

**APPLICATION FOR PUBLIC UTILITIES
FROM CITY OF HARRISONBURG, VIRGINIA
TO FACILITIES LOCATED IN ROCKINGHAM COUNTY**

I. GENERAL INFORMATION**(By Applicant)**

Name of Applicant: D.R. Horton, Inc.

Address of Applicant: 2820 Waterford Lake Drive, Suite 204, Midlothian, VA 23112

Telephone of Applicant: 804-584-6220

Service Location ID: _____ TM _____ LOT 108-A-L29 Parcel

Service Location Address: _____

Type of Utility Requested: ☒ Water ☒ Sewer

Type of Utility Use: ☒ Residential ☐ Commercial ☐ Industrial ☐ Institutional

☐ Agriculture ☐ Other: _____

Rockingham County Approval: Attachment _____

II. UTILITY INFORMATION**(By Applicant)**

- A. Average Daily Usage:
- 242 Equivalent Residential Connections * 260 gpd / E.R.C. = 62,920 gpd
- Other Calculations: _____
- Specific Data (describe): _____
- B. Peak Daily Usage
- AWWA Fixture Units is Equivalent to _____ gpm
- Average Daily Demand * Peak Factor of _____ = _____ gpm
- Specific Data describe): _____
- C. Fire Flow Demand
- Requirement 750 gpm
- Describe needs assessment: ASSUMED

III. UTILITY ASSESSMENT COMMENTS

(By Director)

A. System Zone for WaterZone ID: 1ST LOW / PARK VIEWZone Transfer & Storage Issues for Daily Demand: SEE ATTACHED CAPACITY EVALUATION SUMMARY

Site Specific Delivery and Pressure Issues for

Peak Demand: _____

Fire Flow Demand: _____

Other Issues: _____

B. System for Sanitary SewerCollection System Comments: SEE ATTACHED CAPACITY EVALUATION SUMMARYInterceptor System Comments: SAMETreatment System Comments: SAME

Note: Comments may include the need for engineering evaluations that shall be completed prior to final evaluation of this application.

IV. RECOMMENDATION

- ☐ Recommendation for Approval
- ☐ Recommendation for Approval Subject to the Applicant Completing the following:

- ☒ Forward to Planning Commission - letter review
- ☐ Forward to City Council

DocuSigned by:

Rob LoftisSignature of Applicant
7/28/2022

Date

Mike C
Signature of Director of Public Utilities

Date

1.17.2023

**Request for Review of Availability for Water and/or Sewer
To Land Located in Rockingham County**

City of Harrisonburg Code of Ordinances Section 7-2-4 requires that Rockingham County (the County) acknowledge that an Applicant (as defined in such ordinance) has requested public utility service from the City of Harrisonburg (the City) for property located in the County. By signatures of the Applicant, and authorized representatives of the City and the County, the City will begin to evaluate the City's ability to provide the requested services.

APPLICANT

The signature of the Applicant is an official request to obtain City utility services and acknowledgement that Applicant has reviewed the conditions of City Code of Ordinance Section 7-2-4 (see Page 2), including the requirement to submit certain documents incidental to this application.

Services Requested:

WATER (Please Initial)

DS
RL

Rob Loftis

Signature

SEWER (Please Initial)

DS
RL

Rob Loftis

Date

CITY OF HARRISONBURG

The signature of the City's Director of Public Utilities acknowledges the Applicant's request for utility services from the City. The signature does not constitute approval of services, but the City's intent to review the request and evaluate the City's ability to provide the requested services. The City will provide to the County a statement regarding the availability of requested services and the City's intent to provide such services subject to approval by the County.

David A. [Signature]
Director of Public Utilities

8-1-22
Date

COUNTY OF ROCKINGHAM

The signatures of the County Officials below acknowledge the Applicant's intent to use utility services of the City instead of the County. These signatures shall not imply approval by the County of the provision of said services by the City. Final approval is contingent upon the Board of Supervisors' consent pursuant to Virginia Code, Section 15.2-2143. This acknowledgement in no way implies or constitutes approval of any rezoning, special use permit or any other land use related request that requires Board or administrative approval.

