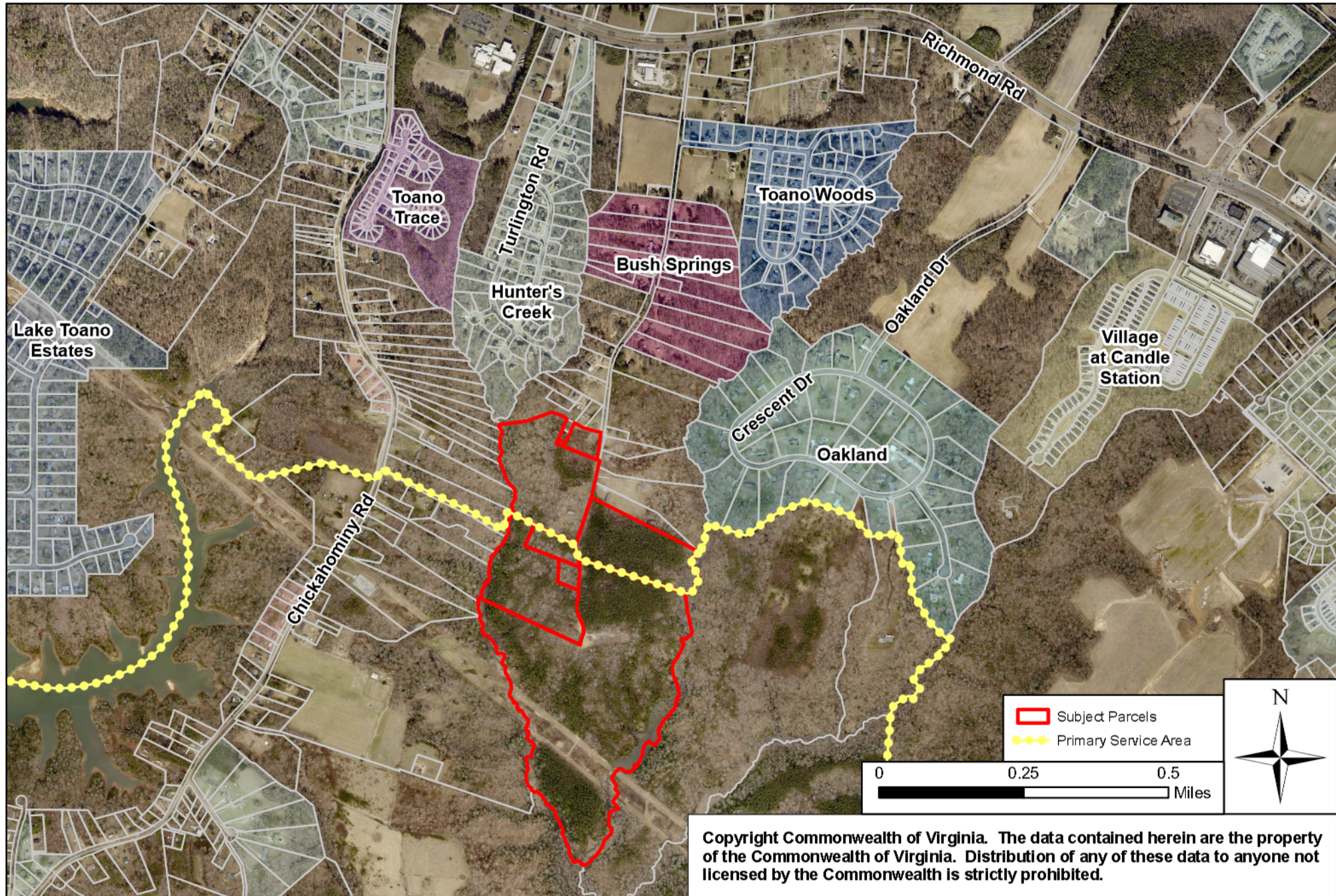
This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PROPOSED CONDITIONS FOR C-25-0002.

SOLARA WOODS - WATER AND SEWER SUBDIVISION EXCEPTION REQUEST

1. *Subdivision Layout.* This exception to Section 19-59(a) and Section 19-61 of the Subdivision Ordinance shall be valid for the subdivision of property located at 242, 268, 275, 282, 290, 291, and 308 Bush Springs Road and further identified as James City County Real Estate Tax Map Parcel Nos. 2220100038, 2220100037, 2220100033, 2220100036, 2220100035, 2220100090, and 2220100034, respectively (collectively, the “Properties”). The subdivision of the Properties shall be substantially in accordance with the proposed subdivision layout titled “Subdivision Plan for Solara Woods” prepared by Landtech Resources, Inc., and dated February 26, 2024 (the “Master Plan”), with any deviations to be reviewed and approved by the Director of Planning.
2. *Fire Protection.* Each new dwelling unit shall include a residential sprinkler system in accordance with National Fire Protection Association (NFPA) 13D, *Standard for the Installation of Sprinkler Systems on One- and Two-Family Dwellings and Manufactured Homes*, and such details shall be approved by the Director of Building Safety and Permits or designee prior to the issuance of a building permit for each dwelling unit. The homeowners association (HOA) shall enforce annual inspections and maintenance for each residential sprinkler system and such provisions shall be included with the HOA documents required in accordance with Section 19-70 of the Subdivision Ordinance.

JCC C-25-0002, Solara Woods Water and Sewer Subdivision Exception Request



PETITION FOR EXCEPTION PURSUANT TO SUBDIVISION ORDINANCE SECTION 19-18

BY MARSTON LLC (“APPLICANT”) – Updated May 2, 2025

The Current Application:

The Applicant desires to develop a major subdivision consisting of approximately 38 Lots on approximately 87 acres of land owned by the Applicant commonly known as at 282, 290, 291, and 308 Bush Springs Road (see attached subdivision plan). The subject property is zoned R1 – Limited Residential and located outside of the Primary Service Area (the “PSA”). The project is proposed as a “by-right” subdivision to be served by individual wells and private septic systems.

