

RESOLUTION

CONSIDERATION OF THE REQUEST FOR A WAIVER TO SECTION 19-57, WATER
FACILITIES, OF THE JAMES CITY COUNTY SUBDIVISION ORDINANCE FOR PROPERTY
LOCATED AT 1805 FORGE ROAD

WHEREAS, the Board of Supervisors of James City County has adopted Section 19-57, Water Facilities, of the James City County Subdivision Ordinance which requires major subdivisions to construct a central water system to serve the subdivision; and

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

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

WHEREAS, Mr. Vernon Geddy has requested a waiver to Section 19-57, Water Facilities, of the James City County Subdivision Ordinance; and

WHEREAS, the lot layout and provision of open space are shown on the plan prepared by AES Consulting Engineers, dated July 21, 2006, and entitled "Conceptual Layout The Preserve at Uncle's Neck;" and

WHEREAS, the property is located on land zoned A-1, General Agricultural, and can be further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (21-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the General Manager of the James City Service Authority to grant the waiver request as described herein with the following conditions:

1. The property shall be subdivided and developed generally in accordance with the Conceptual Plan attached hereto, with only changes thereto based on final field verified topography, environmental constraints and conditions of the wildlife management plan. There shall be no more than 35 lots on the property. At least 55 percent of the property shall be preserved as open space and subjected to a conservation easement. The open space shall be subjected to a conservation easement and shall be actively managed pursuant to a wildlife management plan developed in conjunction with the Virginia Department of Game and Inland Fisheries. The restrictive covenants for the subdivision shall require implementation and funding of the management plan by the homeowners association.
2. The restrictive covenants for the subdivision shall contain the following provisions and shall be subject to the approval of the County Attorney prior to approval and recordation of the final subdivision plat:

- a. Private Wells. Each lot in the Preserve at Uncle's Neck is served by an individual private well. The owner of each lot shall be responsible for the installation, maintenance, and if required, replacement of its well. If at a future date the homeowners association of the Preserve at Uncle's Neck by vote as prescribed in the By-Laws for a special assessment determines that installation of a central public water system is required, then each lot owner agrees to be assessed its pro-rata share of all cost of design, permitting and construction of said system. In addition, each lot owner agrees at its expense to connect to said system including payment of any required connection fees to the system operator and to pay consumption charges.
- b. Septic Systems. On lots approved by the Health Department for traditional septic drain fields, the drain fields shall be set back at least 200 feet from the Chickahominy River and Uncle's Neck Creek. On all lots the Health Department determines require an alternative septic system, an advanced secondary treatment sewage treatment system with discharge into a drain field shall be utilized. Any traditional septic drain field that fails shall be replaced by an advanced secondary treatment sewage treatment system with discharge into a drain field.
- c. Covenants Committee. The restrictive covenants shall establish a covenants committee with the authority and responsibility to enforce the restrictive covenants and approve all site, building, and pier plans.
- d. Limits on Irrigation. The restrictive covenants shall provide no more than 8,000 square feet of any lot may be irrigated. The association shall develop and implement a water conservation plan. The plan shall be reviewed and approved by the James City Service Authority prior to final subdivision plat approval.
- e. Resource Protection Area (RPA) Education. The association shall at least every three years hold an RPA educational session at its annual meeting on the restrictions, rights, and responsibilities of lot owners whose lots contain RPA areas on the protection of the RPA, and shall provide written educational materials provided by the County Environmental Division to lot purchasers with the association's disclosure package.
- f. Limitations on Piers and Water Access. Lots located in the area now shown on the Conceptual Plan as lots 1-5 shall not be permitted to have piers. Lots in the area now shown on the Conceptual Plan as lots 6 and 7 shall utilize a shared water access/pier to be located on lot 7. Lots in the area now shown on the Conceptual Plan as lots 20-22 shall utilize a single shared water access/pier. The lot in the area now shown on the Conceptual Plan as lot 25 shall utilize a shared water access/pier with either lot in the area now shown as lot 24 or lot 26. Lots in the area now shown on the Conceptual Plan as lots 13-18 shall only utilize steps to access Uncle's Neck Creek. Such steps shall be built in a manner to minimize impacts on slopes. The shared access/piers and access steps shall be subject to the approval of the Covenants Committee and to any required County or other regulatory approvals.

- g. Building Separation. There shall be at least 100 feet of separation between all dwelling units on the Property, which requirement shall be reflected on the subdivision plat of the Property. The James City County Fire Chief may grant variances to the 100-foot separation requirement upon written request from the property owner and a finding that such a reduction will not endanger the health, safety, or welfare of the citizens of the County and/or is otherwise mitigated by alternate means of fire suppression including, but not limited to, automatic sprinkler systems. Reasonable conditions may be placed upon any variance granted by the James City County Fire Chief.
 - h. Intermittent Stream Buffer. There shall be a 50-foot buffer adjacent to all intermittent streams on the Property.
3. This authorization to grant the waiver is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of November, 2006.

ForgeRdWaterWaiver.res