Randall Cooper
Director of Community Development

7.29.22
Date

[Signature]
Director of Public Works

8-1-22
Date

Comments: _____

APPLICATION FOR PUBLIC UTILITIES FROM CITY OF HARRISONBURG, VA
TO FACILITIES LOCATED IN ROCKINGHAM COUNTY
AUTHORIZATION OF REVIEW

City Code of Ordinance Section 7-2-4(e) states, "The Director may charge a reasonable fee to cover time and expenses of processing the application". The following policy shall be used to distribute the expenses incurred by the Department of Public Utilities.

1. **Initial Review:** There shall be no charge to execute the "Application and Acknowledgement" form used to initiate the review process by City and County officials. There shall be no charge to provide the first response to the "Application for Public Utilities From City of Harrisonburg, Virginia to Facilities Located in Rockingham County: Code of Ordinance 7-2-4". It should be recognized that the first response may be a letter of recommendation for approval or disapproval, or, it may provide stipulations for additional information or engineering evaluation.
2. **Continued Review:** Under circumstances progressing beyond the initial review, the Department shall invoice the applicant for specific cost as incurred. Upon request, the Department may provide a non-binding estimate for the applicant to consider. The costs shall include, but are not limited to: processing, consulting and support as applied directly to the management of the application.

"Processing costs" - shall only include the time of the "application officer" to handle, coordinate, evaluate, review and manage the process until the application has been closed; unit billing rate shall be \$28.55/hour.

"Consulting costs" - shall refer to contracted, or in-house, hydraulic modeling performed to evaluate the water or sewer system impact. Contracted cost shall be forwarded at invoice costs. In house engineering rate shall be at \$34.55/hour.

"Support costs" - shall refer to the collection of information by field technicians billed at the rate accepted to # person crew used.

I hereby acknowledge that I may be charged according to the above policy.

DocuSigned by:

Rob Loftis

Name BBAE9D74AF...

7/28/2022

Date

2820 Waterford Lake Dr.

P.O. Box; Street #

Midlothian, VA 23112

City, State, Zip

**ORDINANCE AMENDING AND RE-ENACTING SECTION 7-2-4
OF THE CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

That Section 7-2-4 be repealed and replaced by the following provisions:

(a) The owner or his agent (the Applicant of a parcel of land located outside the corporate limits or the City of Harrisonburg may apply to the Director of Public Utilities of Harrisonburg (the Director) for permission to connect to the City's potable water or sanitary sewer systems. Prior to applying for approval from the City, the Applicant shall obtain acknowledgement from the County of Rockingham of his request for City utility services. Such acknowledgement may take whatever form is acceptable to both the County and the Director, and need not commit the County to final approval. Such acknowledgement by the County shall be submitted with the application to the City. For new water connections, the application shall include (i) the estimated average daily demand, (ii) peak instantaneous demand, and (iii) fire flow demands.

(b) Where the intended use of the Applicant's land is residential involving fewer than ten units, the Director shall either approve or reject the application. Where there is any other intended use the Director shall forward the application to the Planning Commission for its recommendation. After consideration by the Commission, the application shall be forwarded to City Council, with the recommendations of both the Commission and Director for final approval or rejection.

(c) Prior to acting on the application, the Director may require that the Applicant submit appropriate engineering reports or studies that demonstrate the anticipated impact on the City's water or sanitary sewer system along with any recommendations for changes or additions to the City's infrastructure indicated because of the proposed new connections. All engineering studies and reports shall be paid for by the Applicant.

(d) All infrastructure, whether it be an extension to a main, or a new service line or lateral, shall be installed in accordance with the City's Design and Construction Standards Manual at the Applicant's expense. Once installed by the Applicant and accepted by the Director, water lines up to the meter and sanitary sewer lines up to the laterals shall be the property of the City. The Applicant shall provide all reasonably required easements, at the Applicant's expense.

(e) The Director may charge a reasonable fee to cover time and expenses of processing the application.

(f) The "main" is a water or sanitary sewer line that serves more than one customer. A "service line" is a water line proceeding from a main that serves one customer. A "lateral" is a sanitary sewer line proceeding from a main that serves one customer.

INFRASTRUCTURE INTERCONNECTION AGREEMENT

This Infrastructure Interconnection Agreement is entered into on this 30th day of July, 2024 by and between, MILA LLC ("Owner/Developer"), and the CITY OF HARRISONBURG, VIRGINIA ("City"). The Owner/Developer and City agree to the following terms and conditions regarding Owner/Developer's commitment to design and construct public water and sewer connections and transportation facilities and for those connections to be made public, as part of the development described herein.