In order to develop the project, it is necessary to extend Bush Springs Road from its present terminus across property owned by the Applicant and located within the PSA (268 and 275 Bush Springs Road) to the subject property. The extension of Bush Springs Road through property located within the PSA is deemed, pursuant to Subdivision Ordinance Section 19-21(b), itself a major subdivision and triggers the requirement to extend public water and sewer in connection with such road extension which, in turn, triggers the requirement of a Special Use Permit.

History to support the request for waiver:

On November 29, 2021, the Applicant submitted a Special Use Permit (the “SUP”) application for the extension of public water and sewer along Bush Springs Road to serve the property located at 268 and 275 Bush Springs Road. At that time, the Planning Commission and many of the residents along Bush Springs Road were not supportive of such an extension of public utilities. After receiving a Planning Commission recommendation of denial of the SUP, the Applicant withdrew its application for the SUP. Accordingly, the Applicant refocused its efforts exclusively on a “by right” development of its property located outside of the PSA to be served by individual wells and private septic systems which culminated in the attached subdivision plan.

However, as indicated above, in order to extend Bush Springs Road to the subject property, the Subdivision Ordinance requires the extension of public water and sewer which, in turn, requires an SUP. Recognizing that such an SUP is unlikely to be approved, the Applicant is requesting an exception (pursuant to Section 19-18 of the Subdivision Ordinance) of the requirement to extend public water and sewer in connection with the proposed extension of Bush Spring Road. Please note that approval of this exception request does not permit a major subdivision of the Applicant’s property located within the PSA into lots served by private wells and septic systems. Approval of this exception request merely allows the extension of Bush Springs Road without requiring the extension of public water and sewer. A major subdivision of the Applicant’s property located within the PSA into lots served by private wells and septic systems would require a separate exception.

Request for Exception:

The Applicant requests an exception, pursuant to Section 19-18 of the Subdivision Ordinance, of the requirement to extend public water and sewer in connection with the proposed extension of Bush Spring

Road to property located at 282, 290, 291, and 308 Bush Springs Road in general conformance with the attached subdivision plan.

Justification of Request:

As indicated above, on November 29, 2021, the Applicant submitted a SUP request for the extension of public water and sewer along Bush Springs Road. In connection with such request, the James City Service Authority ("JCSA") indicated that if water and sewer lines were extended, existing structures along the extension would be required to connect to the public system if their existing well or septic systems failed, as per Virginia Department of Health regulations. Future structures would also be required to connect to public water and sewer. Most of the residents along Bush Springs Road opposed the extension due to concerns over the potential mandatory connection requirement and associated fees and costs. On March 2, 2022, the James City County Planning Commission voted to recommend denial of the SUP, and the Applicant subsequently withdrew the SUP request.

The Applicant's property is zoned R1, and has been for over 40 years, creating an expectation that the property would be permitted to be developed consistent with its R1 zoning. The Applicant is proposing a "by right" development of the property to be served by private wells and septic systems. The property is located outside of the PSA and is not permitted to connect to public water and sewer. To require the extension of public water and sewer with the extension of Bush Springs Road to the project is inconsistent with the Planning Commission's previous decision making and inconsistent with the stated interests of the majority of neighboring property owners, and amounts to a substantial injustice because the project would not be permitted to be served by such extended utilities.

Subdivision Ordinance Section 19-18 criteria

The commission may grant an exception to any requirement of the chapter, subject to the following:

(4) The commission shall not approve any exception unless it first receives a recommendation from the development review committee and unless it finds that:

(a) Strict adherence to the ordinance requirement will cause substantial injustice or hardship.

(b) The granting of the exception will not be detrimental to public safety, health, or welfare, and will not adversely affect the property of others.

(c) The facts upon which the request is based are unique to the property and are not applicable generally to other property so as not to make reasonably practicable the formulation of general regulations to be adopted as an amendment to this chapter

(d) No objection to the exception has been received in writing from the transportation department, health department, or fire chief; and

(e) The hardship or injustice is created by the unusual character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property. Personal, financial, or self-inflicted hardship or injustice shall not be considered proper justification for an exception.

Below is the Applicant's justification for satisfaction of each of the foregoing exception criteria along with supporting comments from Staff, Planning Commissioners, and current residents of Bush Springs Road from the March 2, 2022, Planning Commission Meeting.

4(a) Strict adherence to the ordinance requirement will cause substantial injustice or hardship.

Applicant: It is unjust to require the Applicant to expend substantial resources to extend public water and sewer to a development outside of the PSA that will not be permitted to be served by such utilities. Additionally, without any available programs to assist with connection costs, current residents, many of whom are on fixed incomes, could face expenses of up to \$30,000 to connect to public water and sewer when their existing systems fail creating a substantial hardship for neighboring property owners.

Staff from March 2, 2022 Planning Commission Meeting: Morgan Risinger stated "The applicant provided a revised project narrative and additional supplemental documentation regarding the project, the costs of connections to public water and sewer in comparison to well and septic systems and how the project relates to adjacent properties. The James City Service Authority has prepared a memorandum explaining when connections are required and what the costs of connections are. Staff notes that the County and the JCSA do not currently have any programs for assistance with the cost of connections. Finally, at the applicant's suggestion, staff explored if an SUP condition could remove the requirement for adjacent properties to connect to public water and sewer. After consultation with the county attorney's office, it was determined that such an SUP condition would need to explicitly prohibit those connections and not allow those property owners to have that choice. And so, staff does not support that condition."

