

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

November 14, 2000

7:00 P.M.

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A. ROLL CALL	
B. WORK SESSION - 5:00 p.m.	
1. Meeting with Senator Thomas Norment, Jr., and Delegate George W. Grayson	
C. PLEDGE OF ALLEGIANCE - Cub Scouts from Pack 180	
D. PUBLIC COMMENT	
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AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 18TH DAY OF OCTOBER, 2000, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Ronald A. Nervitt, Chairman, Powhatan District
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Jay T. Harrison, Sr., Berkeley District (Arrived at 5:15 p.m.)
James G. Kennedy, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. BOARD DISCUSSION

1. Real Estate Assessment Cycle

Mr. John E. McDonald, Manager of Financial and Management Services, introduced Mr. Richard Sebastian, Director of Real Estate Assessments, and Mr. Greg Daniels, CAS, Principal Real Estate Appraiser.

Without Board objection, Mr. McDonald suggested a process for examining the Real Estate Assessment Cycle.

Mr. Sebastian gave an overview of the County's method of Real Estate Assessments and the advantages/disadvantages of annual assessments and biannual assessments.

The Board and staff discussed trigger points for reassessments in neighborhoods, mass appraising of neighborhoods vs. individual appraising, land value and improvement values in assessment, and inflation vs. real estate assessments.

C. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that there are several work sessions scheduled for the Board. On November 14, 2000, at 5:00 p.m. there is a Legislative Work Session, and on November 18, 2000, at 8:30 a.m. there is a Budget Work Session scheduled.

Mr. Wanner requested the Board members submit requests for more information, clarification, and recommendations concerning the study of the Jamestown Road and Route 199 intersection. Mr. Wanner stated that the Board of Supervisors and Williamsburg City Council will hold separate Work Sessions in December to review the recommendations from the County Administrator and City Manager.

Mr. Harrison made a motion to adjourn until 7:00 p.m. on October 24, 2000, at 5:54 p.m.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

Sanford B. Wanner
Clerk to the Board

101800bsws.min

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF OCTOBER, 2000, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Ronald A. Nervitt, Chairman, Powhatan District
Bruce C. Goodson, Vice Chairman, Roberts District (Absent)

John J. McGlennon, Jamestown District
Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PLEDGE OF ALLEGIANCE

Mr. Kennedy invited the Color Guard from the James City-Bruton Volunteer Fire Department to present colors in honor of the crew and family of the USS Cole.

Mr. Kennedy read a resolution of Condolence and Sympathy to the Crew and Families of the USS Cole following which he requested a moment of silence in memory of the fallen crew members.

The Color Guard then led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated that with little notice, Cox has upgraded his service; inquired if the County is receiving money from the Federal Universal Service Fund Surcharge; referred to a 1979 hydrology study and encouraged the County to compare its findings with the study being done today; stated that the School division budget in 1981 had a surplus that went back to the County and it's no longer true; and stated that funds for Schools may or may not answer some of the School budget problems.

D. HIGHWAY MATTERS

Mr. Jim Brewer, Virginia Department of Transportation (VDOT), was available to answer questions from the Board.

Mr. Harrison requested a VDOT representative be available for questions at the November 17, 2000, citizen meeting concerning the drainage problem at Brookhaven.

Mr. McGlennon requested that some traffic striping or signage be placed at the intersection of Quarterpath Road and Route 199 to aid turning traffic.

Mr. Brewer stated that he would have the District Engineer look into striping or signage at that intersection.

E. CONSENT CALENDAR

Mr. Nervitt inquired if any Board member wished to remove an item from the consent calendar.

Mr. Nervitt removed Item No. 8, The Easement and Maintenance Agreement for the Rolling Woods Detention Pond.

Mr. McGlennon made a motion to approve the remaining items on the Consent Calendar.

On a roll call, the vote was: AYE: McGlennon, Harrison, Kennedy, Nervitt (4). NAY: (0). ABSENT: Goodson.

1. Minutes

- a. October 6, 2000, Joint Meeting, Board of Supervisors and the Planning Commission
- b. October 10, 2000, Regular Meeting

2. Installation of "Watch for Children" Signs

- a. Hickory Sign Post Road

RESOLUTION

HICKORY SIGN POST ROAD "WATCH FOR CHILDREN" SIGNS

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, the residents of Hickory Sign Post Road have requested that two "Watch for Children" signs be installed on Hickory Sign Post Road near its intersections with Ironbound Road and John Tyler Highway, as illustrated on the attached drawing titled Hickory Sign Post Road "Watch for Children Signs."

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain "Watch for Children" signs as requested with funds from the County's secondary road system maintenance allocation.

b. Selby's Lane

RESOLUTION

SELBY'S LANE "WATCH FOR CHILDREN" SIGN

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, a resident of Selby's Lane has requested that a "Watch for Children" sign be installed on Selby's Lane near its intersection with Government Road, as illustrated on the attached drawing titled Selby's Lane "Watch for Children Sign."

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain a "Watch for Children" sign as requested, with funds from the County's secondary road system maintenance allocation.

c. Racefield Drive

RESOLUTION

RACEFIELD DRIVE "WATCH FOR CHILDREN" SIGNS

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, a resident of Racefield Subdivision has requested that two "Watch for Children" signs be installed on Racefield Drive near 118 and 191 Racefield Drive, as illustrated on the attached drawing titled Racefield Drive "Watch for Children Signs."

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain "Watch for Children" signs as requested with funds from the County's secondary road system maintenance allocation.

3. Dedication of Streets

a. Longhill Station Sections 1A and 1B

RESOLUTION

DEDICATION OF STREETS IN LONGHILL STATION, SECTIONS 1A AND 1B

WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

b. Villages of Westminster, Phase I – Sections 1 and 2, and Phase III

RESOLUTION

DEDICATION OF STREETS IN VILLAGES OF WESTMINSTER

PHASE I - SECTIONS 1 AND 2 AND PHASE III

WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

4. Colonial Community Corrections Position – Substance Abuse Specialist

RESOLUTION

COLONIAL COMMUNITY CORRECTIONS POSITION –

SUBSTANCE ABUSE SPECIALIST

WHEREAS, Colonial Community Corrections has received additional funding from the Department of Criminal Justice Services to hire a Substance Abuse Specialist; and

WHEREAS, James City County is the fiscal agent for Colonial Community Corrections.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes a full-time, limited-term position of Substance Abuse Specialist.

5. Code Violation Lien – 205 Reflection Drive

RESOLUTION

CODE VIOLATION LIEN - 205 REFLECTION DRIVE

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owners as described below have failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owners and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, in accordance with Sections 10-7 and 10-5 of the Code of the County of James City, Virginia, directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT: Gladys S. and Wayne D. Williams
3950 Maidens Road
Powhatan, VA 23139

DESCRIPTION: 205 Reflection Drive

TAX MAP NO.: (13-4) Parcel (05-0-0002)
James City County, Virginia

AMOUNT DUE: \$250

6. Code Violation Lien – 710 Lee Drive

RESOLUTION

CODE VIOLATION LIEN - 710 LEE DRIVE

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owners as described below have failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owners and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, in accordance with Sections 10-7 and 10-5 of the Code of the County of James City, Virginia, directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT: Robert P. and Veronica Brown
710 Lee Drive
Williamsburg, VA 23185-5316

DESCRIPTION: 710 Lee Drive

TAX MAP NO.: (41-3) Parcel (04-0-0012)
James City County, Virginia

AMOUNT DUE: \$250

7. Mutual Aid Contract – Virginia Statewide Mutual Aid Program

RESOLUTION

MUTUAL AID CONTRACT – VIRGINIA STATEWIDE MUTUAL AID PROGRAM

WHEREAS, the Commonwealth of Virginia authorizes the Commonwealth and its political subdivisions to provide emergency aid and assistance in the event of a major disaster; and

WHEREAS, the Statutes also authorize the State Emergency Operations Center to coordinate the provision of any equipment, services, or facilities owned or organized by the Commonwealth or its political subdivisions for use in the affected area upon request of the duly constituted authority of the area; and

WHEREAS, this resolution authorizes the request, provision, and receipt of interjurisdictional mutual aid in accordance with Title 44, Chapter 3.2 of the Code of Virginia among political subdivisions, other authorized entities, and officers within the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County to enter into the Statewide Mutual Aid Program in accordance with all terms and conditions set forth in the Statewide Mutual Aid Program Implementation Guidebook.

8. The Easement and Maintenance Agreement for the Rolling Woods Detention Ponds

Mr. Nervitt inquired if there is a larger issue and would more subdivisions need the County to step in to maintain detention ponds.

Mr. Cook stated that this is a unique problem as the owner of the common area where the detention ponds are located went bankrupt.

Mr. McGlennon inquired if the Bond put up by the owner had been utilized for the maintenance of the detention ponds.

Mr. Cook stated that the Bond has been used up to maintain the ponds.

Mr. Morton stated that given a similar circumstance, the County would provide the same opportunity for a similar agreement to another development.

Mr. Nervitt expressed concerns that neighborhoods may walk away from problems and expect the County to come in afterwards.

Mr. Morton stated that developers now turn over facilities in a timely manner to homeowner associations and that the facilities have been inspected and approved.

Mr. Nervitt made a motion to approve the resolution.

On a roll call, the vote was: AYE: McGlennon, Harrison, Kennedy, Nervitt (4). NAY: (0). ABSENT: Goodson.

RESOLUTION

THE EASEMENT AND MAINTENANCE AGREEMENT FOR

THE ROLLING WOODS DETENTION PONDS

WHEREAS, there currently exists three detention ponds in the Rolling Woods subdivision for which there is no long-term maintenance agreement; and

WHEREAS, the Rolling Woods Homeowners' Association of Williamsburg, Inc., is willing to perform all routine maintenance and the County is willing, subject to appropriations, to provide all non-routine maintenance of the detention ponds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to enter into the Easement and Maintenance Agreement with the Rolling Woods Homeowners' Association of Williamsburg, Inc., for the detention ponds in the Rolling Woods subdivision.