RECITALS

1. Owner/Developer is the owner of and plans to develop Rockingham County Tax Map Parcel 108-A-29, totaling 85.7 acres, more or less (collectively the "Granite Farm Development"), which Tax Map Parcels have primary planned access to Shenstone Drive and Stonechris Drive in the City.
2. The Owner/Developer intends to submit an engineered site plan application to Rockingham County for review and approval of a housing development (Granite Farm Development) lying within the County, and requests to connect the development's proposed new public streets to City streets to provide adequate access to the development. The Owner/Developer also intends to apply for water and sewer service from the City of Harrisonburg to support the development.
3. Consensus was reached between the Owner/Developer and the City that the provision, location, and connection of specific transportation facilities, as well as the provision of a public waterline easement and the design of sewer system upgrades would be provided by the Owner/Developer.
4. Owner/Developer has reached an agreement with the City to design, bond with the City, and construct specific transportation facilities, subject to the terms, conditions and limitations set forth herein.

AGREEMENT

It is therefore agreed between the parties as follows:

Transportation Items:

1. During site development (overall grading, utility construction, and street construction), the construction entrance shall be from Switchboard Road and construction access shall not be permitted onto Shenstone Drive or Stonechris Drive in the City during any part of the site development sequence.
2. The City of Harrisonburg shall withhold access to City water service to any dwelling located in phase 2 of the development, as depicted in Exhibit A, until:
 - (a) the Switchboard Road, Shenstone Drive, and Stonechris Drive street connections are made open to the public (does not have to include final paving),
 - (b) the mini roundabout at the intersection of Shenstone Drive/Westfield Court is completed. Should site constraints/conflicts preclude the construction of the mini roundabout, this requirement may be waived by the City. A request for a waiver must be made in writing to the City, and include justification of the request, as

well as a description of efforts made to provide the mini roundabout prior to the request, and

- (c) the construction of the street stub (or connection) and shared use path stub (or connection) to Tax Map Parcel 037-C-2, located in the City as depicted in Exhibit A, are open to the public.
- 3. The location of the proffered public street stub (or connection) and shared use path stub (or connection) to City Tax Map Parcel 037-C-2 shall be made at a location mutually agreed upon by the Owner/Developer, the owner of City Tax Map Parcel 37-C-2, and the City. If the Granite Farm Development designs/constructs the street and/or path connections (stubs) prior to City Tax Map Parcel 037-C-2 constructing such stubs, then the Granite Farm Development site plan shall include extension of the facility(ies) profile into City Tax Map Parcel 037-C-2 for a minimum distance of three hundred (300) feet, to show the feasibility of making the future connections compliant with street/path design standards, as determined by VDOT and the City. The Owner/Developer shall provide on-site temporary construction easements of sufficient width to accommodate the future completion of the street when City Tax Map Parcel 037-C-2 develops.

However, if the street and/or path stub(s) from City Tax Map Parcel 037-C-2 are present, or scheduled to be completed, prior to Granite Farm Development beginning construction on these connections, then the site plan shall indicate completion of the connection(s) to the stubbed facilities on City Tax Map Parcel 037-C-2, instead of stubs terminating on the Owner/Developer's property. The Owner/Developer shall provide on-site temporary construction easements of sufficient width to accommodate the future completion of the street and shared use path when City Tax Map Parcel 037-C-2 develops.

Public Utility Items:

Onsite Utilities

- 4. The City of Harrisonburg shall provide water and sanitary sewer services upon construction and dedication by the Owner/Developer to the City of all water and sewer utilities. The aforementioned utilities shall be according to the engineered site plan approved by the Harrisonburg Department of Public Utilities. Substantial completion for partial development approval may be considered at the discretion of the Director of Public Utilities.
- 5. The Owner/Developer shall provide a 30' wide public waterline easement as generally depicted in Exhibit A.

Offsite Utilities

- 6. Construction drawings approved by the Harrisonburg Department of Public Utilities for the sanitary sewer upgrades identified in the Sewer Study by Dewberry dated October 2022 shall be required prior to approval of the engineered site plan referenced in item #4 above.
- 7. Water and sanitary sewer services will be provided upon construction and dedication by the Owner/Developer to the City of all offsite sanitary sewer improvements identified in item #6 above. Determination of share funding, schedule of payments, and substantial

completion for partial improvement approval may be considered at the discretion of the Director of Public Utilities.

