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**CONCEPTUAL PLAN-18-0123. HRSD Treatment Plant Expansion within Carter's Grove AFD**

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**Staff Report for the March 12, 2019, Board of Supervisors Meeting****SUMMARY FACTS**

Applicant: Mr. Ted Henifin, Hampton Roads  
Sanitation District

Land Owner: Carter's Grove Associates, LLC

Location: 250 Ron Springs Drive

Tax Map/Parcel No.: 5820100002

Parcel Acreage: ± 76.10 acres

Agricultural & Forestal  
District (AFD): Carter's Grove

Zoning: R-2, General Residential

Comprehensive Plan: Federal, state and County land

Primary Service Area: Inside

Staff Contact: Tori Haynes, Planner

**PUBLIC MEETINGS**

AFD Advisory Committee: January 24, 2019, 4:00 p.m.

Planning Commission: February 6, 2019, 6:00 p.m.

Board of Supervisors: March 12, 2019, 5:00 p.m.

**SUMMARY STAFF RECOMMENDATION**

Staff recommends that the Board of Supervisors find the proposal necessary to provide service to the public in the most economical and

practical manner and that it will not have an unreasonably adverse effect upon state or local policy.

**AFD ADVISORY COMMITTEE RECOMMENDATION**

At its January 24, 2019 meeting, the AFD Advisory Committee voted 5-1-1 to recommend that the proposal is not necessary to provide service to the public in the most economic and practical manner and that it would have an unreasonably adverse effect upon state or local policy.

**PLANNING COMMISSION RECOMMENDATION**

At its February 6, 2019 meeting, the Planning Commission voted 5-2 to recommend that the proposal is necessary to provide service to the public in the most economic and practical manner and that it would not have an unreasonably adverse effect upon state or local policy.

**PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING**

None.

**PROJECT DESCRIPTION**

The Hampton Roads Sanitation District (HRSD) has stated it requires additional land adjacent to its Williamsburg Treatment Plant (WTP), located at 300 Ron Springs Drive, to add advanced treatment facilities to support alternative disposal of wastewater. Specifically, adding advanced water treatment and aquifer recharge facilities will allow HRSD to divert over 90% of the treated wastewater that is currently being discharged from the WTP into the James River to a beneficial reuse as a sustainable groundwater supply. This work has been proposed in response to a federal enforcement action taken by the United States Environmental Protection Agency (US EPA) and the Department of Justice (DOJ) against HRSD.

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HRSD has stated there is insufficient property at 300 Ron Springs Drive for the construction of such facilities. In accordance with State Code §25.1-106 and §15.2-4313, HRSD has stated its intent to acquire Parcel No. 5820100002 by condemnation for public utility purposes. This parcel is currently within the AFD.

While HRSD is pursuing ownership of the entire parcel, it has stated that it is not HRSD's intention to develop or remove all ± 76 acres from the Carter's Grove AFD. It is anticipated that approximately seven acres within the AFD will ultimately need to be cleared to support the new facilities. The undeveloped portions of the property will continue to serve as a buffer between the WTP and adjacent properties.

HRSD plans to minimize the impact to the District by designing and locating facilities in as compact a footprint as possible and utilizing tree surveys to preserve the most valuable specimens. The undisturbed portion of Parcel No. 5820100002 will be preserved and protected in accordance with the requirements of the AFD. HRSD has stated it is willing to dedicate a permanent conservation easement over the remaining portion of the parcel.

#### PARCEL AND DISTRICT HISTORY

- The site of the current HRSD WTP, 300 Ron Springs Drive, was acquired by HRSD from the Colonial Williamsburg Foundation prior to the creation of the Carter's Grove AFD. The parcel created at that time was carved out of 250 Ron Springs Drive, which wholly surrounds the HRSD property. 300 Ron Springs Drive is not part of the AFD.
- The Carter's Grove AFD was created in 2002 for a term of four years and originally consisted of three parcels totaling ± 320 acres.
- In 2006, the District was renewed for a four-year term. At this time, a 2.26-acre portion was withdrawn.

- The District was renewed for four-year terms in 2010 and 2014 with no additions or withdrawals.
- In 2015, a 1.56-acre parcel owned by Colonial Williamsburg Foundation was withdrawn.
- In 2018, the District was renewed for a four-year term with no additions or withdrawals.

#### DISTRICT DESCRIPTION

Carter's Grove AFD consists of ± 316 acres which were originally part of historic Carter's Grove Plantation. The District is mostly wooded with wetlands located near the river. The mansion and areas immediately surrounding it, including the gardens and entrance road, are not included in the AFD.