Planning Commissioner Polster from March 2, 2022 Planning Commission Meeting: "The other point and the concern that I had on the Croaker Road that I applied to the Bush Springs here was I was trying to figure out myself whose properties would be impacted if this project went through in terms of the water and the sewer line given the 15 feet on either side of the road which is a right-of-way and so I looked at seven properties was fortunate enough that the Virginia Department of Health local office here in Williamsburg provided us the information in the short span but I only asked for a certain amount not all of it.

And so, I've heard this evening from at least two other folks that they're concerned about that issue that we're part of the seven. Now the other thing that I think is instructive about the comment from the last gentleman that was up here at 220 Bush Springs is when you go back and take a look at the record that the VDH guys provided us, you're going to see a track record that goes from 78, 77, and 90 to 18.

And whether it's water or it's a rearrangement of secluded field or a replacement of a box. And I go back to the point that I was making before, given the cost of if they have to hook up, given the age of their systems, it's cheaper for them to do the repairs and not to have to hook up if they don't have to.

And so, I think you've asked a bunch of questions in terms of trying to get at the cost of what this is to those applicants versus what it would be. without and so I'm bothered about that and I think we heard this evening about members of this community that are on a fixed income and being one of those people I understand what that means okay and I remember a lady coming here the last time that what put nine thousand dollars into a new system I mean that was a heck of an investment that she had to put out of her pocket for that so I'm still very concerned that we don't know what the impact is on those septic and sewer

and wells and those impacts I mean we just don't know I mean I appreciate the fact that we're able to at least get some idea but all it did in my mind is raise more questions about how many other people were impacted about that and so I'm not supportive and it's the impact onto the community that's not being considered.”

Planning Commissioner Null from March 2, 2022 Planning Commission Meeting: “Just even thinking about putting water and sewer down that road and digging up both sides of the road for however long it takes them to put that in. And then when I added up all these lovely numbers, I came up to \$28,856. That would be an average for people to hook up to it.”

Planning Commissioner Rose from March 2, 2022 Planning Commission Meeting: “Aside from the cost of having to connect to this line when their septic system fails. And we heard that there's options, but at that point, there's no options. And for people on a fixed income, to have to put in \$30,000 to connect based on the estimates that we received, it's just that impact along with what this development is going to mean is just enormously significant. And I can't support this.”

Homeowner James Braxton Jr. (257 Bush Springs Road) from March 2, 2022 Planning Commission Meeting: “My great grandfather actually started, helped start that community back there. And right there, I would say from Toano Woods on down to the end, the majority of the people that stays on that property are either retired, disability, or, back to being myself, I'm 60, I'm getting ready to retire. So, with the cost of everything that's been coming up, it's been, it's going to be almost impossible if they actually bring the sewer and everything down for these people to, for us to be able to hook up to it and to be able to take care of those costs.”

Homeowner Lori Walker (261 Bush Springs Road) and Homeowner Vivian (156 Bush Springs Road) from March 2, 2022 Planning Commission Meeting: “We the majority of the bush springs residents do oppose installing the water public water and sewer down Bush Springs Road, but we do ask if it would go down either Hunters Creek or Oakland Farms.”

Homeowner Jonathan Lemons (164 Bush Springs Road) from March 2, 2022 Planning Commission Meeting: “My septic tank is brand new. Well as well, so I don't have any problems there. I'm opposed to it as well. I think everybody on the street on Bush Springs Road is happy and content. We're all doing just fine. I think a lot of us right now with inflation as well can't really afford added costs, water bill, sewage bill, the inconvenience.”

Homeowner Charles Brantley (220 Bush Springs Road) from March 2, 2022 Planning Commission Meeting: “I'm sorry but you know people don't have that type of money. The road is one thing, but earning a living and trying to pay for your water every month, your sewer every month, but then you come up, you got your septic tank, and your well, you're paying it by what? Can't afford it. I just want to say that pop. Thank you, sir.”

4(b) The granting of the exception will not be detrimental to public safety, health, or welfare, and will not adversely affect the property of others.

Applicant: Granting the exception would (1) actually avoid the detrimental impacts (noted above and below, e.g., potential damage to existing wells and/or septic systems, financial hardship of the potential requirement for adjacent property owners to connect, etc.) associated with extending public water and sewer, (2) maintain the status quo (meaning no change in the provision of potable water and sewage treatment for the neighboring properties) which, with there being no known present safety, health, or welfare concerns, means the exception is not detrimental to public safety, health, welfare, or the property of others, and (3) not prohibit the extension of public water and sewer service if found in the future to be desirable.

Staff from March 2, 2022 Planning Commission Meeting: Morgan Risinger stated “Staff received questions regarding where existing septic systems are located and what would happen if they were damaged during construction. The county does not maintain records of drain fields. However, the applicant has provided documentation from the Virginia Department of Health. Staff also explored the possibility of adding an SUP condition to require that the applicant be responsible for remediation if a drain field is damaged during construction. However, after consultation with the county attorney's office, it was determined that this condition was not viable.”

Planning Commissioner Null from March 2, 2022 Planning Commission Meeting: “People are going to have trouble accessing their road or even getting out of their driveways during construction, even construction with the houses, but with the water and sewer too. I just don't think we should inconvenience them with doing something like that, that could potentially cost them a lot of money in the long run. So, I will not support this.”

Homeowners Robert and Carol Medford (87 Bush Springs Road) from March 2, 2022 Planning Commission Meeting: “They said that they request that the road be vetoed because it would mess up their septic tank and water which is close by the road and also she said that they'd rather for the sewer and hookup to be at the end of Bush Springs Road that way would not be connected at all going straight down Bush Springs Road.”

