



ENGINEERING AND RESOURCE PROTECTION REVIEW COMMENTS
Xanterra Kingsmill Rezoning Master Plan Amendment
COUNTY PLAN Z-003-13 / MP-001-13
January 14, 2013

General:

1. RPA. It appears that the schematic layouts provided in the Community Impact Statement for Areas 5 and 6 impact known and projected resource protection areas. The response to previous comment indicates that a wetlands delineation has already been completed to assess potential impacts of the proposed development. According to staff records, this is only partially true. A 'Perenniality Determination, Request for Verification, County Road Area 8' was submitted by Kerr Environmental on May 3, 2010 and approved by staff on June 24, 2010. This study set the limits for the RPA in the area shown as Area 5 on the current masterplan submittal and the RPA shown in the submittal is not the same. The previously mentioned RPA study did not include Area 6 from the current proposal and there is a perennial stream with adjacent wetlands in this area. The location of the missing RPA information could have a significant impact upon the layout, especially Area 6. Any future proposed, non-water dependent RPA impacts associated with this masterplan, whether from stormwater management features, roads, or lot grading, would have a negative staff recommendation when those impacts need approval from the Chesapeake Bay Board. Although this may be during the time of plan of development, it would be proper to assess this during the conceptual layout stage in some manner.
2. Proffers. Draft proffer conditions were provided in the submittal. Please consider or explore the following for the project's voluntary proffer conditions to show environmental benefit consistent with provisions to protect and preserve natural resources and limit the least amount of disturbance to natural features. First, Page 9 of the CIS indicates use of upland water quality measures (LID features). Consider or explore a proffer condition to commit to use of Low Impact Development or Better Site Design measures within all or select land bays to show distinct environmental benefit. Second, the project narrative indicates that Areas 1, 2, 6 and 7 drain to the College Creek watershed. Consider or explore a condition to contribute to a future watershed management plan for College Creek to show distinct environmental benefit. Third, consider a proffer to include no RPA on lots smaller than 1/2 acre in size.
3. Channel Adequacy. Section VII of the CIS implies that stormwater requirements will be met if runoff is reduced from predevelopment rates. At the time of plan of development, the requirements of Minimum Standard # 19 and the County's Stream Channel Protection volume requirements will apply. If receiving natural channels are inadequate then channel improvements, stabilization, attenuation or a combination of these measures may be required. If onsite attenuation is required, County stream channel protection volume requirements will apply. Please revise the narrative in the CIS accordingly to reflect current County quantity control requirements.

4. MSWMP. In accordance with the previously approved master stormwater master plan for Xanterra Kingsmill LLC, Division Plan No. SWM-01-12 dated June 29, 2012, Wareham's Pond and Kingsmill Pond have been credited as 8 point BMPs. Please revise the amended master plan drawings and CIS accordingly. Also, the CIS should make mention of the previously approved master stormwater management plan.

The following comments are provided as guidance for the plan of development stage of the project, if rezoning occurs as proposed:

5. Kingsmill Pond. Please be advised that if Kingsmill Pond is not owned by Xanterra, a shared Inspection and Maintenance agreement between KCSA and Xanterra, as well as all necessary recorded drainage easements must be provided to the Engineering and Resource Protection Division prior to the issuance of any land disturbing permits for the proposed areas of development.
6. Dam Break Inundation. Please be advised that Areas 1 and 2 are downstream of a large dam, Kingsmill Pond. Area 5 is downstream of a large dam, the Rhine River Lake. Both are known to be subject to state dam safety act and regulation requirements (ie. state inventoried dams). Therefore, at the time of plan of development, site plans for these land bay developments will be subject to the provisions of mapped dam break inundation zone requirements of the state dam safety act and regulations and Section 19-27(k) and 19-29(o) of the County's subdivision ordinance. However, it would be proper to assess this during the conceptual layout stage in some manner.
7. Downstream BMPs. The provisions of Section 23-9(b)(8)(a) of the County's Chesapeake Bay Preservation ordinance will apply to this project. This is if proposed land bay developments as part of the rezoning have reliance on the previously approved master stormwater management plan or existing stormwater management BMP facilities for water quality compliance. This would include Kingsmill Pond (County BMP ID Code: CC019), Warehams Pond (JR008), Moody's Pond (JR012) and the Rhine River Lake (JR004). If compliance for a development is based in whole or part on the use of existing downstream onsite or offsite structural BMPs, evidence shall be provided that (such) facilities are currently in good working order and performing at the design levels of service. The manager may require a review of both the original design and maintenance plans to verify this provision. A new inspection-maintenance agreement or evidence of a shared maintenance agreement may be required to ensure compliance with the ordinance.