#### ANALYSIS AND REASON FOR BOARD OF SUPERVISORS REVIEW

The applicant is not requesting a withdrawal of the property at this time. Rather, per State Code, utilities may acquire interests in properties within an AFD provided the local governing body, in consultation with the AFD Advisory Committee and Planning Commission, reviews the proposal and specifically examines the following criteria found in §15.2-4313 (staff comments in *italics*):

- (i) the effect the action would have upon the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the district and the policy of this chapter;

*The applicant has stated it will reduce clearing impacts to approximately seven acres. Acquisition of the entire parcel will allow flexible siting of the new facilities to mitigate impacts to the forestal resources. Undeveloped portions of*

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*the parcel and the resources therein would be preserved in the AFD and would be subject to AFD regulations.*

*Currently, there are no active agricultural or forestal activities occurring on the subject parcel, and it is not receiving land use tax exemptions. The Carter's Grove AFD would be able to maintain the minimum required acreage for a District should some or all of the 76-acre parcel be withdrawn. No changes to the current AFD Ordinances or policies would result from this action.*

- (ii) the necessity of the proposed action to provide service to the public in the most economical and practical manner;

*Per the applicant, the proposed action is in response to a federal enforcement action taken by the US EPA and the DOJ and will provide necessary service to the public by alleviating groundwater shortages in the Hampton Roads region. The proposed acquisition will allow the project to be completed in the most economical and practical manner possible, as the new facilities can be constructed on property directly adjacent to the existing facilities and HRSD will be able to control the perimeter buffer and maintain the existing slopes and shorelines from erosion.*

- (iii) whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts on agricultural and forestal resources within the district.

*An alternative 24-acre parcel adjacent to the Carter's Grove AFD, located at 200 Ron Springs Drive, was evaluated as a potential site. Per the applicant, use of this site would increase capital costs by over \$1,000,000, not including land acquisition costs. There would also be increased operation and maintenance costs due to the separation between the existing facilities and the 24-acre site.*

*This alternative site would not eliminate impacts to the AFD, as HRSD would need to construct an access and utility corridor through the Carter's Grove AFD to reach the non-contiguous parcel. Given the landlocked nature of the HRSD parcel, staff finds there is no practical way to avoid action within this District if the project is to be completed in the most economical and practical manner possible.*

The evaluation and analysis of the proposal against these three criteria are a State Code-mandated process that is required when acquisition of a parcel by a political subdivision of the state is proposed. Once this step is concluded, HRSD will continue with its acquisition efforts.

At a future point in time, and prior to constructing any of the referenced improvements, HRSD must return to the County to apply to withdraw the property from the AFD and for any legislative approvals required for the plant expansion. Accordingly, the Board of Supervisors will consider those items at that time. The requested action today should be a determination as to whether the proposed action is necessary to provide service to the public in the most economical and practical manner, and whether it will have an unreasonably adverse effect upon state or local policy, based on the three criteria above.

### COMPREHENSIVE PLAN

The Comprehensive Plan designates this parcel as federal, state and County land. Public Facilities Action PF 3.7 states the County shall "support alternative water supply and conservation projects, such as collection and use of stormwater, reuse of gray water and reclamation of wastewater, where practical and financially feasible." Further, PF 3.8 states the County shall "explore opportunities to develop regional reclamation and reuse technologies and infrastructure in conjunction with neighboring jurisdictions and Hampton Roads Sanitation District."

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**STAFF RECOMMENDATION**

In consideration of the criteria discussed above, staff recommends that the Board of Supervisors adopt the written findings of this staff report and find the proposal necessary to provide service to the public in the most economical and practical manner and that it will not have an unreasonably adverse effect upon state or local policy.

TH/md  
CP18-123HRSD

Attachments:

1. Resolution finding the proposal consistent with the criteria established by Section 15.2-4313 of the Code of Virginia
2. Resolution finding the proposal not consistent with the criteria established by Section 15.2-4313 of the Code of Virginia
3. Location Map
4. Adopted Carter's Grove AFD Ordinance
5. HRSD Report dated December 12, 2018
6. Supplemental HRSD Report dated January 15, 2019
7. Letter from representatives of Carter's Grove Associates, LLC dated January 10, 2019
8. Request to DCR from representatives of Carter's Grove Associates, LLC dated January 10, 2019
9. Unapproved minutes of the January 24, 2019 AFD Advisory Committee meeting
10. Unapproved minutes of the February 6, 2019 Planning Commission meeting
11. State Code § 15.2-4313
12. Letter from DCR dated January 17, 2019
13. Letter from National Trust for Historic Preservation dated February 6, 2019