Homeowner Jimmy Smith (206 Bush Springs Road) from March 2, 2022 Planning Commission Meeting: “My neighbor, to put the sewage line or water line, be sitting in her front porch. And the thing is that Bush Spring Road is a family knit community. A lot of children play on Bush Springs Road to open the road up in the volume of traffic could be telescopic. I mean, it just only thing I can say is thank God that there's no accidents have happened as of yet.” “We don't know who's going to come in, we don't know how they're going to respond to that condition because a lot of folks, they will say, oh, we've got a wide road now, let's gas on it, that's unacceptable, so as far as widening Busch-Spring Road, I'm against.”

4(c) The facts upon which the request is based are unique to the property and are not applicable generally to other property so as not to make reasonably practicable the formulation of general regulations to be adopted as an amendment to this chapter.

The facts associated with this exception request, compounded in the aggregate, establish a highly unique set of circumstances for the subject property (e.g., the documented detrimental effect on neighboring

property owners of the extension of public water and sewer, the fact that the project giving rise to the public water and sewer extension requirement will not be permitted to be served by such utilities, the property being developed “by right” consistent with its R-1 zoning designation which has been in place for over 40 years, the previous lack of support for a SUP to extend public water and sewer, etc.). Exceptions such as the one requested are very fact specific and are best handled on a case-by-case basis; such exceptions are not amenable to the formulation of a general rule or regulation.

4(d) No objection to the exception has been received in writing from the transportation department, health department, or fire chief.

The request for Waiver received comments from Transportation Department- Health department and Fire Chief

1.Fire Chief- In consideration of meetings, consultations and code research, I am in support of an alternative fire protection measure offered by Solara Builders related to their proposed project, Solara Woods, off Bush Springs Road. This alternative is acceptable if public water is not available or cannot be constructed due to legislative restrictions.

Solara Builders has provided information supporting the installation and maintenance of residential sprinkler systems. The National Fire Protection System (NFPA) 13D, *Standard for the Installation of Sprinkler Systems on One- and Two-Family Dwellings and Manufactured Homes* is a nationally recognized document that is referenced in the building code.

The Virginia Statewide Fire Prevention Code (VSFPC) does not require residential dwellings to be subjected to routine inspections. Ensuring continual maintenance of residential sprinkler systems would require a means outside of typical fire code enforcement. Solara Builders has offered potential HOA enforced maintenance requirements, covenant, and deed restriction language.

Installation and acceptance of the residential sprinkler systems will fall under the purview of the building official. Maintenance of the same systems would fall under the purview of the HOA, attached covenants and deed restrictions. Approval of the maintenance requirement language should be approved by the County Attorney.

Applicant Response "A fireman in each home". We are excited to showcase the fire suppression system that will be mandatory in each home at Solara Woods. This will be the second Zero Energy Ready Home Community in Virginia and the first home sprinkler community in Virginia located in James City County. Innovation and design work hand in hand to make this possible. I look forward to working with Building Safety and the Fire Department documenting this next level in home-building and design.

2. Health Department-VDH has no objections to the exception request, however each lot will be required to have a certification packet submitted to us for review and approval, before we can issue our final approval.

Applicant Response- Youngblood Tyler and Associates has completed the Soil Feasibility Study. Based on this information the developer has located primary and backup septic locations for the 38

lots located on 80 acres. To be submitted in the normal development process for final approval by VDH.

3. **Transportation-** VDOT has completed its review of the conceptual plan received by the VDOT Land Development Office on 23rd Jan 2025.

Following comments from VDOT –

(1) Final Site plan should reflect CG-9B entrance and drainage details on the sheets