F. PUBLIC HEARINGS

1. Electrical Utility Easement for Fire Station No. 5

Mr. Bernard M. Farmer, Jr., Capital Project Administrator, stated that an agreement is requested to convey a 15-foot underground utility easement to Virginia Power to provide electrical service to Fire Station No. 5.

Mr. Nervitt opened the public hearing and, as no one wished to speak, closed the public hearing.

Mr. McGlennon made a motion to approve the resolution.

On a roll call, the vote was: AYE: McGlennon, Harrison, Kennedy, Nervitt (4). NAY: (0). ABSENT: Goodson.

RESOLUTION

ELECTRICAL UTILITY EASEMENT FOR FIRE STATION NO. 5

WHEREAS, James City County owns 3.6± acres commonly known as Fire Station No. 5, 3201 Monticello Avenue, and designated as Parcel No. (01-23) on James City County Real Estate Tax Map No. (36-3); and

WHEREAS, Virginia Power requires a 15-foot utility easement in order to provide electrical service to Fire Station No. 5; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to convey a utility easement to Virginia Power.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute the Right-of-Way Agreement and such other documents as may be necessary to convey a 15-foot utility easement to Virginia Power.

2. Case No. SUP-21-00. King of Glory Lutheran Church

Ms. Jill E. Schmidle, Senior Planner, stated that Mr. Matt Burton applied for a special use permit (SUP-21-00) on behalf of King of Glory Lutheran Church. Ms. Schmidle stated that the owners wish to construct approximately 16,059 square feet of additions to the existing King of Glory Lutheran Church on 6.18 acres, zoned R-2, General Residential, located at 4897 Longhill Road, and further identified as Parcel No. (1-33) on James City County Real Estate Tax Map No. (32-4).

Staff found the proposed additions consistent with the surrounding zoning and development, and consistent with the Comprehensive Plan.

The Planning Commission voted 5-0 to recommend approval of this application.

The Board and staff held a discussion concerning the adequacy of the requested number of parking spaces, upgrade of the access road, the need for a right-turn lane, and the necessity to keep the buffers in place.

Mr. Nervitt opened the public hearing.

1. Mr. Philip Garring, representing the King of Glory Lutheran Church, stated that they agree with the recommendations outlined on the resolution.

Mr. Nervitt inquired if the Church needed 79 more parking spaces than what is required by the Ordinance.

Mr. Lee Schmidt, Cochair of the building committee, stated that the additional proposed parking was a requirement of the Church congregation for the expansion.

The Board, Staff, and representatives of the Church, discussed the number of parking spaces requested, and determined that the number of parking spaces to be built will be determined by the availability of space after the right-turn lane is installed and the 30 foot buffer is in place.

Mr. Nervitt closed the public hearing.

Mr. McGlennon made a motion to approve the resolution authorizing the special use permit.

On a roll call, the vote was: AYE: McGlennon, Harrison, Kennedy, Nervitt (4). NAY: (0). ABSENT: Goodson.

RESOLUTION

CASE NO. SUP-21-00. KING OF GLORY LUTHERAN CHURCH

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, Mr. Matt Burton of DJG, Inc., has applied on behalf of King of Glory Lutheran Church for a special use permit to allow a House of Worship expansion for a fellowship hall, classroom, and parking additions at the existing King of Glory Lutheran Church located at 4897 Longhill Road; and

WHEREAS, the proposed expansion plans are shown on the development plan prepared by DJG, Inc., dated August 1, 2000, entitled "King of Glory Lutheran Church Community Center and Education Expansion;" and

WHEREAS, the property is located on land zoned R-2, General Residential District, and can be further identified as Parcel No. (1-33) on James City County Real Estate Tax Map No. (32-4); and

WHEREAS, the Planning Commission, following its public hearing on October 2, 2000, voted 5-0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-24-00 as described herein with the following conditions:

1. If construction has not commenced on the project within thirty six (36) months from the issuance of the special use permit, the permit shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.
2. The building materials, design, scale, and colors of the addition shall be compatible with that of the existing structure. The colors, design, and building materials for the additions shall be submitted to, and approved by, the Planning Director prior to final site plan approval.
3. Prior to preliminary site plan approval, an engineering study shall be submitted to, and approved by, the James City Service Authority (JCSA) confirming water meter capacity and grinder pump capacity, and necessary upgrades, if required by JCSA, shall be provided prior to final site plan approval.
4. The applicant shall provide to the Virginia Department of Transportation (VDOT) a turn lane warrant analysis for the Longhill Road entrance and receive VDOT approval prior to final site plan approval. The applicant shall implement the requirements of the turn lane analysis prior to issuance of a certificate of occupancy for any structure on the site.
5. The applicant shall provide evidence of a joint access agreement between King of Glory Lutheran Church and Crossroads Youth Home in order to utilize the service access shown on the development plan, "King of Glory Lutheran Church," prepared by DJG Inc., dated August 1, 2000. The joint access agreement shall be reviewed and approved by the County Attorney prior to final site plan approval.
6. The landscape plan shall be approved by the Planning Director prior to final site plan approval and shall include along the Longhill Road frontage the quantity of landscaping required for a 50-foot wide buffer, as specified in Section 24-94, General Landscape Area Standards, of the Zoning Ordinance with a minimum of 50 percent of trees evergreen.

7. All exterior light fixtures on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Planning Director prior to final site plan approval which indicates the fixture type and that no glare will occur outside the property lines. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from a public street or adjoining residentially designated property.
8. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Case No. SUP-23-00. Barbour Family Subdivision

Ms. Karen Drake, Planner, stated that Ms. Nancy Barbour has applied for a special use permit, SUP-32-00, Barbour Family Subdivision. Ms. Drake stated that the land owners, Milton and Peggy Barbour, wish to subdivide their land for a family subdivision on 9.7 acres, zoned A-1, General Agricultural, located at 8832 Barnes Road, further identified as Parcel No. (10-1) on James City County Real Estate Tax Map No. (18-A).

Staff found the proposed subdivision consistent with the surrounding zoning and development, and consistent with the Comprehensive Plan.

Staff recommended approval the special use permit with the conditions listed in the resolution.

Mr. Nervitt inquired if there was adequate percolation in the land for the two structures.

Ms. Drake stated that there was adequate percolation, and that the Health Department will need to provide its approval before the site plan will be approved.

Mr. Nervitt opened the public hearing, and as no one wished to speak, closed the public hearing.

Mr. Kennedy made a motion to approve the resolution.

On a roll call, the vote was: AYE: McGlemon, Harrison, Kennedy, Nervitt (4). NAY: (0). ABSENT: Goodson.

RESOLUTION

CASE NO. SUP 23-00. BARBOUR FAMILY SUBDIVISION

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the applicant has requested a special use permit to allow for a family subdivision in an A-1, General Agricultural District, of a parcel generally ±9.7 acres that would be subdivided into two parcels, ±1.7 acres and ±7.9 acres located at 8832 Barnes Road and is further identified as Parcel No. (1-18A) on James City County Real Estate Tax Map No. (10-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of a Special Use Permit No. SUP-23-00 as described herein with the following conditions:

1. This special use permit is valid for only one (1) family subdivision for one parcel generally ± 1.7 acres in size.
 2. Final subdivision approval must be received from the County within 180 days from the issuance of this special use permit or the permit shall become void.
 3. The special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.
4. New Courthouse – Adoption of a Resolution Ratifying the 1996 Agreement Between the City of Williamsburg and the County of James City, Approving a Plat and Execution of a Deed

Mr. Frank M. Morton, III, County Attorney, stated that under the terms of a 1996 Agreement between the County of James City and the City of Williamsburg, the new Courthouse was, upon completion, to be relocated into the corporate limits of the City of Williamsburg. The resolution presented to the Board, once approved, will begin the process for the boundary line adjustments.

The Board and staff held a discussion concerning equity in the Courthouse and the desire to establish, in writing, the current equity distribution for the Courthouse.

The Board directed Mr. Wanner to incorporate into a letter to the City Manager of Williamsburg, an understanding of the current capital contribution between the County and the City in the new Courthouse.

Mr. Nervitt opened the public hearing, and as no one wished to speak, closed the public hearing.

Mr. Harrison made a motion to approve the resolution.

On a roll call, the vote was: AYE: McGlennon, Harrison, Kennedy, Nervitt (4). NAY: (0). ABSENT: Goodson.

RESOLUTION

RATIFICATION OF AGREEMENT BETWEEN CITY OF WILLIAMSBURG AND COUNTY OF JAMES CITY REGARDING RELOCATION OF THE CORPORATE LIMITS OF THE CITY OF WILLIAMSBURG TO INCLUDE THE NEW COURTHOUSE; APPROVAL OF A PLAT ENTITLED "PLAT SHOWING RELOCATION OF WILLIAMSBURG CORPORATE LIMITS TO INCLUDE PROPERTY JOINTLY OWNED BY CITY OF WILLIAMSBURG AND JAMES CITY COUNTY"; AND AUTHORIZATION FOR THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO SIGN A DEED CONVEYING THE COURTHOUSE SITE FROM JAMES CITY COUNTY TO JAMES CITY COUNTY AND THE CITY OF WILLIAMSBURG AS JOINT TENANTS

WHEREAS, the City of Williamsburg ("City") and the County of James City ("County") entered into an agreement dated December 12, 1996, providing for the acquisition of a site and the construction of a new courthouse; and

WHEREAS, under the terms of that Agreement, the City and the County agreed that the new courthouse would be moved into the City limits under a voluntary boundary line adjustment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby agrees to the following: the ratification of a certain Agreement dated December 12, 1996, between the City of Williamsburg and the County of James City which provides for the relocation of the corporate limits of the City of Williamsburg, in accordance with Section 15.2-3107 of the Code of Virginia, (1950), as amended, to include the new Williamsburg-James City County Courthouse and its grounds within the corporate limits of the City of Williamsburg; the approval of a plat entitled "Plat Showing Relocation of Williamsburg Corporate Limits to Include Property Jointly Owned by City of Williamsburg and James City County," dated April 13, 2000, drawn by Mitchell-Wilson Associates, P.C.; the authorization by the Chairman of the Board of Supervisors to sign a deed dated September 12, 2000, conveying 11.41 acres (the Courthouse site) from James City County to James City County and the City of Williamsburg as joint tenants.

