

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

I. GENERAL INFORMATION	(By Applicant)
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Name of Applicant: Partners Development, LLC - Contact: Carl Berkey

Address of Applicant: 859 Colton Trail Mount Crawford, VA 22841

Telephone of Applicant: (540) 476-2174

Service Location ID: 107-A-166 TM _____ LOT _____ Parcel _____

Service Location Address: Walnut Creek Drive Harrisonburg, VA 22801

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)
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A. Average Daily Usage:
50 Equivalent Residential Connections * 260 *gpd* / E.R.C. = 13,000 *gpd*
 Other Calculations: _____

 Specific Data (describe): _____

B. Peak Daily Usage
 AWWA Fixture Units is Equivalent to _____ *gpm*
 Average Daily Demand * Peak Factor of 2.5 = 26.04 *gpm*
 Specific Data describe): Peak Hourly: 11.4 * (50 Residential Units^{0.544}) = 96 *gpm*
Average Daily Demand: 300 *gpd* * 50 Lots = 15,000 *gpd* = 10.416 *gpm*

C. Fire Flow Demand
 Requirement 1,000 *gpm* *gpm*
 Describe needs assessment: 1,000 *gpm* fire flow needed for single family residential development.
Total Demand for this project is 1,096 *gpm*.

III. UTILITY ASSESSMENT COMMENTS

(By Director)

A. System Zone for Water

Zone ID: 1ST LOW

Zone Transfer & Storage Issues for Daily Demand: 5 MG STORAGE @ WTP

NORMAL OPERATING PRESSURES 90-114 PSI

Site Specific Delivery and Pressure Issues for

Peak Demand: NORMAL OPERATING PRESSURES 90-114 PSI

Fire Flow Demand: 1,000 GPM DELIVER @ +/- 65 PSI

Other Issues: HYDRAULIC SYSTEM REVIEWED AND APPROVED IN P.E.R. DATED 12.12.17

B. System for Sanitary Sewer

Collection System Comments: N/A

Interceptor System Comments: N/A

Treatment System Comments: N/A - REQUIRES COORDINATION IN BILLING; CITY WATER METERS / COUNTY SEWER

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:

See attached supplement: Application for Public Utilities from the City of Harrisonburg to Facilities Located in Rockingham County

Forward to Planning Commission

April 10, 2018 by Mike Colton

Forward to City Council

Signature of Applicant

[Signature]
Signature of Director of Public Utilities

Date

Date

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

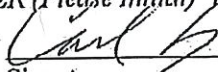
City of Harrisonburg Code of Ordinances Section 7-2-4 requires that Rockingham County (the County) acknowledge that an Applicant (as defined in such ordinance) has requested public utility service from the City of Harrisonburg (the City) for property located in the County. By signatures of the Applicant, 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:

SEWER (Please Initial) WATER (Please Initial)



Signature

1/30/18

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.



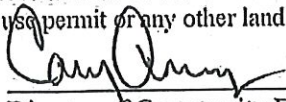
~~Director~~ of Public Utilities

2-7-18

Date

COUNTY OF ROCKINGHAM

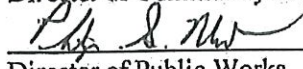
The signatures of the County Officials below acknowledge the Applicant's intent to use utility services of the City instead of the County. These signatures shall not imply approval by the County of the provision of said services by the City. Final approval is contingent upon the Board of Supervisors' 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.



Director of Community Development

2-1-2018

Date



Director of Public Works

2-1-18

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.

Name

Date

P.O. Box; Street #

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.



City of Harrisonburg, Virginia

Water and Sewer Operations Center

2155 Beery Road

Harrisonburg, Virginia 22801

(540) 434-9959 / Fax (540) 434-9769



Supplemental Attachment: Application for Public Utilities From the City of Harrisonburg, Virginia to Facilities Located in Rockingham County: April 10, 2018

- **Name of Applicant:** Partner's Development, LLC – Contact Carl Berkey
- **Location:** Lots 24 through 73 on drawing titled "Belmont Preliminary Plat" dated January 2006 by Lineage Architects, P.C.