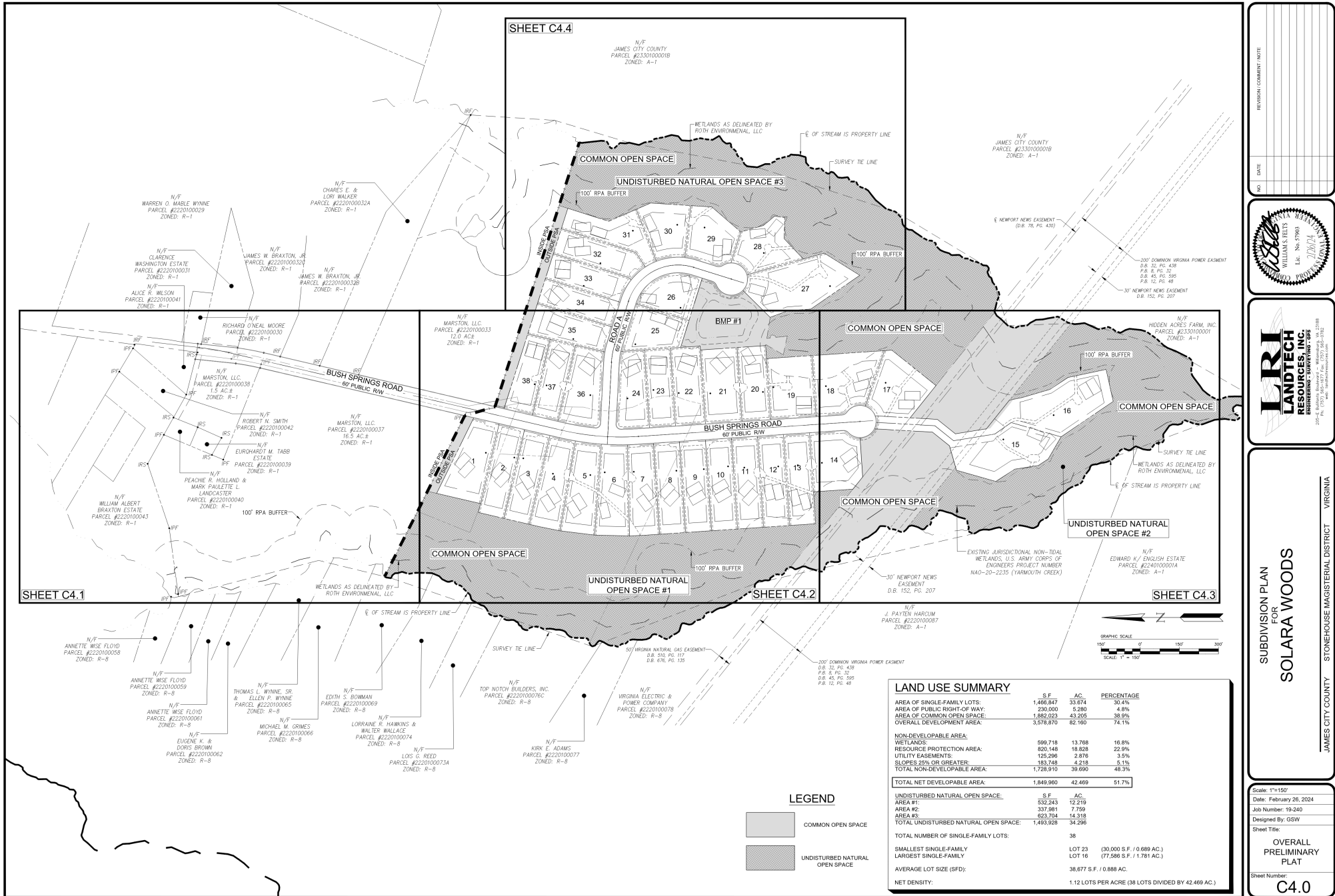
(2) A turn lane warrant, auto turn analysis and site distance consideration study should be submitted before commencement of the subdivision work. A comprehensive TIA is not required.

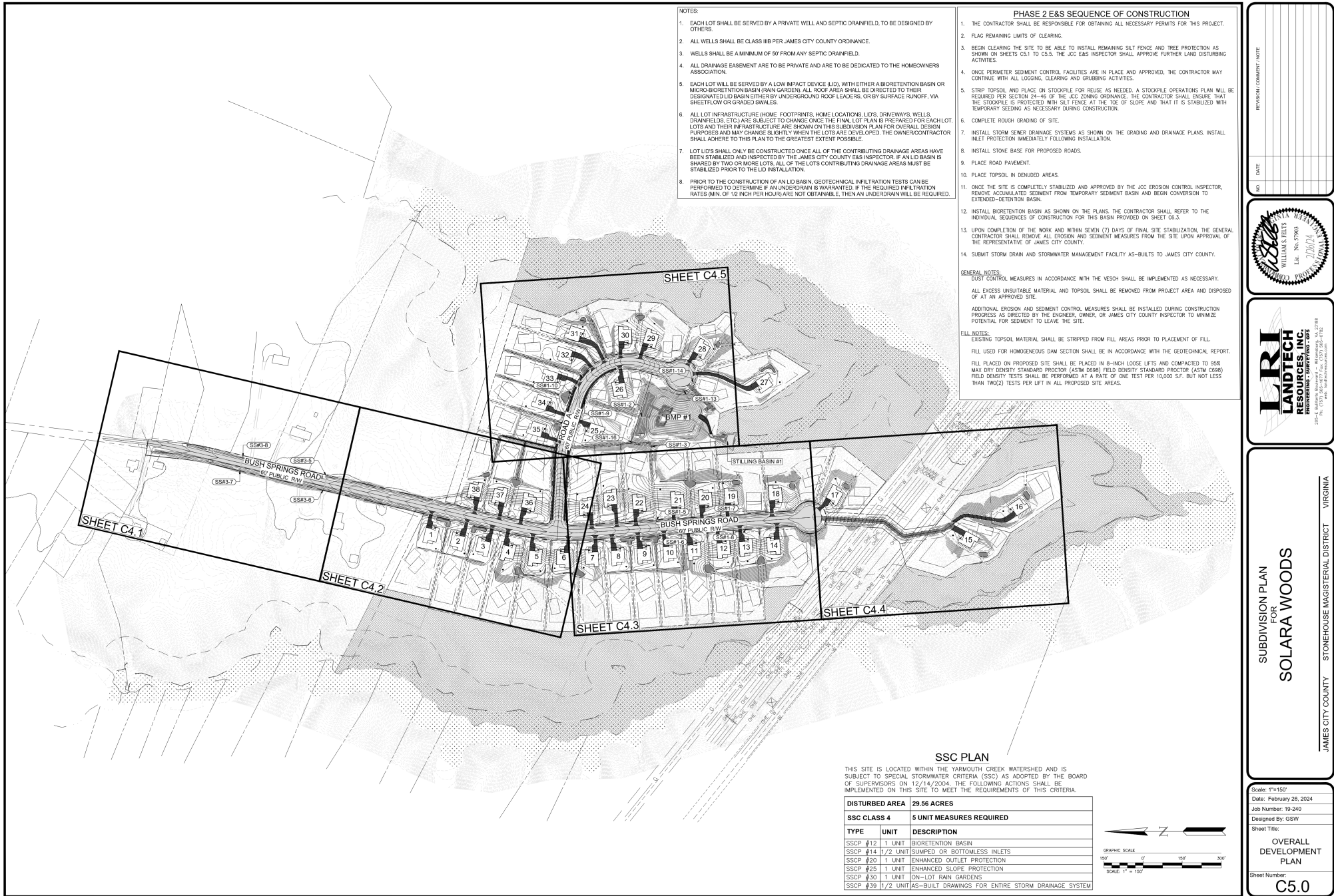
(3) Detailed site plans should reflect all VDOT std items such as stop sign, pavement markings, etc. Where work will be necessary within existing right of way, please provide an engineer's cost estimate with final plans. This will be used to set the surety amount for the Land Use Permit. A Land Use Permit will be required prior to construction within limits or easements (including temporary or permanent driveways and entrances).

