

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

July 22, 2008

7:00 P.M.

	<u>Page</u>
A. ROLL CALL	
B. MOMENT OF SILENCE	
C. PLEDGE OF ALLEGIANCE – Marshall Blanchard, a rising fourth-grade student at Stonehouse Elementary School and Quinton Blanchard, a rising sixth grader at Toano Middle School	
D. HIGHWAY MATTERS	
E. PUBLIC COMMENT	
F. CONSENT CALENDAR	
1. Minutes - July 8, 2008, Regular Meeting	1
2. Grant Award - Department of Criminal Justice Services - Technology Improvements - \$50,000.....	33
<i>Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes</i>	
3. Grant Award - Rescue Squad Assistance Fund - \$84,400.....	35
<i>Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes</i>	
4. Approval of Revisions to the Joint Exercise of Powers Agreement - Colonial Community Criminal Justice Board	37
5. Authorization of Execution of a Contract Between the County of James City and the Colonial Services Board for the Delivery of Mental Health, Mental Retardation, and Substance Abuse Services	39
G. PUBLIC HEARINGS	
1. Case No. Z-0001-2008/MP-0001/2008/SUP-0006-2008/HW-0002-2008. St. Olaf's Catholic Church Expansion and a Resolution to Vacate 4.03 Acres of Conservation Easement (deferred from July 8, 2008)	41
2. Right-of-Way Agreement - Dominion Virginia Power - Freedom Park	145
3. Conveyance of a Water/Sewer Easement to the James City Service Authority - 2070 Jamestown Road	149

- CONTINUED -

H. BOARD CONSIDERATION

1. Support for the Williamsburg Regional Medical Center Certificate of Public Need (COPN).....153
Supports County's Strategic Pathway 2.a - address the needs of the underserved and protect the vulnerable
2. 2008 Comprehensive Plan Review Steering Committee Appointment.....157

I. PUBLIC COMMENT

J. REPORTS OF THE COUNTY ADMINISTRATOR

K. BOARD REQUESTS AND DIRECTIVES

L. ADJOURNMENT to 7 p.m. on August 12, 2008

072208bos_age2

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF JULY 2008, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

Bruce C. Goodson, Chairman, Roberts District
James G. Kennedy, Vice Chairman, Stonehouse District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District
Mary Jones, Berkeley District

Sanford B. Wanner, County Administrator
Leo P. Rogers, County Attorney

C. PLEDGE OF ALLEGIANCE – Jordan Lawson, a rising fourth-grade student at Matoaka Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Mr. Dale Merriss, 104 Inverness, commented on the public hearing process and recognition of the voice of the public. Mr. Merriss asked that public hearing matters be voted on no sooner than the close of the public hearing.

2. Mr. Robert Richardson, 2786 Lake Powell Road, commented on inappropriate behavior related to the appointment of Mr. Chris Henderson to the Planning Commission and violations of the Code of Ethics.

3. Mr. Bob Warren, 104 Gullane, commented on the impact of illegal immigration on Prince William County and the implications for James City County.

4. Mr. Bill Geib, 104 Allwardly, on behalf of the James City County Citizens Coalition, commented on Distribution Antenna Systems (DAS) and other technology as alternatives to cellular towers. He commented on the need for a County-wide cellular service plan with available technology and the Comprehensive Plan update.

5. Mr. Ed Oyer, 139 Indian Circle, commented on citizen disapproval of the Transportation Authority; email retention in the County; traffic on Route 60 East; and right-of-way use fees.

Mr. Goodson noted that Delegate Brenda Pogge was in attendance.

E. CONSENT CALENDAR

Mr. Goodson asked to pull Item No. 2 for separate consideration.

Mr. McGlennon made a motion to adopt the remaining items on the Consent Calendar, including the amendment to the work session minutes of June 24, 2008.

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

1. Minutes –
 - a. June 24, 2008, Work Session as amended
 - b. June 24, 2008, Regular Meeting
2. Support for the Williamsburg Regional Medical Center Certificate of Public Need (COPN)

Mr. Goodson asked Mr. Bob Graves of Sentara to speak about the application for the COPN.

Mr. Graves thanked the Board for its consideration and noted Sentara's presence in James City County. He stated that the resolution demonstrated the Board's support for the most recent application for a COPN for an expansion of six beds.

Mr. McGlennon stated that he was unsure of his support for this item, as he was unaware of this project and what was being proposed. He stated that this was an application for six beds.

Mr. Graves stated this was correct.

Mr. McGlennon asked if there was also a component to this project to add a sixth-floor at a cost of approximately \$11 million.

Mr. Graves stated that the hospital was built with the capability to add a sixth-floor with space for up to 48 additional beds. He stated that this application requested only six beds.