8. Nothing in this agreement shall obligate the City to make an immediate cash flow contribution toward necessary improvements for the benefit of the Development, nor shall anything in this agreement prohibit the Owner/Developer from constructing necessary improvements at its own cost.

General

9. This Agreement may be modified or amended, and the provisions of this Agreement may be waived, only by a writing executed by all parties.
10. If any provision of this Agreement is determined by a court having competent jurisdiction to be unenforceable to any extent, the provision determined to be unenforceable shall be deemed stricken and the remaining provisions of the Agreement shall remain valid and enforceable.
11. This Agreement is to be governed by and construed in accordance with the laws of the Commonwealth of Virginia. Venue for any litigation arising out of or involving this Agreement shall lie solely in the Circuit Court of Rockingham County, Virginia.
12. If there is a dispute of any kind between any parties arising under this Agreement, upon the written request of a party, then each party shall engage in the dispute resolution process as set forth below:
 - (a) Designation of a Senior Representative; Negotiation. Each of the parties to whom the dispute pertains will designate one or more senior representatives to negotiate with the other parties' senior representative in good faith and as necessary to attempt to resolve the dispute without any formal proceedings.
 - (b) Corrective Action. If the negotiated resolution of the dispute requires any party to take, cause to be taken, or cease taking some action or practice, that party shall do so within a reasonable period of time, not to exceed 30 days.
 - (c) Dispute Resolution Process a Prerequisite to Starting Court Proceedings. No party may initiate court proceedings by filing an action in a court of competent jurisdiction to resolve a dispute until the earlier of: (i) a good faith mutual conclusion by the senior representatives that amicable resolution through continued negotiation of the dispute does not appear likely; or (ii) 30 days after the initial request to negotiate the dispute. After either condition has occurred, a party may file an action in the jurisdiction and venue provided in this Agreement and may pursue any other remedy available by law or in equity. Each party shall pay its own attorney's fees.
 - (d) When the Dispute Resolution Process is Not Required. Nothing in this Section 11 will, however, prevent or delay a Party from instituting court proceedings to:
 - (i) avoid the expiration of any applicable limitations period; or (ii) seek declaratory and injunctive relief.
13. This Agreement shall be binding upon the Owner/Developer its successors and/or assigns and shall inure to the benefit of the City of Harrisonburg and Rockingham County. The City shall have the right to record this Agreement or a memorandum thereof and Owner/Developer agrees to sign the memorandum at the request of the City.

[Signature page follows.]

City of Harrisonburg, VA

By: _____
Alexander Banks, VI
City Manager

MILA, LLC

By: David W. Mistend owner
[name, position]

STATE OF VIRGINIA,
COMMONWEALTH AT LARGE,
COUNTY/CITY OF Rockingham, to-wit:

The foregoing instrument was acknowledged before me in the aforesaid jurisdiction
this 30th day of July, 2024, by [owner/developer personnel name].
My commission expires: 07-31-2026
Notary Registration No.: 8032939.



Brittany D Harris
Notary Public

STATE OF VIRGINIA,
COMMONWEALTH AT LARGE,
COUNTY/CITY OF _____, to-wit:

The foregoing instrument was acknowledged before me in the aforesaid jurisdiction
this ____ day of _____, 2024, by Alexander Banks, VI.
My commission expires:
Notary Registration No.: _____.

Notary Public

Q:\50152171\CD\Granite Farm\Granite Farm\Exhibits\Concept Plan A 3-27-24.dwg Mar 27, 2024 - 2:44pm



NOTES

1. PROPERTY AREA: +/- 92 ACRES (88 ACRES IN ROCKINGHAM COUNTY, 4 ACRES IN CITY OF HARRISONBURG)
2. EXISTING ZONING:
 - 2.1. ROCKINGHAM COUNTY = R-3 (80' MIN. LOT WIDTH, 10,000sqft MIN.LOT AREA)
 - 2.2. CITY OF HARRISONBURG = R-1 (80' MIN. LOT WIDTH, 10,000sqft MIN LOT AREA)

LEGEND

- OPEN SPACE
- RESIDENTIAL LOT AREAS
- SHARED USE PATH
- MINI ROUNDABOUT
- 30' WATERLINE EASEMENT
- PHASE LINE (APPROXIMATE)