Applicant Response – - Items 1 and 3 above will be addressed at subdivision approval process. At VDOT'S request – A autoturn analysis, a turn lane warrant and site distance consideration study at the Rt. 60 Richmond Road/Rt. 649 Bush Springs Road intersection will be submitted before commencement of the subdivision work.

(e) The hardship or injustice is created by the unusual character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property. Personal, financial, or self-inflicted hardship or injustice shall not be considered proper justification for an exception.

As indicated above, the injustice giving rise to this exception request is highly unique to the subject property (e.g., the documented detrimental effect on neighboring property owners of the extension of public water and sewer, the fact that the project giving rise to the public water and sewer extension requirement will not be permitted to be served by such utilities, the property being developed “by right” consistent with its R-1 zoning designation which has been in place for over 40 years, the previous lack of support for a SUP to extend public water and sewer, etc.). The injustice effectively prohibits the extension of public right of way (to be designed and constructed at the expense of the Applicant) to the property which, in turn, effectively prohibits its subdivision and meaningful use of the property consistent with its zoning. The injustice is imposed by applicable regulations due to the unique condition and location of the property; it is not a self-inflicted, personal, or financial in nature.







MATCHLINE - SEE SHEET C5.2

MATCHLINE - SEE SHEET C5.2

MATCHLINE - SEE SHEET C5.5

MATCHLINE - SEE SHEET C5.4

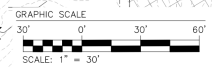
MATCHLINE - SEE SHEET C5.4

LEGEND

- PRIVATE WELL
- (P) PRIMARY DRAINFIELD
- (R) RESERVE DRAINFIELD

ECSS-3

STABILIZE ALL SLOPES 3:1 OR GREATER WITH ECSS-3 STRAW/COCONUT TURF REINFORCING MATING MANUFACTURED BY US CONSTRUCTION FABRICS, LLC (OR APPROVED EQUIVALENT)



NO.	DATE	REVISION / COMMENTS / NOTES



LRI LANDTECH
 LANDSCAPE ARCHITECT
 205-4 ...
 ...

SUBDIVISION PLAN FOR SOLARA WOODS

JAMES CITY COUNTY STONEHOUSE MAGISTERIAL DISTRICT VIRGINIA

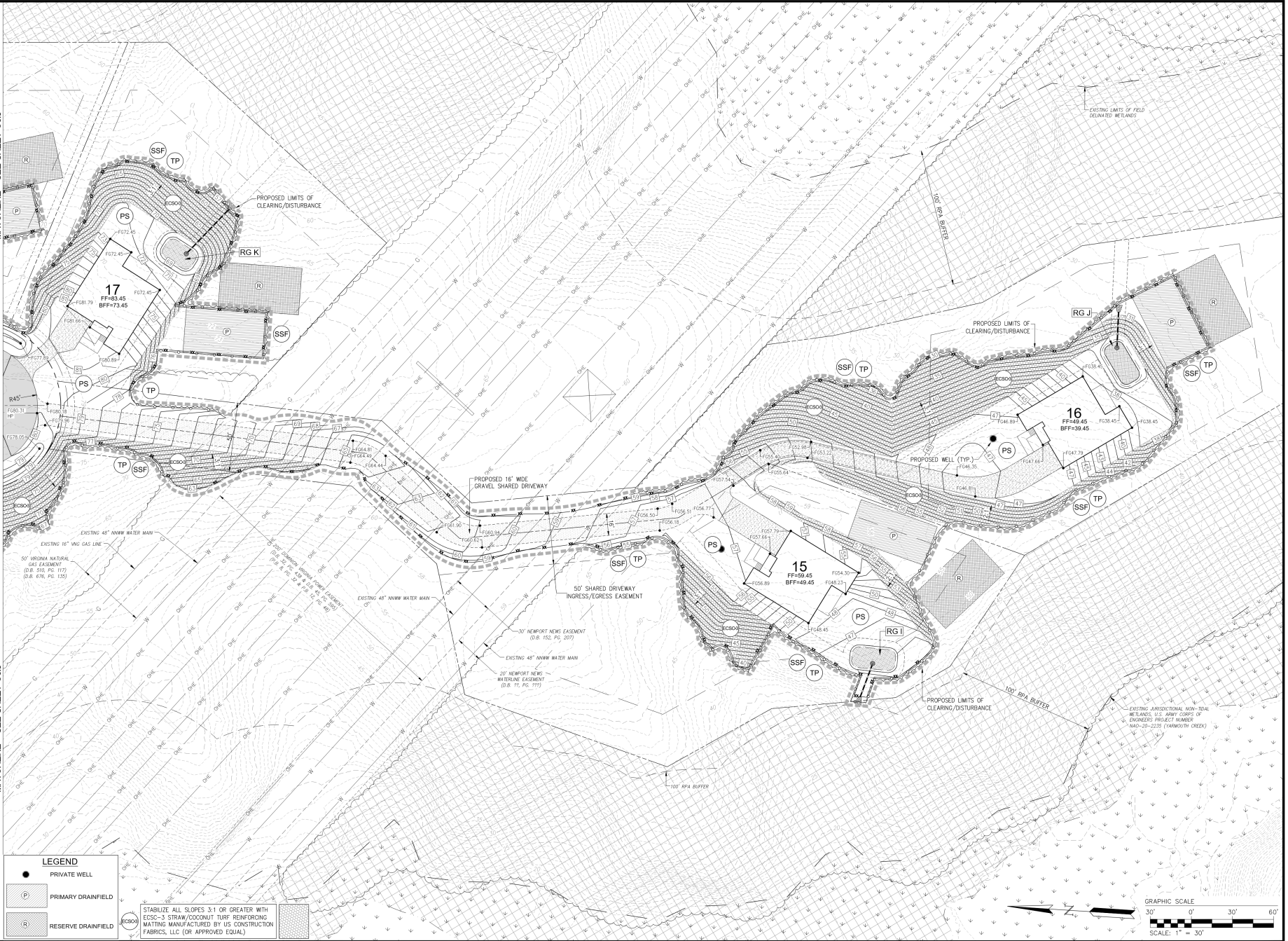
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 Date: February 26, 2024
 Job Number: 19-240
 Designed By: QSW
 Sheet Title: DEVELOPMENT PLAN AND PHASE 2 E&S PLAN
 Sheet Number: C5.3