Mr. McGlennon asked if there was a need for additional beds.

Mr. Graves stated that there were not additional beds needed due to the Riverside Health System application, but he believed that if the Commissioner of Health determined that additional beds were needed, then Sentara could provide them at a lower cost and with more accessibility.

Mr. McGlennon stated that he would like to see this item deferred until he was able to receive more detailed information about the project.

Mr. Graves asked if the Board would like to give a decision in support of the overall need with specific questions regarding the planning being answered as necessary.

Mr. McGlennon stated that he had no written information about this project and it was difficult to make a judgment of support without any additional information. He stated that he understood it was support for an application for six beds, but the building addition with the potential for 48 more beds was new information.

Mr. Goodson stated that additional information could be provided and the Board could continue this item to the next meeting. He stated that it could be placed on the agenda as a Board Consideration.

Mr. Graves stated that the application was already submitted and stated that supporting this resolution would provide competition.

Mr. McGlennon stated that he would like additional information before voting on this item.

Mr. Goodson stated that he believed the Board would need additional data on what the project entails. He stated that the item would be deferred to the next meeting as a Board Consideration.

This item was deferred to July 22, 2008.

F. PUBLIC HEARINGS

Mr. Goodson recognized Planning Commissioners Tony Obadal and Jack Fraley in the audience.

1. Z-0008/MP-0006-2007. Ford's Colony Section 37 – The Village at Ford's Colony

Mr. Bill Porter stated that prior to the staff presentation he needed to explain to the Board that the Agricultural and Forestal District (AFD) withdrawal portion required a public hearing of the Planning Commission and the Board of Supervisors. He stated that the remainder of the application did not require an additional public hearing. He stated that staff had made an error and the Board could address the error.

Mr. Goodson stated that the AFD withdrawal was part of the staff presentation.

Mr. Porter stated that the AFD withdrawal was in the staff presentation at the Planning Commission and at the Board of Supervisors meeting, but was not a separate advertised public hearing.

Mr. Goodson asked if the property should be withdrawn before the land use application could be acted on.

Mr. Porter stated that the policy adopted by the Board dictated that the AFD withdrawal and land use application move through the process simultaneously.

Mr. Goodson asked if there was any way to adopt the rezoning resolution and come forward at a later time with the land withdrawal.

Mr. Porter stated that it could not, as this condition was part of the Gordon's Creek AFD ordinance.

Mr. Rogers stated that it is incorporated in a Board policy adopted in 1996.

Mr. Porter stated that each AFD is adopted by ordinance.

Mr. Goodson stated that the ordinance would need to be amended.

Mr. Porter stated that this was correct.

Mr. Rogers stated that in order to comply with the ordinance and the public hearing requirements, the withdrawal would need to move simultaneously with the land use case, but since it was not advertised this was not possible. He stated that there were two options: an emergency ordinance which was a temporary ordinance that would be in effect for sixty days, during which time staff would advertise for the Planning Commission and the Board to get the item back for the meeting on August 12, 2008. He stated that the other option would be to readvertise both cases for the Planning Commission and Board, to be heard again by the Board on August 12, 2008, in order to meeting public hearing requirements.

Mr. Goodson stated that there would need to be a public hearing on the temporary ordinance and it needed to be acted on within 60 days.

Mr. Rogers stated that the case could be acted on today but staff would need to readvertise to adopt the temporary ordinance.

Mr. Porter noted that the only portion that was a problem was the AFD withdrawal and assured the Board that the land use portion met the proper requirements.

Mr. Goodson asked if permitting would need to be rushed in order to meet the time requirements of the temporary ordinance.

Mr. Rogers stated that he did not believe that staff would need to move more quickly than normal on permitting and site plan approval. He stated that if the Board wished to act on this item tonight, the Board would need to adopt the emergency ordinance, and the Board would need to act on that within 60 days.

Mr. McGlennon asked what was designated as an emergency.

Mr. Rogers stated that the Code has left that to the discretion of the Board.

Mr. McGlennon asked what the emergency was in this case to prevent the Board from following proper advertising procedure.

Mr. Porter stated that it was staff's error and the applicant should not bear the consequences of staff's error, and it was staff's understanding that this case would need to be acted on by August 1, 2008, to avoid financial hardships for the applicant.

Mr. McGlennon stated that the public should not be made to bear the consequences of staff's error in this instance. He stated that he was unaware of a timeline for a very significant case and it is presumptuous to assume this case would receive an approval at its first consideration of the Board of Supervisors. He stated that he did not believe the Board was obligated to act at this meeting.

Mr. Goodson stated that there was no timeline obligation, but that the deferrals requested by the application were in the interest of addressing public comment. He asked Mr. Fraley to speak about the public comment process of this item.