G. BOARD CONSIDERATION

1. Chesapeake Bay Preservation Ordinance Violation and County Property Damages

Mr. Leo P. Rogers, Deputy County Attorney, stated that on July 13, 2000, the Environmental Division cited Mr. Robert Rausenberger, owner of 1.33± acres located at 109 Elizabeth Merriweather and designated as Parcel No. (2-164) on James City County Real Estate Tax Map No. (49-2), for cutting trees in the Resource Protection Area (RPA) on his property, as well as on the adjacent property owned by James City County identified as Parcel No. (1-9) on James City County Real Estate Tax Map No. (50-1).

Mr. Rausenberger has agreed to the replanting plan of 68 trees to restore the RPA. Eighteen trees will be planted on the Rausenberger property and 50 on the County property. Additionally, Mr. Rausenberger has agreed to the \$4,000 civil charge, and the payment of \$3,626 as trespass and damages to the County's property.

Staff recommended that the Board approved the resolution for a total payment by Mr. Rausenberger of \$7,262 to the County, and 68 trees be planted at Mr. Rausenberger's expense to restore the RPA and its buffer in accordance with a landscape plan approved by the Environmental Division.

The Board and staff held a discussion concerning the trespassing and damage to the RPA on this second offence, the possibility of a maximum civil charge of \$10,000 by the courts, and adequacy of the conditions listed in the resolution as a deterrent for future violations.

Mr. McGlennon requested information on how many RPA violations there has been within the County.

Mr. Nervitt requested information concerning the RPA violation of 1991 by Mr. Rausenberger and the agreed upon restorative actions.

Mr. Nervitt deferred action until October 25, 2000, at 4:00 p.m.

H. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated that York County is working on a similar case with the removal of trees from a buffer area and suggested the Board of Supervisors consider having an RPA violator replace the trees with similar sized trees that were removed.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that a school generated budget surplus is retained by the School division.

Mr. Wanner recommended the Board adjourn until October 25, 2000, at 4:00 p.m. for a work session.

Mr. Wanner recommended following the Board's adjournment this evening, the James City Service Authority Board of Directors convene for a regular meeting.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy made a motion to approve the USS Cole resolution.

On a roll call, the vote was: AYE: McGlennon, Harrison, Kennedy, Nervitt (4). NAY: (0). ABSENT: Goodson.

RESOLUTION

CONDOLENCE AND SYMPATHY TO THE CREW AND FAMILIES

OF THE USS COLE

WHEREAS, in the Aden Harbor, Yeman, on October 12, 2000, terrorists attacked the USS Cole blasting a large hole in the midsection near an enlisted dining hall; and

WHEREAS, in this cowardly attack, 39 crew members were injured and 17 were killed; and

WHEREAS, the officers and crew of the USS Cole were standing guard for peace, freedom, and stability in the Middle East, one of the most dangerous parts of the world.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby extend its condolence and sympathy to the crew and families of the USS Cole.

BE IT FURTHER RESOLVED that the Board does hereby thank and honor the crew of the USS Cole for standing guard in a dangerous world for the cause of freedom.

Mr. Kennedy stated that he served in the military and knows that the freedoms we share such as being able to assemble for this meeting is being protected by the military men and women serving their country. Mr. Kennedy encouraged the citizens of James City County to vote on November 7, 2000.

Mr. Harrison made a motion at 8:42 p.m to adjourn until 4:00 p.m., October 25, 2000.

On a roll call, the vote was: AYE: McGlennon, Harrison, Kennedy, Nervitt (4). NAY: (0). ABSENT: Goodson.

Sanford B. Wanner
Clerk to the Board

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF OCTOBER, 2000, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Ronald A. Nervitt, Chairman, Powhatan District
Bruce C. Goodson, Vice Chairman, Roberts District (Absent)

John J. McGlennon, Jamestown District
Jay T. Harrison, Sr., Berkeley District (Arrived at 4:08 p.m.)
James G. Kennedy, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. WORK SESSION

Mr. Nervitt called the meeting to order.

1. Chesapeake Bay Preservation Ordinance Violation and County Property Damages (continued from October 24, 2000)

Mr. Darryl E. Cook, Environmental Director, stated that Mr. Robert Rausenberger was cited in 1991 for violating the Resource Protection Area (RPA) by removing 10-15 trees. At that time staff and Mr. Rausenberger agreed to the replanting of the removed trees and shrubbery as well as an installation of a drainage system to remedy the violation.

Mr. Kennedy inquired if the soccer field should be allowed to remain in the RPA.

Mr. Cook stated that in 1991 it was the staff's judgment to allow the soccer field to remain with the installation of a drainage system.

Mr. McGlennon requested staff begin working on a legislative option to provide the County with authority to assign greater penalties to violators.

Mr. McGlennon inquired if staff has a method to alert landowners and developers of the RPA restrictions.

Staff stated that with the new GIS system, they could give notice of restrictions due to the RPA.

Mr. Kennedy inquired as to who chooses where the replanting of trees in a violated RPA would occur.

Staff stated that specific replanting plans are determined on a case by case basis.

Mr. McGlennon made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Harrison, Kennedy, McGlennon, Nervitt (4). NAY: (0). ABSENT: Goodson.

RESOLUTION

ACCEPTING CIVIL CHARGE, RESTORATION PLAN, AND COMPENSATION FOR TRESPASS

WHEREAS, Robert B. Rausenberger (“Mr. Rausenberger”) is the owner of a 1.33± acre parcel of land, commonly known as 109 Elizabeth Meriwether, designated as Parcel No. (2-164) on James City County Real Estate Tax Map No. (49-2) (the “Rausenberger Property”); and

WHEREAS, the County of James City, Virginia, is the owner of a 60± acre parcel of land designated as Parcel No. (1-9) on James City County Real Estate Tax Map No. (50-1) (the “County Property”); and

WHEREAS, on or about July 11, 2000, Mr. Rausenberger cleared 9 trees in the Resource Protection Area on the Rausenberger Property and 33 trees on the County Property in the Resource Protection Area and/or the Wetlands; and

WHEREAS, Mr. Rausenberger has agreed to the Restoration Plan to replant 18 trees on the Rausenberger Property and 50 trees on the County Property in order to remedy the clearing violation under the County’s Chesapeake Bay Preservation Ordinance; and

WHEREAS, Mr. Rausenberger has offered to pay \$4,000 to the County as a civil charge under the County’s Chesapeake Bay Preservation Ordinance; and

WHEREAS, Mr. Rausenberger has offered to pay \$3,262 which is the estimated value of the trees removed from the County Property; and

WHEREAS, the James City County Board of Supervisors is willing to accept the Restoration Plan, the civil charge, and the payment for damages to the County Property in full settlement of the Chesapeake Bay Preservation Ordinance violation and damages for the trespass on the County Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to enter into a settlement agreement with Robert B. Rausenberger accepting the Restoration Plan, the \$4,000 civil charge, and the \$3,262 payment for damages to the County Property.

2. Financial Policies – Davenport and Company

Ms. Carol Swindell, Assistant Manager of Financial and Management Services, introduced Mr. David Rose and Mr. Courtney Rogers of Davenport and Company, LLC.

Mr. Rose and Mr. Rogers gave an overview of the County's financial policy guidelines and provided the Board with recommendations for staff to take a more proactive stance on working with rating agencies.

The Board and staff discussed the value of minimizing the County's debt ratio, financial impact of a third high school, changing to an 800 megahertz radio system, and the upcoming budget sessions.

3. Youth Services

Mr. Anthony Conyers, Jr., Manager of Community Services, gave a brief overview of the needs of youth in the community.

Mr. Howard Mason, Human Services Specialist, introduced several members of the Youth Council who were in attendance and gave an overview of the goals of youth services.

Mr. Mason stated that youth services goals focus on the prevention of short-term impacts of substance abuse, academic failure, foster care placement, neglect, and contact with the court system; and promotion of long-term impacts such as healthy lifestyles, expansion of the horizons, and opportunities for youth in our community.

Mr. Doug Powell, Assistant Manager of Community Services, gave an overview of how services are provided to the youth in the community, as well as how the services are funded through grants, partnerships, and implementing fees.

Mr. Conyers requested the Board address youth services issues in its legislative program.

The Board and staff discussed evaluations of the youth services programs, increasing parent participation in the programs, fee assistance to youth from low-income homes, and regional youth services programs.

Mr. Nervitt requested a diagram with a list of the target population for the programs.

Mr. Harrison requested information on youth services from the youth in the community.

Mr. David Ardit, Youth Council, stated that the Council meets monthly and a goal of the Council is to have a more active voice in the community and government on issues concerning the youth.

4. Water Conservation Committee Recommendation on Outdoor Watering Restrictions and Proposed Legislation to Regulate All County Outdoor Watering

Mr. Larry Foster, General Manager of James City Service Authority, introduced members of the Water Conservation Committee, and presented the recommendations for outdoor watering restrictions as agreed upon by the Water Conservation Committee.

The Water Conservation Committee recommended that the Board request State legislation for greater regulatory power over all County water users.

The Board, staff, and Water Conservation Committee members discussed the effectiveness expected from the restricted outdoor watering times, enforcement of the restrictions, feasibility of County conservation restrictions applying to residents using Newport News water, and the education of County residents of water conservation techniques.

5. Third High School Site Selection Process

Mr. Bernard M. Farmer, Capital Projects Manager, stated that a committee appointed by the County Administrator has been identifying potential sites within the County for the third high school.

Mr. Farmer gave an overview of the site selection process and stated that the results will be provided to the Board by January 2001.