MATCHLINE - SEE SHEET C53

MATCHLINE - SEE SHEET C53

LEGEND	
●	PRIVATE WELL
P	PRIMARY DRAINFIELD
R	RESERVE DRAINFIELD

STABILIZE ALL SLOPES 3:1 OR GREATER WITH
EC509-3 STRAW/COCONUT TURF REINFORCING
MATTING MANUFACTURED BY US CONSTRUCTION
FABRICS, LLC (OR APPROVED EQUAL)



REVISION CURRENT / DATE

DATE



SUBDIVISION PLAN FOR SOLARA WOODS

JAMES CITY COUNTY STONEHOUSE MAGISTERIAL DISTRICT VIRGINIA

Scale: 1"=30'
Date: February 26, 2024
Job Number: 19-240
Designed By: OSW
Sheet Title: DEVELOPMENT PLAN AND PHASE 2 E&S PLAN

Sheet Number: C5.4

MATCHLINE - SEE SHEET C61

MATCHLINE - SEE SHEET C52

MATCHLINE - SEE SHEET C53

MATCHLINE - SEE SHEET C53

MATCHLINE - SEE SHEET C60

STABILIZE ALL SLOPES 3:1 OR GREATER WITH ECOC-3 STRAW/COCONUT FIBER REINFORCING MATTING MANUFACTURED BY US CONSTRUCTION FABRICS, LLC (OR APPROVED EQUAL)

LEGEND

- PRIVATE WELL
- PRIMARY DRAINFIELD
- RESERVE DRAINFIELD

REVISION



JAMES CITY COUNTY STONEHOUSE MAGISTERIAL DISTRICT VIRGINIA

SUBDIVISION PLAN FOR SOLARA WOODS

Scale: 1"=30'
Date: February 26, 2024
Job Number: 19-240
Designed By: QSW
Sheet Title: DEVELOPMENT PLAN AND PHASE 2 E&S PLAN
Sheet Number: C5.5





James City County Fire Marshal's Office
5077 John Tyler Highway
Williamsburg, VA 23185
(F) 757-220-9125 (O) 757-220-0626

FIRE

C-25-0002 Solara Woods-Water and Sewer Subdivision Exception Request

Joseph Davis, Fire Marshal, with Ryan Ashe, Fire Chief, concurring

February 4, 2025

Based on the transmittal instructions, the Fire Chief, among others, is requested to note any objections to the proposed development being served by individual wells. Conversely, if the Fire Chief objects to this exception request, public water (including fire hydrants) will be required to be installed to serve the subject properties.

Currently there are no fire hydrants on Bush Springs Roads except on the northerly end at the intersections of Richmond Road and Toano Woods Road, respectively. If the waterline were extended, a minimum of five fire hydrants serving 40 parcels would be added within the existing PSA. With the proposed conceptual plan, a minimum of three fire hydrants would serve the 38-parcel major subdivision. It is over 6000 feet from the closest existing fire hydrant to the furthest proposed residence.

Fire hydrants providing a minimum required fire flow of 1000 gpm add significantly to any fire department's ability to contain and extinguish residential structure fires. There are marked efficiencies in fire department operations utilizing fire hydrants versus rural water supplies including the transport of water from distant water sources via additional assigned fire engines and tankers. These rural water supply operations often occur on narrower secondary roads.

The addition of a reliable fire protection water supply to the area may provide positive property owner impacts regarding hazard insurance premiums. James City County's ISO Public Protection Class is a split rating of 2/2Y whereas buildings within 1000 feet of a fire hydrant have a better rating than those which do not.

Two comments are made in response to the applicant's request for exception document submitted with the conceptual plans:

Under 4(b), the granting of the exception request maintains status quo relative fire protection, however, not granting the exception would enhance fire protection for approximately 78 parcels.

Under 4(d), no objection to the exception was received in writing from the Fire Chief during the prior SUP process is not representative of the Fire Department position. The Fire Marshal at the time of review of SUP-21-0023, Bush Springs Road Water and Sewer Extension (dated December 6, 2021), noted that the project “must adhere to the JCC and JCSA standards for hydrant spacing” and “add/place fire hydrants to meet JCC requirements.” The submitted plan at the time did not include fire hydrant locations but indicated a 12 inch water main tying into the JCSA system near Toano Woods. The review was based on the project’s intended installation of public water and there was no Fire Department implication that the proposed waterline addition with fire hydrants was not desired or needed.