Review Summary by Mike Collins

- **Application shows approval by Rockingham County Director of Community Development Casey Armstrong on 2-1-2018. This will be a development where the customers are directly serviced water by the City of Harrisonburg and directly serviced with sewer by Rockingham County.**

Generally, the fore mentioned arrangements are undesirable to the customer service perspective as the customer must deal directly with two separate providers. It is also cumbersome in that the utility purveyor's administration agenda requires that the two must share data for billing purposes. However, this is an extension of a rather large service area with the fore mentioned service arrangements having been in place and successful for an extended history. *Recommend approval on this perspective.*

- **Direct service as a rural customer to the City of Harrisonburg requires that the City allocate 15,000 gallons per day of its unused raw water and treatment capacity to this request.**

Harrisonburg's Raw Water Supply Management Plan makes accommodations for its service to rural customers to grow from 850,000 gallons per day to 1,000,000 gallons per day. *Recommend approval on this perspective; however, subject to the expiration date of the forthcoming site plan for water services that shall be approved by Harrisonburg Public Utilities; thereafter reapplication for approval shall be required for*

all undeveloped or un-serviced lots. This is to assure that assets are not stranded under conditions where they might be marketed with a more immediate or desirable return on investment.

- **HPU engineering review has established that connection and extension of existing local water infrastructure will provide adequate service to the new customers with no effect to existing customers.**

Recommend approval on this perspective; however, subject to requirements to improve water infrastructure flow, water quality and reliability through installation of a second feed pipe (approved by Harrisonburg Public Utilities) to be connected to Silver Lake Road or Erickson Avenue to coincide (prior to sale of 26th lot) with access requirements set forth by Rockingham County in letter of November 15, 2005 by Rhonda Henderson to Carl Berkey.



COUNTY of ROCKINGHAM
Department of Community Development

William L. Vaughn
Director

November 15, 2005

Carl Berkey
3401 Hemlock Street
Harrisonburg, VA 22801

Dear Mr. Berkey:

At the regular meeting of the Rockingham County Board of Supervisors held on October 26, 2005, your request for rezoning 36.809 acres from A2 (General Agricultural) to R2-C (Medium Density Residential with Conditions), on parcel # 107 (A) 166 and a portion of 107 (A) 167E, was approved with the following conditions:

July 27, 2005

The following conditions and proffers are made part of the rezoning application:

1. Land use is restricted to single family residential
2. All lots will be served by public water and sewer. Individual sewage disposal systems and/or wells are prohibited.
3. No townhouse, duplex, mobile home, double-wide manufactured home, or house trailer shall be constructed or placed on the property.
4. No more than 74 total lots shall be platted on the above-referenced properties, in which the rezoning application applies to.
5. No more than 25 lots per year shall be platted in any 12-month period.
6. A 5' wide sidewalk shall be constructed along one side of the proposed streets.
7. a) Only 25 lots will be sold prior to developing an additional access, either to Silver Lake Road or to Erickson Avenue. The access to Erickson Avenue to be by either an extension from the subject property, or by an extension of White Oak Drive.
b) Additionally, after the alternate access is developed, the remaining land will be developed in such a way that all new traffic will use the alternate access until the last lots are developed (i.e. last section of the subdivision is developed).

October 26, 2005

As further clarification and restriction of paragraph 7, 7.c further restricts access onto Tulip or White Oak. This restriction will allow 23 lots to use White Oak and will be 23 of the 25 lots that can be developed in any one year. After that, access for the remaining lots will be via Silver Lake Road unless there is a new street connecting to Erickson. The proffer is as follows:

20 East Gay Street
Harrisonburg, VA 22802

Telephone (540) 564-3030
Fax (540) 564-2922

PO Box 1252
Harrisonburg, VA 22803

Web Site: www.rockinghamcountyva.gov

7. o) Only the twenty-three (23) lots being developed on the original Berkey land (not land formerly Swope) will have access to White Oak Drive until such time as an additional access is developed to Erickson that connects either to White Oak or to a street dedicated on the Berkey (Swope) property. Until that occurs, the development of the remaining Berkey land (formerly Swope) will only have access via Silver Lake Road.

It is understood and agreed that either the County or VDOT may authorize a Knox box gate at Tulip and at the end of the new street at the point at which it extends onto the Swope land at the Berkey/Swope property line to enforce the aforesaid access. We will put a covenant in each deed for all lots, except the first twenty-three (23) lots, giving notice of the restriction on access. We will install the Knox box gates at our expense.

All necessary subdivision plats must be approved by this office, prior to beginning any construction.

If I can be of further assistance to you, please call me at 564-3030.