The Board and staff held a brief discussion concerning the criteria being used to determine potential sites.

Mr. Harrison made a motion to recess until 4:00 p.m. on November 14, 2000, at 6:47 p.m.

On a roll call, the vote was: AYE: Harrison, Kennedy, McGlennon, Nervitt (4). NAY: (0). ABSENT: Goodson.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: November 14, 2000
TO: The Board of Supervisors
FROM: John E. McDonald, Manager of Financial and Management Services
SUBJECT: Budget Adjustments - Grants and VDOT Contracts

The County has been awarded three grants. Two of these grants are from the Virginia State Library, totaling \$964, for the Clerk of the Circuit Court. The third grant for \$4,815 has been awarded by the State Compensation Board to the Commonwealth's Attorney for video imaging equipment. The attached resolution appropriates those funds within the current fiscal year budget. No local funds are involved.

The County has also been tasked, by the Virginia Department of Transportation (VDOT), as the fiscal agent involving two transportation projects. The first is the Ironbound Road design project - the Crossroads Group has actually contracted for the design but VDOT will work only with the County to reimburse for the \$32,405 contract costs. The second involves a traffic signal upgrade at the Brewery, in the amount of \$68,600. Both are fully reimbursed by VDOT and no local funds are involved.

Staff recommends approval of the attached resolution.

John E. McDonald

JEM/alc
budad.mem

Attachment

RESOLUTION

BUDGET ADJUSTMENTS - GRANTS AND VDOT CONTRACTS

WHEREAS, the Board of Supervisors of James City County has received notice that three grants have been approved by the Commonwealth of Virginia for the offices of the Clerk of the Circuit Court and Commonwealth's Attorney; and

WHEREAS, the Virginia Department of Transportation (VDOT) has approved funding of two transportation improvements in the County - the Ironbound Road design project and the traffic signal improvements at the Anheuser Busch brewery.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the following amendments to the FY 2001 Budget and appropriates the following State revenues for grants and VDOT contracts:

General Fund

Revenues: From the Commonwealth
State Compensation Board \$ 4,815
State Library 964

Expenditures:
Commonwealth's Attorney \$ 4,815
Clerk of the Circuit Court 964

Capital Projects Fund

Revenues: Contributions
Road Improvements \$101,005

Expenditures: Road Improvements
Ironbound Road \$ 32,405
Brewery Traffic Signal \$ 68,600

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of November, 2000.

MEMORANDUM

DATE: November 14, 2000
TO: The Board of Supervisors
FROM: Carol O. Swindell, Assistant Manager of Financial and Management Services
SUBJECT: Statement of Fiscal Goals

The attached resolution updates the Statement of Fiscal Goals, originally adopted by the Board in 1984. A draft of the proposed changes was presented to the Board at its October 25 work session. The changes are recommended to promote financial stability and long-range financial planning, and to enhance the County's creditworthiness.

Staff recommends approval of the attached resolution.

Carol O. Swindell

CONCUR:

John E. McDonald

COS/tlc
stfifgoal00.mem

Attachment

RESOLUTION

STATEMENT OF FISCAL GOALS

WHEREAS, the Board of Supervisors of James City County desires to establish a comprehensive statement of fiscal goals;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses and adopts the following:

STATEMENT OF FISCAL GOALS

General

1. To promote fiscal health of the County by encouraging a healthy diversified economy.
2. To establish minimally acceptable standards of quality for the County's various public services.
3. To take positive steps to improve productivity of County programs and employees.
4. To seek to eliminate duplicative functions within County government and semiautonomous agencies in the community.
5. At least every four years, to reassess services and service levels, utilizing service level standards of quality, seeking citizen advice and review in a zero-based budgeting process.

Accounting

6. To use accounting procedures and principles established by the Virginia Auditor of Public Accounts and Generally Accepted Accounting Principles (GAAP) and to annually apply to the Government Finance Officer's Association for its Certificate of Conformance in Financial Reporting.
7. To provide full disclosure in annual financial statements and bond representations.

Capital Improvements

8. To establish capital improvements as public investments, designed to effectively provide the highest net present value, both financially and in the determination of service needs.
9. To seek to maximize the expenditures that support capital investments in the provision of direct services to meet and maintain minimum standards of quality.
10. To annually inventory capital facilities, estimate actual value, and estimate remaining useful life and replacement cost.

11. To establish for capital project requests an annual capital budget based upon the Capital Improvements Plan with "life cycle" costs including operating and maintenance coordinated with the operating budget.
12. To consider recommendations from the Planning Commission for a multiyear Capital Improvements Plan for public facility and infrastructure needs to include roads, water, sewer, land and land improvements, and building and building improvements, considered based upon need and consistent with the adopted Comprehensive Plan.
13. To avoid capital facility or infrastructure investments outside of the Comprehensive Plan's Primary Service Area for residential growth.
14. To develop financing plans for the multiyear improvement program based upon a five-year forecast of revenues and expenditures with advice and counsel from the County's Financial Advisor on proposed capital financing needs.
15. To appropriate, at a minimum, 5% of the cost of major capital projects from recurring revenues.

Debt

16. To evaluate alternatives to financing on a pay-as-you-go basis, to include debt financing (pay-as-you-use) for needed services.
17. To not incur general obligation debt and lease revenue debt of more than 3% of assessed valuation of property with debt service costs not to exceed 10 to 12% of total operating revenues, including school revenue; debt per capita not to exceed \$2,000 and debt as a percentage of income not to exceed 7.5%.
18. To use revenue or other self-supporting bonds instead of general obligation bonds.
19. To avoid long-term debt to finance current operations and short-term debt except for bond anticipation notes.
20. To avoid financing if the term of the indebtedness exceeds the expected useful life of the asset.

Investments

21. To make a cash-flow analysis (disbursement, collection, and deposit) of all funds to ensure maximum cash availability. To produce monthly information concerning cash position and investment performance.
22. To pool cash, as permitted by law, from several different funds for investment purposes.
23. To review arrangements with financial institutions on a continued basis for a specified period of time and with specified fees for each service.

Operating Budgets

24. To annually forecast revenues and expenditures for the next five years. Projections will include estimated operating costs of future capital improvements that are included in the capital budget.
25. To utilize workload measurements and performance ratings for all funds.
26. To maintain a budgeting control system that helps the County adhere to the budget, with monthly status reports comparing actual revenues and expenditures to budgeted amounts.
27. To provide for adequate maintenance of capital plant and equipment and develop from the fixed asset inventory records a capital asset replacement schedule.
28. To establish a risk management program to safeguard public assets held in trust and to minimize the financial liability arising from accidental injury or death.
29. To remain current in payments to the Virginia Retirement System and to pursue legislative options that reduce or eliminate unfunded pension liabilities.
30. To review operating policies and procedures and facility master plans adopted by the Board of Supervisors in detail at least every three years with proposed revisions accompanied by a financial impact analysis.
31. To annually increase the proportion of expenditures providing direct services to total budgeted expenditures and to annually decrease the proportion of expenditures supporting administration or other non-direct service activities.
32. To finance recurring expenses from recurring revenue sources and to not develop a dependency, within the operating budget, on nonrecurring revenue sources.

Reserves

33. To keep the fund balance designated for Fiscal Liquidity at the end of the fiscal year, equal to no less than 8%, with a target of 12%, of the total operating budget (General Fund plus the County's share of the Component Unit Schools).
34. To establish a contingency reserve fund of two percent of the general fund operating budget to pay for needs caused by unforeseen events. The Board shall determine the amount of funds to be held in contingency. The contingency shall be held to help with the following three events: 1) Catastrophic reserves, to provide limited emergency funds in the event of natural or man-made disasters; 2) Operational reserves, to provide additional funds for limited unexpected needs; and, 3) Revenue reserves, to provide limited funds to smooth fluctuations in revenues caused by changes in economic conditions.
35. To maintain a ratio of cash on hand and short-term investments, divided by current liabilities, of at least 1:1.

36. To establish and, to the extent feasible, fund on an annual basis a capital equipment replacement fund.

Revenues

37. To maintain a stable revenue system to shelter the County from short-run fluctuations in any one revenue source.
38. To attempt to establish a diversified revenue system with the maximum local legislative authority to set and change rates and fees.
39. To utilize State and Federal funds in pursuit of County goals and objectives, whenever possible.
40. To the extent feasible, user fees which reflect the cost of service shall be utilized to support programs which may be characterized as special services to specific populations or users with the full costs, direct and indirect, of activities supported by user fees shall be recalculated at least every three years.
41. To pursue an aggressive policy of collecting property taxes with the level of uncollected property taxes not exceeding 5% and the rate of delinquency not rising more than one year in a row.
42. To the extent possible, the County shall attempt to decrease the dependency on real estate taxes to finance the County's operating budget.
43. To review and update all rates and fees at least every three years.
44. To maximize State and Federal entitlement revenues.

Economic Development

45. To have County staff provide an annual accounting of the net revenue impact from County supported economic development activities. Staff will provide the Board with a recommendation for the application of these revenues. The goal of the recommendation will be to minimize the future burden on the tax rate by providing a revenue stream toward future major capital projects.

The aforementioned goals represent long-term "strategies" on the part of the Board of Supervisors. The implementation of these goals will be at the discretion of the Board as it applies to individual budget years.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of
November, 2000.

stfsgol02.res

MEMORANDUM

DATE: November 14, 2000
TO: The Board of Supervisors
FROM: Richard M. Miller, Fire Chief
SUBJECT: 2000 Emergency Operations Plan

The Virginia Emergency Services and Disaster Law of 1973 requires that each County develop and maintain a current Emergency Operations Plan. This plan is designed to address our planned response to extraordinary emergency situations. The law also requires that the Plan be reviewed and updated annually. It must be formally adopted by the local governing body every five years.

The James City County Office of Emergency Services has updated the County's plan as required. The revisions include changes resulting from lessons learned during the 1998 ice storm and Hurricane Floyd in 1999. Input to the changes was provided by the Board of Supervisors, County staff, and outside agencies.