The Fire Department does object to this exception request.

Comments regarding the conceptual plan outside of the specific exception request are:

- Per Virginia Statewide Fire Prevention Code (VSFPC) Section 503, the proposed roadways and common driveway are considered fire apparatus access roads and are required including the following:
 - minimum 20-foot width (to within 150 ft of furthest accessible point of the building)
 - all weather road surface able to support 82,000-pound fire department vehicles
 - dead end roads in excess of 150 feet are required to accommodate a turnaround for fire apparatus
 - proposed cul-de-sacs require a 45 ft wall-to-wall turning radius.

MEMORANDUM

DATE: April 21, 2025
TO: Paul Holt, Director of Community Development
FROM: Joseph Davis, Fire Marshal 
SUBJECT: Solara Woods

In consideration of meetings, consultations and code research, I am in support of an alternative fire protection measure offered by Solara Builders related to their proposed project, Solara Woods, off Bush Springs Road. This alternative is acceptable if public water is not available or cannot be constructed due to legislative restrictions.

Solara Builders has provided information supporting the installation and maintenance of residential sprinkler systems. The National Fire Protection System (NFPA) 13D, *Standard for the Installation of Sprinkler Systems on One- and Two-Family Dwellings and Manufactured Homes* is a nationally recognized document that is referenced in the building code.

The Virginia Statewide Fire Prevention Code (VSFPC) does not require residential dwellings to be subjected to routine inspections. Ensuring continual maintenance of residential sprinkler systems would require a means outside of typical fire code enforcement. Solara Builders has offered potential HOA enforced maintenance requirements, covenant, and deed restriction language.

Installation and acceptance of the residential sprinkler systems will fall under the purview of the building official. Maintenance of the same systems would fall under the purview of the HOA, attached covenants and deed restrictions. Approval of the maintenance requirement language should be approved by the County Attorney.

I am available for any questions.

CONCUR:


Ryan Ashe, Fire Chief

Attachments

FIRE SPRINKLER SYSTEM NOTICE

Keeping Your Home Safe in Solara Woods

James City County's 1st NFPA 13D Residential Fire Sprinkler System Community : Like having a firefighter living in your home!

Your Home is Equipped with a Life-Saving Feature:

Your new home is protected by a **residential fire sprinkler system** installed under **NFPA 13D** standards. This system is designed to detect and suppress fires automatically, giving you and your loved ones critical time to escape safely—and potentially stopping a fire before it spreads.

Homeowner Responsibilities

To keep your system working as intended:

1. Annual Inspection Required

You must have the system **inspected and tested once per year** by a licensed contractor.

2. Provide Proof of Inspection to the HOA

A copy of the inspection certificate or service report must be submitted to the HOA annually. This ensures community-wide safety compliance.

3. Keep the System Active

Do not disconnect, tamper with, or remove the system or its components unless you are replacing or repairing them with approval and proper permits.

Why This Matters

- **Safety:** The system can stop a fire in its earliest stage—protecting your home, family, and neighbors.
 - **Insurance:** Many insurers offer discounts for having a sprinkler system—maintaining it keeps you eligible.
 - **Community Compliance:** This is a required part of your HOA agreement and deed covenant.
-

 Need Help?

We recommend the following licensed contractors for annual service:

Eagle Fire

7459 White Pine Rd

Richmond, VA 23237

P: (804) 743-2500

 Due Date:

Your first annual inspection is due no later than:

 _____ **– one year from move-in or certificate of occupancy**

13D Fire Sprinkler System Maintenance Enforcement Plan for Solara Woods:

1. HOA-Enforced Maintenance Requirements

Will include sprinkler maintenance language in the **HOA Covenants, Conditions & Restrictions (CC&Rs)**:

- We will require **annual inspection and certification** by a licensed contractor.
 - We will require homeowners to provide **proof of inspection** to the HOA each year with records available to Fire Marshall.
 - We will include language that clearly outlines **non-compliance consequences**, such as fines or liens.
-

2. Recorded Deed Restrictions or Covenants

In addition to HOA rules, we will **record a covenant on each lot** at the time of sale:

- This will require that the in-home sprinkler system be kept **operational and code-compliant**.
 - Even if a home is sold later, this requirement runs with the land.
-

Sample HOA Covenant Language:

Section X: Fire Sprinkler System Maintenance

Each residence within the subdivision is equipped with a residential fire sprinkler system compliant with NFPA 13D standards. To ensure continued safety and effectiveness, the following requirements apply:

1. **Inspection Requirement:** Homeowners shall have their sprinkler systems inspected and tested by a licensed contractor no less than once every twelve (12) months.
2. **Proof of Compliance:** Homeowners shall provide the HOA with written certification from a licensed contractor indicating the system has been inspected, tested, and is in proper working order.
3. **Failure to Comply:** Failure to maintain or test the system as required will result in a written notice of violation. Continued noncompliance after thirty (30) days may result in penalties including fines and/or the placement of a lien, subject to the enforcement provisions of these Covenants.
4. **Alterations Prohibited:** No homeowner shall disable, alter, or remove any part of the sprinkler system without prior approval from the HOA and confirmation that the change complies with all applicable codes.

Sample Deed Restriction Language:

Fire Sprinkler System Operation and Maintenance Requirement

This lot and the residence constructed upon it shall include a residential fire sprinkler system installed in accordance with NFPA 13D standards. The owner of the property shall, at their sole expense, ensure the system remains in working condition and is inspected and certified by a licensed contractor at least once per year and proof of inspection given to HOA. This requirement shall run with the land and bind all successors in title.