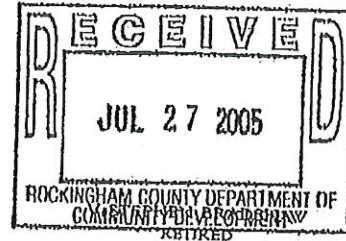
Sincerely,



Rhonda G. Henderson
Director of Planning

HENRY C. CLARK
M. STEVEN WEAVER
MARK B. CALLAHAN
TODD C. RHEA
LAURA S. EVICK
MATTHEW C. SUNDERLIN
BRADLEY J. MOYERS

CLARK & BRADSHAW, P. C.
ATTORNEYS AT LAW
92 NORTH LIBERTY STREET
P. O. BOX 71
HARRISONBURG, VIRGINIA 22803-0071
TELEPHONE (540) 433-2601
FACSIMILE (540) 433-5528



ELLEN H. BRODERSEN, C.P.A.
(NOT AN ATTORNEY)

July 27, 2005

Rockingham County Planning Department
Rockingham County Administration Center
20 East Gay Street
Harrisonburg, VA 22802

Amended and Restated

Re: Berkey rezoning request proffers

To Whom It May Concern:

Please be advised that this is a letter of proffers for the Carl D. and Rose N. Berkey property and the Partners Development, Inc. property located on the northwest end of White Oak Drive, approximately 135 feet northwest of Tulip Terrace in the Central Magisterial District consisting of 36.809 acres, subject to our rezoning request. Tax Map # 107(A) 167E and Tax Map # 107(A) 166.

The following conditions and proffers are made part of the rezoning application:

1. Land use is restricted to single family residential
2. All lots will be served by public water and sewer. Individual sewage disposal systems and/or wells are prohibited,
3. No townhouse, duplex, mobile home, double-wide manufactured home, or house trailer shall be constructed or placed on the property.
4. No more than 74 total lots shall be platted on the above-referenced properties, in which the rezoning application applies to.
5. No more than 25 lots per year shall be platted in any 12-month period.
6. A 5' wide sidewalk shall be constructed along one side of the proposed streets.
7. a) Only 25 lots will be sold prior to developing an additional access, either to Silver Lake Road or to Erickson Avenue. The access to Erickson Avenue to be by either an extension from the subject property, or by an extension of White Oak Drive.
b) Additionally, after the alternate access is developed, the remaining land will be developed in such a way that all new traffic will use the alternate access until the last lots are developed (i.e. last section of the subdivision is developed).

CLARK & BRADSHAW, P. C.

ATTORNEYS AT LAW

92 NORTH LIBERTY STREET

P. O. BOX 71

HARRISONBURG, VIRGINIA 22803-0071

TELEPHONE (540) 433-2601

FACSIMILE (540) 433-5528

V. STEPHEN BRADSHAW
RETIRED

ELLEN H. BRODERSEN, C.P.A.
NOT AN ATTORNEY

HENRY C. CLARK
M. STEVEN WEAVER
MARK B. CALLAHAN
TODD C. RHEA
LAURA S. EVICK
MATTHEW C. SUNDERLIN
BRADLEY J. MOYERS

October 26, 2005

Rockingham County Planning Department
Rockingham County Administration
20 East Gay Street
Harrisonburg, VA 22802

Additional Proffer to
July 27, 2005 Proffers

Re: Berkey Rezoning Request Proffers

To Whom It May Concern:

As further clarification and restriction of paragraph 7 of the Amended and Restated Proffers dated July 27, 2005, the undersigned further proffers the following, which proffer further restricts access onto Tulip or White Oak. This restriction will allow 23 lots to use White Oak and will be 23 of the 25 lots that can be developed in any one year. After that, access for the remaining lots will be via Silver Lake Road unless there is a new street connecting to Erickson. The proffer is as follows:

7. c) Only the twenty-three (23) lots being developed on the original Berkey land (not land formerly Swope) will have access to White Oak Drive until such time as an additional access is developed to Erickson that connects either to White Oak or to a street dedicated on the Berkey (Swope) property. Until that occurs, the development of the remaining Berkey land (formerly Swope) will only have access via Silver Lake Road.

It is understood and agreed that either the County or VDOT may authorize a knox box gate at Tulip and at the end of the new street at the point at which it extends onto the Swope land at the Berkey/Swope property line to enforce the aforesaid access. We will put a covenant in each deed for all lots, except the first twenty-three (23) lots, giving notice of the restriction on access. We will install the knox box gates at our expense.

October 12, 2005
Page 2 of 2

PROPERTY OWNERS:

Carl D. Berkey
Carl D. Berkey

Rose N. Berkey
Rose N. Berkey

Partners Development, Inc.

By Carl D. Berkey

MSWmgb