Staff recommends adoption of the attached resolution adopting the 2000 Emergency Operations Plan.

Richard M. Miller

RMM/alc
eop00.mem

Attachment

RESOLUTION

JAMES CITY COUNTY 2000 EMERGENCY OPERATIONS PLAN

WHEREAS, there exists many dangers of many types, including man-made disasters, natural disasters, and possible hostile actions of an unknown enemy; and

WHEREAS, the safety and protection of the citizens and property is of foremost concern to the Board of Supervisors of the County of James City; and

WHEREAS, the Board of Supervisors desires and the Commonwealth of Virginia statutes requires the adoption of appropriate planned protective measures.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the James City County Emergency Operations Plan dated November, 2000

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of the James City County, Virginia, this 14th day of November, 2000.

eop00.res

**Agricultural and Forestal District 4-86. Pates Neck Renewal
Staff Report for the November 14, 2000, Board of Supervisors Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

AFD Advisory Committee: September 18, 2000, 7:00 p.m. Building E Board Room
 Planning Commission: October 2, 2000, 7:00 p.m. Building C Board Room
 Board of Supervisors: November 14, 2000, 7:00 p.m. Building C Board Room

SUMMARY FACTS

Applicant: Mr. James A. Daniels, Jr.
 Land Owner: Pates Neck Timber Company

Proposed Use: Renewal of the existing Agricultural and Forestal District

Location: Little Creek Dam Road - Stonehouse District (see attached map)

Tax Map and Parcel No.: (20-4)(1-1)

Primary Service Area: Outside

Parcel Size: 624.297 acres

Existing Zoning: A-1, General Agriculture

Comprehensive Plan: Rural Lands

Surrounding Zoning: North: Little Creek Reservoir
 East and South: A-1, General Agriculture
 West: Wrights Island AFD 1-94

Staff Contact: Karen Drake - Phone: 253-6685

STAFF RECOMMENDATION:

Staff recommends the continuance of the Pates Neck Agricultural and Forestal District for six years. On September 25, 2000, the AFD Advisory Committee met and approved 7-0 to renew the District with the conditions listed in this report. At its October 2, 2000, meeting, the Planning Commission concurred with staff and the AFD Advisory Committee and voted to recommend approval of this application by a vote of 6 to 0, with one absence.

Description of Project

The Pates Neck Agricultural and Forestal District (AFD) is due to expire on November 17, 2000. As required by State Code, the County must review an established AFD prior to its expiration. During this review, the district must either be continued, modified, or terminated.

When this District was last renewed in 1992 for eight years, the following conditions were placed on the District:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots for residential use by members of the owner's immediate family; provided that the property owner shall be permitted to construct a new dwelling for his own use on the property.
2. No land within the AFD may be rezoned and no application for such a rezoning shall be filed earlier than six months prior to the expiration of the district.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities consistent with State Code 15.2-4300 et. seq. which are not in conflict with the policies of the district.

Property Description

The Pates Neck AFD consists of approximately 624 acres and is generally located south of Little Creek Dam Road and east of Menzel's Road. A portion of the property within this AFD fronts on Little Creek Dam Road. Property contained in the district is as follows:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Pates Neck Timber Company	(20-4)(1-1)	624.297

The property is mostly wooded with marshlands covering the southernmost part of the property. All land within the district is zoned A-1, General Agricultural, and has no previous zoning action or history. The land has remained essentially the same since the creation of the district in 1986 and there is a management plan which includes provisions for wildlife habitat improvements.

Surrounding Zoning and Development

The surrounding area consists of marshes, forestland and the Little Creek Reservoir. The surrounding area is zoned A-1, General Agricultural. Wrights Island, AFD-1-94, is directly to the west of the Pates Neck AFD.

RECOMMENDATION:

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the District for a period of six years with the conditions listed below. A six-year approval would be consistent with prior action and would allow for the reevaluation of the district for consistency with possible policy changes and Comprehensive Plan revisions.

On September 25, 2000, the AFD Advisory Committee met and voted 7-0 on the continuance of this district for a period of six years with the conditions listed below. At its October 2, 2000, meeting, the Planning Commission concurred with staff and the AFD Advisory Committee and voted to recommend approval of this application by a vote of 6 to 0, with one absence.

Conditions Nos. 1 and 3 were revised to include provisions to accommodate the siting of communication towers on land included in an AFD. Condition No. 2 was revised to reflect the Board's new withdrawal policy. Other than these revisions, the conditions are the same as those found at the beginning of this report and the same conditions that were adopted when Pates Neck AFD was last renewed in 1992.

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage of the district to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district.
3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4300 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

Karen L. Drake

CONCUR:

O. Marvin Sowers

KLD/gb
PatesNeck.wpd

Attachmens:

1. Planning Commission Minutes
2. Location map
3. Resolution

ORDINANCE NO. _____

RENEWAL OF PATES NECK

AGRICULTURAL AND FORESTAL DISTRICT (AFD-4-86)

WHEREAS, James City County has completed a review of the Pates Neck Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Pates Neck Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on September 18, 2000, recommended approval of the application; and

WHEREAS, the Planning Commission following its public meeting on October 2, 2000, recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia:

1. That the Pates Neck Agricultural and Forestal District is hereby continued for a period of six years beginning the 17th day of November 2000, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. That the district shall include the following parcels:

(20-4)(1-1) Pates Neck Timber Company 624.297 acres
3. That pursuant to Virginia Code, Section 15.2-4312, as amended, the Board of Supervisors requires that no parcel in the Pates Neck Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided, a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.

- b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district.
- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4300 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of November, 2000.

PatesNeck.res

**REZONING 7-99/SPECIAL USE PERMIT 24-99. Griesenauer Residential Cluster
Staff Report for the November 14, 2000, Board of Supervisors Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Building C Board Room; County Government Complex
Planning Commission: June 5, 2000, 7:00 p.m. (applicant deferred)
July 5, 2000, 7:00 p.m. (applicant deferred)
August 7, 2000, 7:00 p.m. (PC deferred)
September 6, 2000, 7:00 p.m. (PC denied)
Board of Supervisors: October 10, 2000, 7:00 p.m. (applicant deferred)
November 14, 2000, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Joseph S. Terrell, Sr., John Grier Construction
Land Owner: Paul Griesenauer

Proposed Use: 62 single-family lots in a residential cluster, at a density of 2.55 units per acre. Residential clusters with a density greater than one dwelling unit per acre require a special use permit in the R-2, General Residential District

Location: 248 Ingram Road; Berkeley District

Tax Map and Parcel No.: (46-2) (1-15)

Primary Service Area: Inside

Parcel Size: 24.6 acres

Existing Zoning: R-8, Rural Residential

Proposed Zoning: R-2, General Residential

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: North, West: PUD, Planned Unit Development (Hidden tract)
East, South: R-8, Rural Residential (various parcels on Ingram, Powhatan Springs Road, and Route 5)

Staff Contact: Jill E. Schmidle - Phone: 253-6685

STAFF RECOMMENDATION:

While staff supports the affordable housing aspect of this development proposal, staff ultimately finds that the significant traffic impacts of the proposal outweigh the affordable housing benefits and recommends denial of this rezoning and special use permit request. On September 6, 2000, the Planning Commission voted 5-2 to deny this application. Please note that as agreed to by the Board of Supervisors and Planning Commission on August 24, 1999, as part of the Proffer Policy, the Board will not act upon those proffers which were not reviewed by the

Planning Commission in cases where the Planning Commission has recommended denial (this will not apply to minor and nonsubstantive changes). The proffers clearly contain substantive changes (i.e., increasing the amount of affordable housing units from 30 percent to 100 percent and eliminating the three-year time limit), and the proffer policy calls for the Board to remand the case back to the Planning Commission. Staff spoke with the Chairman of the Planning Commission who requested the case be remanded to the Commission. Staff supports remanding the case back to the Commission. As a point of information, the Commission's conversation as to its reasons for recommending denial revolved around a variety of issues in addition to affordable housing. Should the Board of Supervisors choose to approve the request and accept the voluntary proffers, staff recommends the conditions listed in the staff report.

Project Description

The applicant proposes a rezoning and a residential cluster to allow a 62-lot single-family subdivision within a residential cluster of greater than one dwelling unit per acre. The applicant intends to develop the project as an affordable housing subdivision offering low- to moderate-income housing. Residential clusters are permitted with the issuance of a special use permit for developments up to 4.0 dwelling units per acre in Low-Density Residential areas. This project proposes a density of 2.55 dwelling units per acre. Please note that the specific requirements of the cluster zoning ordinance as they apply to this proposal will be outlined in pertinent sections of the staff report.

Proffers

The applicant has submitted proffers as part of this project, which will be discussed throughout the staff report. The proffers address the following issues:

- water conservation;
- architectural standards;
- sidewalks and trails;
- affordable housing;
- road improvements;
- recreation facilities;
- enhanced landscaping; and
- stormwater management/water quality.

Topography and Physical Features

The property is heavily wooded and contains areas of steep slopes. Approximately 8.92 acres, or 36 percent of the site, is nondevelopable land. The Environmental Division has reviewed the plans and has concerns with the proximity of several lots to steep slopes (defined as areas with a minimum of 25 percent steep slopes). Environmental Division staff recommends adding a condition that no residential building will be closer than 25 feet to a 25 percent or steeper slope unless approved by the Environmental Director. It is staff's opinion that several lots will not be buildable as a result of this condition and staff believes that in all likelihood, fewer than 62 lots can be developed.

There is also a concern regarding the Resource Protection Area (RPA) located along the southwest boundary of the site that is not shown on the plan. Staff believes that the street or lot layout does not impact the RPA. However, a field delineation of the RPA will need to be done at the time of subdivision plan development and adjustments to the lot layout may be required to prevent encroachment into the RPA by construction activities associated with the housing construction. Staff has added a condition stating that no RPA shall be included as part of any lot unless approved by the Environmental Director. **Staff finds that while there are environmental concerns on this property, the special use permit conditions can mitigate those concerns. The applicant is placed on notice,**

however, that adherence to the environmental conditions may result in fewer lots being approved than are now shown on the master plan.