STREET STUB

30' WATERLINE EASEMENT

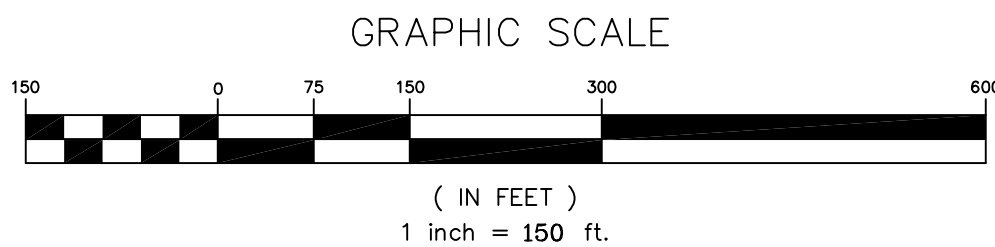
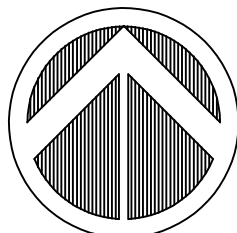
SHENSTONE DRIVE

WESTFIELD COURT

STONECHRIS DRIVE

SHARED USE PATH

30' WATERLINE EASEMENT



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GRANITE FARM
EXHIBIT - "A"



ROCKINGHAM COUNTY
& CITY OF HARRISONBURG, VA
JULY 2, 2024
SCALE: 1"=150'

Dewberry
Engineers

13575 HEATHCOTE BLVD.
SUITE 130
GAINESVILLE, VA 20155-6693
PHONE: 703.468.2211
FAX: 703.468.2212



CITY OF HARRISONBURG PUBLIC UTILITIES

2155 BEERY ROAD, HARRISONBURG, VA 22801
OFFICE (540) 434-9959 • FAX (540) 434-9769

To: City Planning Commission and City Council
From: Mike Collins, Director of Public Utilities
Date: December 29, 2022
Re: Granite Farms Technical Capacity Review

This memorandum is to summarize the findings of a technical review of the impacts of the proposed Granite Farms subdivision on the City's water and sewer infrastructure. Granite Farms is a proposed 92.1 acre residential development immediately north of the existing Westfield Subdivision on West Market Street. 4.16 acres of the development are located within the City's Corporate Limits with the remaining 87.9 acres located in Rockingham County. The development includes 242 proposed residential lots and seeks public water and sanitary sewer services from the City of Harrisonburg.

Harrisonburg Public Utilities, HPU, recognizes 5 key areas of impact for analysis. These include 1. Raw Water Supply and Treatment Capacity, 2. Water System Transmission Capacity, 3. Sanitary Sewer Collection Capacity, 4. HRRSA Interceptor Capacity and 5. HRRSA Treatment Capacity. This memorandum will address our review of all five.

RAW WATER SUPPLY AND TREATMENT CAPACITY

The City's Raw Water Management Plan incorporates a plan to supply 15.00 million gallons per day, MGD to our water treatment plant for purification. Of this 15.00 MGD HPU currently recognizes the following uses and allocations:

City Water Sales	7.86 MGD*
Drought Season Peak	3.08 MGD
Unaccounted for Water (Loss)	1.30 MGD
Process Usage	0.25 MGD
Open Market – Available	0.37 MGD
Rockingham County Sales – Contract	1.00 MGD
Rural Water Sales	0.88 MGD
Reserved Rural Market	0.26 MGD
Total	15.00 MGD

*Assumes undeveloped lands build out to the City's current Land Use Guide.



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The allocations above indicate the City currently has an open market of 0.37 MGD available for sale. It should be noted that the table shows City demands totaling 7.86 MGD at full build out. However, if the current vacant lands develop per their current zoning the calculated demand is much less and yield an open market of 1.75 MGD for sale. Alternately, if all of the City were to be built or re-built to the current land use plan there would be a deficit of available capacity of 1.51 MGD. For the purposes of this study, HPU has assumed that existing lands will remain as they are and undeveloped lands will develop per the approved Land Use Guide.

