

WOODLAKE CROSSING HOMES ASSOCIATION

POLICY RESOLUTION 2016-08-1

Rules for Homeowner's Responsibility for Maintaining Storm Water Ditches

Authority

WHEREAS paragraph twenty one (21) 'LOTS TO BE MAINTAINED' of the Woodlake Crossing Homes Association's Amended, Restated and Consolidated Residential Restrictions require that all 'Owners are required to maintain their lots, dwellings and improvements in a reasonable standard of ordinary upkeep and care',

WHEREAS the paragraph 3b. 'Improvements and Replacements' empowers the Board to supplement and/or clarify the definition of 'LOTS TO BE MAINTAINED' by rules and regulations duly adopted by the Board,

Background/Purpose

WHEREAS the ditches that handle storm water drainage for the community run through VDOT and York County easements across individual property owner lots,

WHEREAS a number of homeowners have expressed concern that the ditches are not being maintained to the level that they expect,

WHEREAS the same the homeowners are unclear who is responsible for maintaining the various parts of the storm water ditches,

WHEREAS there is therefore a need to clarify responsibility for maintaining the ditches that handle storm water drainage for the community,

Scope & Intent

WHEREAS it is the intent that these rules shall be applicable to all homeowners, and this resolution shall remain in effect until otherwise rescinded, modified, or amended by the majority of the Board. The rule's intent is to ensure that storm water ditches that run through Woodlake Crossing are maintained in a condition that will properly handle drainage for the community. This resolution is also designed to ensure that residents understand their individual responsibilities for maintaining ditches that run through their individual lots. In addition, the resolution is to clarify when and how residents should contact VDOT and York County to ensure that these agencies complete their maintenance responsibilities.

Specifications

NOW THEREFORE BE IT RESOLVED that the Board adopts the following Rules clarifying Responsibilities for the Maintenance of Storm Water Ditches in WCHA;

WCHA Resolution 2016-08-1: Homeowner's Responsibility for Storm Water System Maintenance

Who owns the ditches in our community?

WCHA homeowners own the ditches. VDOT and York County have maintenance easements along the ditches; VDOT for the ditches along the roads, York Co. for the main storm water collection ditches that run thru the community and eventually discharge in to the lake.

Who is responsible for maintaining the ditches?

The ditches are on homeowner property and homeowners are responsible for maintaining the sides of the ditches for both the VDOT and York Co. ditches. They are also responsible for keeping debris out of the bottom of the ditches and for keeping any culvert pipes on their property free from obstructions. York Co. maintenance crews come through twice a year (spring and fall) to remove any buildup in the bottom of the ditches that impedes water flow. The County crews only clean the bottom of the ditches; they are not responsible for keeping the ditch banks clear of weeds and bushes. County crews will repair the ditch banks if erosion (not caused by property owner) is impeding the storm water flow. Adjacent homeowners are responsible for all other ditch maintenance.

The County maintenance crew stresses that it is imperative that homeowners do not allow leaves, debris or other items to collect in the storm water system.

VDOT does not have a regular maintenance program similar to the County's due to limited funding. However, if a VDOT ditch or pipe under the driveway is blocked, the property owner can submit a maintenance request and VDOT will schedule a cleanout of that specific area.

What is expected of WCHA property owners?

- Do not blow leaves or dump debris into the drainage ditch.
- Keep the ditch banks clear of bushes and trees that drop leaves/branches into the ditch. Banks do not need to be mowed grass, but they should be clear of vegetation that will either fall in to the ditch or impede the flow of water. Ensure that large bushes do not prevent the county crew from gaining easy access to the ditches. Grasses, groundcover, and wildflowers with the type of root systems that will support the banks are encouraged.

The County crew's task is to make sure the water is moving. If there are plants or trees on the banks that are not impeding the drainage, the County crew will leave them there. The crew will remove leaves and other debris, but if there is a specific issue such as overhanging bushes or a tree blocking drainage, they will evaluate whether or not the plant needs to be removed and will take the necessary action.

WCHA Resolution 2016-08-1: Homeowner's Responsibility for Storm Water System Maintenance

- Don't discharge non-storm water items into the ditches eg. emptying swimming pools, hot tubs, etc. These sudden large inflows erode the banks and deposit material that can block the ditches.
- Don't install pipes, fences or other structures that obstruct the flow without County permission. Garden and downspout drainage pipes running in to the top of the ditch erode the bank; such pipes need to extend to the bottom of the ditch.
- Ensure that lawn care and pool maintenance contractors follow these practices.

How are the requirements enforced?

The Association's covenants compliance inspections have not previously included inspecting the ditches, but starting in summer 2016 the County crew will notify the Board of any properties where they see maintenance issues that impede their work. The County has requested the Board to follow up using their usual compliance enforcement process.

The Board will enforce the rules through the regular Covenants Compliance procedures of sending "Friendly Reminders" to homeowners and then following up with an invitation to a Board Hearing if necessary. Residents should take a look at the ditches adjacent to their homes and ensure that their part of the ditch is properly maintained. In this way the need for enforcement should be minimized.

In the event that the Association has difficulty bringing properties into compliance, the County can follow up to apply the county code. County Code Section 23-3 states that a person caught in violation could be fined or charged with a misdemeanor and may have to pay for the cleanup.

Where can homeowners find additional information?

VDOT: If you have a concern about the culvert pipe under your driveway, contact VDOT at 800-367-ROAD. You can also fill out an online Service Request at www.virginiadot.org/travel/citizen.asp. Click on "I need a road repaired."

York County VA Publication: 'A Homeowner's Guide to a Healthy Stormwater Drainage System' includes contact information for the county maintenance services.

<http://stormwaterpa.org/media/cumberland/YorkCoHomeownersGuideStormwaterDrainageSys.pdf>

WCHA Resolution 2016-08-1: Homeowner's Responsibility for Storm Water System Maintenance

RESOLUTION 2016-08-1 APPROVAL

Rules for Homeowner's Responsibility for Maintaining Storm Water Ditches

This Resolution # 2016-08-1 was approved on August 11, 2016 by the Woodlake Crossing Homes Association Board of Directors. The voting went as follows:

<u>Title</u>	<u>Name</u>	<u>Approved</u>	<u>Disapproved</u>	<u>Abstained</u>
President	Dave Hanaway	X		
Vice President	Elizabeth Bircher	X		
Treasurer	Kristi Schrade	X		
Secretary	Lisa Church	X		
Member	Randy Parrish	X		

11 Aug 2016, 2016
Date of Approval


Dave Hanaway, President WCHA