The applicant has submitted a proffer stating that the stormwater facilities will be designed in such a manner to provide greater water quality treatment efficiency than the County would otherwise require. The proffer also states that the design will assure that the impact of stormwater runoff will be less after development than before. The Environmental Division finds that this proffer is acceptable.

Surrounding Zoning and Land Use

The site is zoned R-8, Rural Residential, and is located at the end of Powhatan Springs Road and Ingram Road. Property to the east and south of the site, located on Powhatan Springs Road and Ingram Road, is zoned R-8 and contains a mix of single-family homes, manufactured homes, and businesses. The businesses along Powhatan Springs Road include a telephone cable installation company; a glassblower's studio, approved with a special use permit in 1996; and a beauty shop and contractor's office, approved with a special use permit in 1999. To the west and north of the site is the Hiden tract, which is undeveloped and zoned PUD, Planned Unit Development. The Hiden tract received rezoning approval in 1997 for 500 dwelling units (150 single-family and 350 timeshare units). **Staff finds that a development of single-family homes in this location is consistent with surrounding zoning and land use.**

Utilities

The property is located in the Primary Service Area and public water and public sewer are available to serve the property.

In terms of the impact of the development on water demand and supply, the James City Service Authority (JCSA) requires a water model as part of the subdivision plan review process and will review the results at that time. The JCSA has stated the following in regard to the County's overall water supply system:

Water demands for James City County are based on projected population growth, historical trends, and land use designations in the Comprehensive Plan. These trends are documented in the JCSA's Master Water Infrastructure Plan, which projects 10.0 million gallons per day (mgd) demand in 2040. Current average daily demands are approximately 3.5 mgd.

An additional 2.0 mgd of water demand is projected to be needed over the next seven to ten years. JCSA is finalizing negotiations with Newport News Waterworks to purchase up to 2.0 mgd of water for the County for an initial period of three years with two 2-year extension options. Water purchasing from Newport News has tentatively been scheduled to begin the Summer of 2002.

To meet the projected water needs over the next 40 years, James City County has participated in the King William Reservoir Project. If this project is not permitted, the Master Water Plan provides that the County will pursue a groundwater desalination plan capable of producing 4.0 mgd of water. Preliminary evaluations indicate that this project is permissible and feasible. Permitting, design, and construction of the desalination facility is expected to take approximately five years.

To help mitigate the impact of the development on the water supply, the developer has offered a proffer to establish an Architectural Review Board which would be responsible for developing and enforcing water conservation standards in the subdivision. The JCSA has stated previously that it is willing to accept this approach as a starting point in reducing the demands on the water supply. The Board concurred with this approach in the approval of the Armistead/Taylor rezoning on Centerville Road in 1999. Staff recognizes that the County faces significant water

supply issues in the future. However, in the absence of Board of Supervisors policy regarding future development and water, staff has not suggested specific mitigation measures to the applicant.

Transportation and Access

The site will contain one access point at the end of Powhatan Springs Road and will add approximately 620 trips per day on Powhatan Springs Road. Recent traffic counts for Ironbound Road show the average daily traffic at this section is 12,324. This represents only a slight decrease from 1999's figure of 12,686 as a result of the opening of Route 199. While traffic volumes do not yet warrant additional capacity improvements, the 1997 Comprehensive Plan recommends that Ironbound Road be improved to four lanes by 2015. The additional traffic generated by this project is likely to bring Ironbound Road closer to the threshold recommended for widening to four lanes. However, it has not been determined what the impact of Alternate Route 5 will have on the need to widen Ironbound Road.

Transportation needs as a result of this project are discussed as three separate issues: Ironbound Road improvements, Powhatan Springs improvements, and Ironbound Road/Powhatan Springs intersection improvements.

Ironbound Road Improvements

The Virginia Department of Transportation (VDOT) recommends a right-turn taper on Ironbound Road at its intersection with Powhatan Springs Road and has determined that additional right-of-way may need to be provided to accommodate this taper. The applicant has offered a proffer that provides for completion or bonding of a standard right-turn taper on Ironbound Road prior to issuance of any certificates of occupancy for any dwelling units and is pursuing acquiring the necessary right-of-way to do so. VDOT also recommends that the applicant re-stripe the existing left-turn lane on Ironbound Road in accordance with the current standards. The applicant has offered a proffer to re-stripe the existing left-turn lane. **Staff is concerned that to implement VDOT's recommendation to provide the taper, the applicant needs to purchase additional right-of-way.**

Powhatan Springs Improvements

VDOT recommends that Powhatan Springs Road be upgraded to accommodate the additional traffic generated by this project. Powhatan Springs Road currently has a pavement width of 18 feet, and right-of-way that varies from 30 feet to 40 feet. The applicant has offered a proffer that provides for the removal of all soil and overgrowth of grass and weeds that have encroached over the edges of the existing pavement so that the original full width of pavement is visible and usable as a travel way. All trees, limbs, and shrubs will be trimmed, pruned, and removed up to a clearance height of twelve feet. The applicant has offered a proffer that will improve the pavement width of Powhatan Springs road to 22 feet.

In a letter dated June 5, 2000, John Mazur, Assistant Resident Engineer of VDOT's Williamsburg Residency, states that "this development and the associated trips it will generate will have a substantial impact on Routes 615 (Ironbound Road) and 640 (Powhatan Springs Road)." VDOT notes that the current typical section on Powhatan Springs Road appears to be below the minimum standards to serve the additional traffic generated by this site. VDOT finds that the proffers "will be an improvement from the existing conditions, but may not bring Route 640 or Route 615 up to minimum standards." **Staff has concerns that increasing the pavement width alone will not guarantee that the road will meet minimum VDOT standards, or include providing associated drainage and ditch improvements. Additionally, staff is concerned that in order to implement the proffer, the applicant needs to purchase additional right-of-way.**

Ironbound Road/Powhatan Springs Intersection Improvements

VDOT states that the intersection of Powhatan Springs Road and Ironbound Road also will be impacted due to the additional traffic from this project. Currently, the right-of-way on Powhatan Springs Road at the intersection is 30 feet. For all new subdivision streets, VDOT requires a minimum 40-foot right-of-way. VDOT staff noted that the existing right-of-way at the intersection is not wide enough to fit a typical section. **As a result of the additional**

traffic, VDOT is of the opinion that the applicant would need to purchase additional right-of-way to upgrade the intersection to meet VDOT's minimum standards.

In closing its June 5, 2000, letter VDOT states, "we do have concerns regarding this site's impact on Routes 615 and 640." Staff concurs with VDOT's analysis and finds that the traffic impacts of this proposal are significant. The applicant has offered several proffers to mitigate the traffic impacts of this proposal. However, staff finds that since the proffered improvements rely on acquiring additional right-of-way to improve the intersection of Powhatan Springs Road and Ironbound Road and to upgrade Powhatan Springs Road to meet VDOT's minimum standards, the proffers do not sufficiently mitigate the traffic impacts generated by this project. **The ability to acquire this right-of-way is not assured, and development could occur without these improvements in place. Staff is concerned that if the applicant does not provide upgrades to Powhatan Springs Road to meet VDOT's minimum standards, the burden for improving the road likely would be shifted to the general taxpayers through the Six-Year Secondary Road Plan.**

There has been some question regarding this project's proximity to Alternate Route 5, and relationship to the Transportation Improvement District (TID). The TID was created in the early 1990s to mitigate the impact of additional traffic congestion along the Route 5 corridor and to avoid widening Route 5 to four lanes as a result of additional residential growth. Several residential developments off of Route 5 or Alternate Route 5 have been included in the TID. After the creation of the TID, several additional residential developments located in the Route 5 corridor but not located in the TID received rezoning approval by the Board of Supervisors and included cash proffers specifically designated for the TID. Examples of these developments include Brandon Woods, Jamestown Hundred, Governor's Land 1996 addition, and Deer Run. All of these projects, with the exception of Deer Run, have access on Route 5. Deer Run is accessed from Greensprings Road near Route 5. The cash proffers for these projects ranged from a minimum \$1,000 per lot cash contribution to a maximum \$5,800 per lot cash contribution. No cash proffers for this project have been offered toward the TID.

This project is not accessed by Route 5 or Alternate Route 5, but will be accessed from Ironbound Road near Route 5. For that reason, this project can be compared only to Deer Run in the examples listed above, since neither project has access to Route 5 or Alternate Route 5. Another point of distinction is that the proffer for Deer Run designates the payment is to be used for **constructing two additional lanes to Alternate Route 5**. None of the proffer payments for Deer Run have been applied to the initial Alternate Route 5 construction, but will be applied to any future expansions of Alternate Route 5 if needed. With Deer Run being the only example, the Board has no consistent policy or pattern regarding TID cash proffers for projects that do not have access to Route 5 or Alternate Route 5. **Given the lack of consistent policy on this issue of projects not accessed by Route 5 or Alternate Route 5 and the fact that it has not been determined whether Ironbound Road will have to be widened to four lanes, staff finds that there is no clear justification for a cash proffer for the TID. Staff also finds that a cash proffer designated to the TID for this project will likely inhibit the ability for homes to be built at an affordable price.**

Adequate Public School Facilities Test Policy

In 1998, the Board of Supervisors adopted the Adequate Public Schools Facilities Test for all special use permit or rezoning applications. The policy states that a proposed rezoning or special use permit application will pass the test if the Schools which would serve the future development currently have adequate design capacity to accommodate the existing student population plus the additional schoolchildren generated by the development. If any of the applicable public Schools which would serve the future residential development exceed 100 percent of the design capacity, then the application will not pass the test for adequate School facilities. However, if the affected public Schools currently exceed design capacity, but the Schools' student population will be brought under design capacity within three years of the time of the application's review, then the application will be deemed to have passed the test.