WATER SYSTEM TRANSMISSION CAPACITY

The proposed development is located near the Water Treatment Plant. The applicant performed a computerized hydraulic model to simulate the new development connection to the City's water distribution network. The calculations require that the lower elevations of the site may be served by gravity through the City's existing 24" transmission mains while the upper elevations require connection to the adjacent Park View zone. The development will likely require the applicant to construct minor improvements to the Park View water system to achieve the required fire flow to the proposed development. In summary, the proposed development will use very little of the City's transmission and distribution capacity and all new infrastructure to serve the site will be installed by the developer.

SANITARY SEWER COLLECTION CAPACITY

The applicant was also tasked to study the capacity of the City's sewer system to convey the proposed development in addition to the existing and undeveloped City flows. The study included nearly 1,999 feet of sanitary sewer lines scheduled for replacement in 2060. The development will accelerate the replacement of these lines for capacity purposes at an estimated cost of \$300,000. An additional 252 length of sewer will be added to the replacement schedule to coincide with the replacements above for consistency. The expedited schedule will forego about 50% of the useful life of the existing pipes, \$169,000.

HRRSA INTERCEPTOR CAPACITY

HRRSA prepared a Level of Service Master Plan Report in July 2017. In that report they identified the City's capacity in the Upper Cooks Creek Interceptor to be 2.6 MGD. This is a maximum available capacity, not an average capacity subject to peaking factors. HPU has added the existing City flows as measured at the HRRSA flume (1.4 MGD), the calculated Granite Farms peak flow (0.06 MGD), estimated flows from undeveloped City lands above the HRRSA flume



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(0.15 MGD) and estimated flow from both developed and undeveloped flows downstream of the HRRSA flume (0.59 MGD) for a total of 2.20 MGD peak flow. These calculations include the proposed intense development called Bluestone Townes at the intersection of Garber's Church Road and Erickson Avenue. The calculated peak flow from the City into the Upper Cooks Creek Interceptor is less than the allocated capacity of 2.6 MGD.

HRRSA TREATMENT CAPACITY

Harrisonburg has a current treatment allocation of 12.8 MGD in the HRRSA wastewater treatment facility. HRRSA evaluates the City's flows in a Maximum 3 Consecutive Month peak. The City's current projections indicate that the City will exceed our allocation full build out. This overage is attributable to Infiltration and Inflow, I&I in collection system estimated at 6.34 MGD. While it is impractical to expect to remove all I&I, HPU's management plan includes efforts to reduce this I&I from 6.34 to 5.16 MGD for current planning. The addition of Granite Farms flow will increase this goal by 5.6% to offset the new flows. This goal is a reasonable expansion.

Summary

Providing service to an out of City customer has specific financial advantages to our utilities operations, particularly, by providing subsidy revenue to allow for lower in city customer rates. This practice, which is common to our past and present, is a major reason that our current utilities rates are around 58% of statewide averages.

HPU has evaluated the proposed development using the five-point criteria for water and sewer capacity. The development can be favorably served water and sewer on four of the five criteria.

- Favorably for water capacity, the proposed development will use water treatment capacity that would otherwise go unused and will use minimal pipe network infrastructure with no apparent negative impacts.
- Favorably for sewer capacity, the proposed development will use HRRSA interceptor pipe capacity that would otherwise go unused; the revenue from the development will assist the City to invest in I&I abatement and thus allow for better use of the total treatment capacity.
- The unfavorable exception is the sanitary sewer collection system at the lower section of Hillendale Park. Approval of this project may expedite HPU assets replacement schedules and may cause existing useable assets to be abandoned.



CITY OF HARRISONBURG
PUBLIC
UTILITIES

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Recommendations

HPU herein recommends approval to provide both water and sewer service to the proposed development subject to:

1. Preliminary Engineering Report submitted per Harrisonburg Design and Construction Standards and approved by Harrisonburg Public Utilities.
2. Utility site plan submitted per Harrisonburg Design and Construction Standards and approved by Harrisonburg Public Utilities; ownership of utilities is to be in perpetuity by the City of Harrisonburg.
3. Recommend that City Council take administrative action as necessary to collect under City Code of Ordinance Section 7-4-22 an additional \$1,000 in sewer fees for each equivalent $\frac{3}{4}$ " meter. Fees will be collected at the time when each lot connects to the public sewer. The sum collection of funds will offset loss of existing useable assets. The time of collection will coincide with the time of burden place upon the sewer system by the development.

Recommended by Mike Collins, Director of Public Utilities

Mike Collins 01.13.23