The Schools that would serve the new development are Clara Byrd Baker Elementary School, James Blair Middle School, and Jamestown High School. The following table shows the effect of the proposal on each of the Schools that would serve the development, based upon a projected impact of 0.55 schoolchildren per household, for a total of 34 additional schoolchildren.

	Design Capacity	Effective Capacity	99/00 Enrollment	Plus Additional Schoolchildren
Clara Byrd Baker E. S.	804	724	859	875
James Blair M.S.	694	625	501	509
Jamestown H.S.	1,388	1,250	1,169	1,179

Note: For proposed enrollment, it was assumed that the breakdown of the 34 additional students would be 47 percent elementary, 24 percent middle, and 29 percent high school students. These percentages are based upon a Financial and Management Services study which is based upon actual enrollment records.

Given the expected number of students the new development would generate, both James Blair Middle School and Jamestown High School have sufficient design capacity. While the above chart shows Clara Byrd Baker Elementary School above 100 percent of design capacity, the opening of Stonehouse Elementary School this fall is projected to bring the student population for Clara Byrd Baker under design capacity, with a projected student enrollment of 685. With the addition of schoolchildren from this development, the projected number of students for Clara Byrd Baker would be 701 students, below the design capacity. Therefore, staff finds that this application passes the adequate public facilities test.

While the test addresses the capacity of the Schools, it does not address the capital costs associated with the additional schoolchildren generated by the proposed development. Figures provided by the Financial Management Service Department suggest that each residential unit generates an average school capital cost of \$5,900, for a total of \$365,800 for this project. No proffers have been offered to offset the capital costs of additional schoolchildren. In absence of Board of Supervisors' policy on this topic, staff has not considered this as part of its evaluation.

Residential Cluster Zoning Ordinance Requirements

Since the density of this project is greater than one unit per acre, the proposal is required to adhere to the residential cluster section of the Zoning Ordinance. The following section contains a breakdown of the requirements for a residential cluster as stated in the Zoning Ordinance and outlines how this proposal meets those requirements.

Buffers

Thirty-five foot perimeter buffers are required and have been provided. The applicant has provided a proffer stating that the perimeter buffer along the eastern boundary will include enhanced landscaping, or 133 percent of the landscaping required in the Zoning Ordinance.

Setbacks

No building can be located closer than 35 feet to the internal edge of perimeter buffers.

Density Standards

The maximum density permitted in a residential cluster for Low-Density Residential designated property is 4.0 dwelling units per acre. This proposal requests a density of 2.55 dwelling units per acre. The following description outlines the required Density Standards that apply to this development.

The following standards are required for cluster developments of up to three units per acre. The project shall conform to the **Streetscape Guidelines Policy**, which specifies the number and type of trees required along entrances and along all street rights-of-way. The proposal is also required to implement the County's **Archaeological Policy**. A cluster with this density is required to provide **sidewalks** along one side of the internal streets. Special use permit conditions have been added ensuring these items are provided. The applicant also has provided a proffer stating that the dwelling units will be subject to design standards prior to final subdivision approval and a proffer stating that sidewalks and pedestrian trails will be provided.

A cluster development with this density shall provide **recreation facilities** in accordance with the recommendations of the County's Comprehensive Parks and Recreation Master Plan (PRMP). The PRMP contains a formula for a specific amount, size, and type of recreation facilities to be provided based upon the projected number of residents within a development. The PRMP recommends .5 acres of a neighborhood park, .27 miles of biking and jogging trails, and .35 acres of a playground, courts, or ball fields. The cash equivalent for these facilities is \$4,315 for a neighborhood park and \$8,541 for a playground, court, or ball field. The applicant has identified an area adjacent to Lots 50 and 28 as an "active recreation area" to be developed as per the requirements of the Zoning Ordinance at the time of subdivision submittal and has proffered \$210 per lot toward recreation facilities. Staff finds the proffer meets the recommendations of the Parks and Recreation Master Plan.

The cluster ordinance also requires that the applicant implement the County's **Natural Resources Policy** prior to site plan approval in order to conserve natural resources, including rare, threatened, and endangered species. The ordinance requires the cluster development to provide a combination of **pedestrian and/or bicycle trails** connecting cul-de-sac streets, and requires the construction of **curb and gutter streets**, which have been provided.

Affordable Housing

The applicant has agreed to proffer that 100 percent of the homes sold in this neighborhood will be sold at or below the affordable housing sales price for James City County. **Please note that since the Planning Commission meeting, the applicant has revised this proffer, increasing the amount of affordable homes in the development from 30 percent to 100 percent.** The affordable housing sales price is set by adjusting the 1998 Hampton Roads Regional Loan Fund Partnership sales price limits (\$90,000) as referenced in the Hampton Roads Regional Loan Fund Handbook (March 1998) by the cumulative rate of inflation as measured by the consumer price index (CPI) annual average change. The annual increase shall not exceed five percent. According to the Housing and Community Development Division, in 2000 the price limit would be \$92,430, due to a CPI increase of 2.7 percent. Housing staff believes the 2001 limit would likely approach \$95,000, which is below the average home value (1998) in the County of \$182,000. **Please note that the applicant also has removed the three-year time limit for selling homes at the affordable price that was in the proffers reviewed by the Planning Commission. The revised proffers do not contain a time-limit.**

The developer is working with staff from the Housing and Community Development Office to identify potential buyers for the affordable homes, and have identified 73 families awaiting the purchase of an affordable home. The developer also plans for the project to be built-out within two to three years. Both staff and the developer are aware of the need and demand for affordable housing in the County and believe that the goal of selling 62 homes in the affordable price range is realistic. Staff finds the intent of this proffer to be acceptable.

Open Space

Since this site is located in a Low-Density Residential area and between 55-100 percent of the total units will be dedicated to affordable housing, 25 percent of the net developable area is required as dedicated open space. This equates to 3.78 acres of developable land that shall be dedicated as open space. The applicant has provided 32 percent of the developable area as open space, or 4.81 acres.

Staff finds that the applicant has fulfilled the requirements for a residential cluster up to three dwelling units per acre.

Comprehensive Plan

The site is designated Low-Density Residential on the 1997 Comprehensive Plan Land Use Map. Low density areas are residential developments on land suitable for such developments with overall densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan. In order to encourage higher quality design, a residential development with density greater than one unit per acre is not recommended unless it offers particular benefits to the community. The Zoning Ordinance will specify the benefits which may be the basis for a permit to go beyond one unit per acre.

In terms of density, the property currently is zoned R-8. Under the R-8 zoning, the developer could develop a maximum of one dwelling unit per three acres, for a total of eight dwelling units on 24.6 acres. This project proposes 2.55 dwelling units per acre, as opposed to the current density of .33 dwelling units per acre. Staff believes that proposed density is consistent with this section of the Comprehensive Plan as the proposal, with conditions and proffers, will offer the benefits specified in the Zoning Ordinance for densities more than one dwelling unit per acre.

Also taking into account the fact that this development provides for appropriate buffers and meets the criteria provided in the R-2 zoning district, and that this development is essentially infill development within the PSA, staff finds that the proposal is consistent with the Low-Density Residential designation.

The Comprehensive Plan discusses development impacts in the Development Standards section. It states:

Considering the careful balance the County must strike between accommodating additional development and providing services for the already approved development, the County will not approve additional residential development without first carefully considering the issues of adequate schools, transportation, water, sewer, recreation, and public safety facilities and services.

A general land use standard further describes the County's approach to development when considering its impacts. It states:

Permit the location of new uses only where public services, utilities, and facilities are adequate to support such uses. The need for public services (*police, fire education, recreation, etc.*) and facilities generated by a development should be met by that development. Means to address public service needs include proffers involving cash, construction, project phasing, uses, density, intensity, dedication, facility construction, and cost sharing.

In the past, the Board of Supervisors has had no formal policy related to mitigation of water supply and school capital costs. In considering rezonings, the Board is not limited in its ability to ensure adequate mitigation. As noted in earlier sections, the developer has not provided proffers fully mitigating costs associated with constructing schools. In this respect, staff does not believe the proposal is consistent with the development standards of the Comprehensive Plan.

The Comprehensive Plan also discusses at length the need for affordable housing in James City County. The Housing section states, "while the newer developments provide an abundant supply of certain types of housing, affordability to large numbers of local citizens remains a concern." Figures in the Comprehensive Plan indicate a shortage of affordable homes in the County. The County has higher than average housing and rental costs which add to the shortage of affordable housing for low- and moderate-income citizens. One goal of the Housing element is to "achieve a range of choice in housing type, density and price range." A strategy of the Housing element is to "recognize that least cost housing serves a public benefit and ensure that the Zoning Ordinance allows for increased housing and neighborhood design flexibility in residential zones. These revisions should encourage clustering, zero-

lot line development, accessory apartment, mixed housing types, and other innovative housing and neighborhood design options in appropriate locations.” In 1999, the Zoning Ordinance was updated to add opportunities and allow flexibility for development to incorporate affordable housing. Another strategy of the Housing element is to “allow increased densities in development proposals that address the need for housing determined to be affordable to families with low and moderate incomes.”

Staff strongly supports initiatives to further affordable housing opportunities within the County. It has been established for some time that there is a need for affordable housing. This project seeks to accomplish this goal by proffering 100 percent affordable housing. For this reason, staff finds this proposal consistent with the Housing element of the Comprehensive Plan.

RECOMMENDATION:

While staff supports the affordable housing aspect of this development proposal, staff ultimately finds that the significant traffic impacts of the proposal outweigh the affordable housing benefits. Staff finds that the traffic impacts have not been adequately addressed or mitigated as a result of the additional traffic generated by this project, considering Powhatan Springs Road would remain below VDOT’s minimum standards and the additional right-of-way for drainage, right-turn taper and intersection modifications are not guaranteed. Staff is concerned that in absence of the applicant upgrading Powhatan Springs Road to meet minimum standards, the upgrade will become a responsibility of the County’s Secondary Road Six-Year Plan.

In recognition of the County’s strong desire to increase the availability of affordable housing in the County, staff has been working with officials from the Housing and Community Development Division to determine if funds are available which could be used to improve Powhatan Springs Road to meet minimum standards. Staff met with VDOT staff who determined that the necessary improvements include such items as curbing and piping. Staff estimates that the cost of improving the road to meet VDOT’s minimum standards in addition to the improvements the applicant is proffering is approximately \$100,000 - \$150,000. No funds have been identified which can be used to bring the roadway up to minimum standards. Please note that Housing staff remains in discussion with the applicant about opportunities to keep costs low by working together to market the proposed new, affordable homes.

For these reasons, staff recommends denial of this rezoning and special use permit request. On September 6, 2000, the Planning Commission voted 5-2 to deny this application. Please note that as agreed to by the Board of Supervisors and Planning Commission on August 24, 1999, as part of the Proffer Policy, the Board will not act upon those proffers which were not reviewed by the Planning Commission in cases where the Planning Commission has recommended denial (this will not apply to minor and nonsubstantive changes). The proffers clearly contain substantive changes (i.e., increasing the amount of affordable housing units from 30 percent to 100 percent and eliminating the three-year time limit), and the proffer policy calls for the Board to remand the case back to the Planning Commission. Staff spoke with the Chairman of the Planning Commission who requested the case be remanded to the Commission. Staff supports remanding the case back to the Commission. As a point of information, the Commission’s conversation as to its reasons for recommending denial revolved around a variety of issues in addition to affordable housing. Should the Board of Supervisors choose to act on the case and approve the request, staff recommends the Board accept the voluntary proffers along with the following conditions:

1. Master Plan. The plan of development shall be generally consistent with the “Master Plan of Development of Five Folks Residential Cluster, an Affordable Subdivision to Accompany SUP-24-99” prepared by Horton and Dodd, P.C., dated June 26, 2000, (“Master Plan”) as determined by the Director of Planning.
2. Density. There shall be no more than 62 dwelling units on the property.

3. Streetscapes. The Owner shall provide and install streetscape improvements along both sides of all streets in accordance with the Streetscape Guidelines Policy. The streetscape improvements shall be shown on the plan of development and submitted for approval to the Director of Planning.
4. Archaeology. A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading, or construction activities thereon.
5. Pedestrian System. The Owner shall provide and construct a sidewalk along one side of all roads in the subdivision. A six-foot wide soft surface or unpaved paved pedestrian trail system shall be constructed generally in the location shown on the Master Plan. The Director of Planning shall review and approve the final design and location of the trail prior to construction. The sidewalks and trail shall be constructed or bonded prior to final subdivision approval for any residence adjacent to the sidewalk and trail.
6. Recreation. A landscaped recreation area shall be provided in a manner generally consistent with the location shown on the Master Plan. The final design and location shall be reviewed and approved by the Development Review Committee prior to construction. The recreation facilities shall be installed or bonded prior to final subdivision approval for more than 25 lots or units.
7. Landscaping in Perimeter Buffer. In the areas of the perimeter buffer that are nonwooded, the Owner shall plant two trees per 400-square feet of landscape area. A minimum of 50 percent of the trees shall be evergreen.
8. Steep Slopes. No residential building shall be closer than 25 feet to a 25 percent or steeper slope unless approved by the Environmental Director.
9. Resource Protection Area (RPA). No Resource Protection Area (RPA) will be platted as part of any lot unless approved by the Environmental Director.
10. Time Limit. If construction of the development has not commenced within a period of 24 months from the date of issuance of this special use permit, this permit shall become void. Construction shall be defined as clearing, grading, or excavation for the development.
11. Severability. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Jill E. Schmidle

CONCUR:

O. Marvin Sowers, Jr.

JES/gb
z799²499.wpd

Attachments:

1. Planning Commission minutes
2. Location map
3. Proffers
4. Citizen letters (5)
5. Resolutions (2)

RESOLUTION

CASE NO. Z-7-99. GRIESEN AUER RESIDENTIAL CLUSTER

WHEREAS, in accordance with Section 15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-7-99 for rezoning 24.6 acres from R-8, Rural Residential, to R-2, General Residential, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on September 6, 2000, recommended denial of Case No. Z-7-99 by a vote of 5 to 2; and

WHEREAS, the property is located at 248 Ingram Road and further identified as Parcel No. (1-15) on James City County Real Estate Tax Map No. (46-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-7-99 and accept the voluntary proffers.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of November, 2000.

Z-7-99.res

RESOLUTION

CASE NO. SUP-24-99. GRIESENAUER RESIDENTIAL CLUSTER

- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and
- WHEREAS, Mr. Joseph Terrell has applied on behalf of Mr. Paul Griesenauer for a special use permit to allow 62 single-family residential units in a residential cluster; and
- WHEREAS, the proposed residential cluster is shown on the Master Plan prepared by Horton and Dodd, P.C., dated June 26, 2000, and entitled "Five Forks Residential Cluster;" and
- WHEREAS, the property is located on land zoned R-2, General Residential District, and can be further identified as Parcel No. (1-15) on James City County Real Estate Tax Map No. (46-2); and
- WHEREAS, the Planning Commission, following its public hearing on September 6, 2000, voted 5-2 to deny this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-24-99 as described herein with the following conditions:

1. Master Plan. The plan of development shall be generally consistent with the "Master Plan of Development of Five Folks Residential Cluster, an Affordable Subdivision to Accompany SUP-24-99" prepared by Horton and Dodd, P.C., dated June 26, 2000, ("Master Plan") as determined by the Director of Planning.
2. Density. There shall be no more than 62 dwelling units on the property.
3. Streetscapes. The Owner shall provide and install streetscape improvements along both sides of all streets in accordance with the Streetscape Guidelines Policy. The streetscape improvements shall be shown on the plan of development and submitted for approval to the Director of Planning.
4. Archaeology. A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic

Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

5. Pedestrian System. The Owner shall provide and construct a sidewalk along one side of all roads in the subdivision. A six-foot wide soft surface or unpaved paved pedestrian trail system shall be constructed generally in the location shown on the Master Plan. The Director of Planning shall review and approve the final design and location of the trail prior to construction. The sidewalks and trail shall be constructed or bonded prior to final subdivision approval for any residence adjacent to the sidewalk and trail.
6. Recreation. A landscaped recreation area shall be provided in a manner generally consistent with the location shown on the Master Plan. The final design and location shall be reviewed and approved by the Development Review Committee prior to construction. The recreation facilities shall be installed or bonded prior to final subdivision approval for more than 25 lots or units.
7. Landscaping in Perimeter Buffer. In the areas of the perimeter buffer that are nonwooded, the Owner shall plant two trees per 400-square feet of landscape area. A minimum of 50 percent of the trees shall be evergreen.
8. Steep Slopes. No residential building shall be closer than 25 feet to a 25 percent or steeper slope unless approved by the Environmental Director.
9. Resource Protection Area (RPA). No Resource Protection Area (RPA) will be platted as part of any lot unless approved by the Environmental Director.
10. Time Limit. If construction of the development has not commenced within a period of 24 months from the date of issuance of this special use permit, this permit shall become void. Construction shall be defined as clearing, grading, or excavation for the development.
11. Severability. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of
November, 2000.

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MEMORANDUM

DATE: November 14, 2000
TO: The Board of Supervisors
FROM: Frank M. Morton, III, County Attorney
SUBJECT: Purchase and Sale Agreement and Addendum/Sale of Old Courthouse

The Colonial Williamsburg Foundation ("Foundation") has proposed a purchase of the old courthouse ("Courthouse") and the 2.35-acre site on which it is located in Williamsburg. The Courthouse is owned 50-50 by the County and the City of Williamsburg ("City"). The City has approved the sale and both the City and the Foundation have executed the documents.

The following constitute the key elements of the Purchase and Sale Agreement and Addendum:

- Site consists of 2.35 acres and Courthouse;
- Price of one million dollars, split 50-50 between County and City;
- Foundation will demolish and remove Courthouse;
- Foundation will remove two underground storage tanks. If they have leaked, the parties will split the costs of removal of any hazardous materials 50-50, up to \$5,000, i.e., the County would be responsible for up to \$2,500. If costs of removal exceed \$5,000, the Foundation has choice of paying those costs or terminating the Agreement;
- Foundation will have a 120-day study period in which to examine title, do testing, etc.;
- Sale is contingent on property being rezoned by the City to Museum Support classification;
- Closing to take place no later than April of 2001; and
- Addendum provides a right of first refusal in favor of the City which must be exercised no later than December 31, 2016, if the Foundation has failed to improve the site by "commencing construction on the property of improvements, other than parking facilities, allowed by applicable zoning." The purchase price under the Addendum is one million dollars plus inflation plus an administrative fee.

The anticipated proceeds, \$495,000, from the sale of the old courthouse were included as revenue in the FY 01 Capital Improvement Budget.

RECOMMENDATION:

I have discussed this matter with the County Administrator and staff recommends the Board approve the attached resolution authorizing the County Administrator to execute the documents.

Frank M. Morton, III

CONCUR:

Sanford B. Wanner

RESOLUTION

PURCHASE AND SALE AGREEMENT AND ADDENDUM/

SALE OF OLD COURTHOUSE

WHEREAS, the County of James City (“County”) and the City of Williamsburg (“City”) have jointly constructed a new courthouse; and

WHEREAS, the Colonial Williamsburg Foundation (“Foundation”) had offered to purchase the old courthouse and negotiations for same have been ongoing for approximately one year; and

WHEREAS, the City and the Foundation have executed a Purchase and Sale Agreement and an Addendum thereto to effectuate a sale under the terms and conditions set forth therein.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby authorizes and instructs the County Administrator to execute the Purchase and Sale Agreement and Addendum thereto and such other documents as may be necessary to sell the old courthouse.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of November, 2000.

oldcourt.res