Mr. Fraley stated that the Planning Commission spent about eight hours in work sessions and regular meetings on this case alone.

Mr. Goodson stated that the applicant is being forced to wait and also the Planning Commission is being asked to invest more time. He stated the application is well-known to the public, and that the part subject to the error was a technicality that did not pose a major impact on the acceptance of the proposal.

Mr. McGlennon stated that the Planning Commission would need to invest the time anyway.

Mr. Rogers stated that was correct.

Mr. Goodson stated that the Planning Commission would be considering the AFD withdrawal only.

Mr. Rogers stated that this was correct.

Mr. McGlennon stated that the Planning Commission would consider the AFD case only in either circumstance. He stated that the Board has the opportunity to investigate this case to the same degree, and that the Planning Commission should not be the recipients of public comment for the Board as it has its own public comment process.

Mr. Goodson stated it was irregular for staff to make this error.

Mr. Kennedy asked what the consequence would be if the emergency ordinance was adopted and the case was approved, but the AFD withdrawal was denied by the Planning Commission and Board when it was heard at a later date.

Mr. Rogers stated that the Planning Commission would make a recommendation and the Board would make the decision. He stated that if the Board would not consent to the withdrawal, it should not act on the emergency ordinance. He stated that it would be a problem for this project if the emergency ordinance was adopted but not readopted after a public hearing.

Mr. Kennedy asked when this came to the attention of Mr. Icenhour, and asked why it did not come to the attention of the rest of the Board.

Mr. Icenhour stated that it came to his attention when reading the staff report and realizing that the resolution was absent of action regarding the AFD. He asked staff yesterday and was told that it could be fixed. He stated that members of the Planning Commission discussed the AFD withdrawal, and that it was in the staff report. He stated that there was discussion with staff today, and that there was no publication of the AFD withdrawal public hearing since the original Planning Commission advertisement was in November 2007. He stated that it was in May 2008 that the AFD Committee took action on this item, but there was no notice of the AFD withdrawal for the Planning Commission or Board of Supervisors.

Mr. Kennedy stated that when he was on the Planning Commission there was an item wherein the applicant realized he was in an AFD at the last minute and nothing could move forward. He stated that there should have been a checklist, and that staff had not done its job to due diligence. He asked how this happened.

Mr. Porter stated that he did not know. He stated that it was a long-running case with much iteration, and that during the long process this portion had fallen through the cracks.

Mr. Kennedy stated that he brought this up before, and stated that he felt that all property should indicate that it was in an AFD and that he understood from John Horne that this was done. He stated that this was a procedural problem and staff was wrong. He stated his disappointment, as he had hoped that the last time this happened would be the last time. He stated his disapproval with how the case had moved forward and the lack of information.

Mr. Goodson stated he believed that this delay would cause serious financial hardship to the applicant and asked if the County was culpable for this.

Mr. Porter stated that this would not slow the process down because staff recommended approval. He stated that staff did know it was an AFD and that it was taken through the AFD Advisory Committee and that it was included in the staff report for the Planning Commission and the Board, but that the advertisement was omitted.

Mr. Goodson stated that staff should have recommended approval since it meets the Comprehensive Plan.

Mr. Porter stated that staff did not purposely slow down projects.

Mr. Kennedy stated this was not a good situation for the Board because there was no proper solution.

Mr. McGlennon asked if the County could be held responsible.

Mr. Rogers stated that a suit could be filed, but the Board is not liable for damages. He stated that there was a financial time limit to act on the case and there was a mistake found. He stated that staff found a solution, and staff did not want to have a decision overturned in a procedural challenge. He stated that he wanted to make sure that whatever decision was to be made was done properly and also that it would be a final decision of the governing body.

Mr. McGlennon asked if staff told the applicant that a decision would be made by a certain date.

Mr. Rogers stated that staff has not done that.

Mr. Goodson stated that he is disappointed that staff is in this situation.

Ms. Jones stated that the purpose of a public hearing was to hear the public, staff, the applicant, and other Board members.

Mr. McGlennon stated that he felt there was no emergency and any case could be deferred.

Ms. Jones stated that there was a notification issue with Monticello Woods, and the Board still went to great lengths to go through the proper channels. She asked if the AFD withdrawal was referenced in all staff reports to this point.

Mr. Rogers stated that this was correct, and that was the subject of his meeting with Mr. Icenhour. He explained that the temporary ordinance was to withdraw the property from the AFD, and that Gordon's Creek AFD required that the withdrawal be done simultaneously with the land use case.

Mr. Kennedy asked to hear from the applicant.

Mr. McGlennon asked where the Board was at this point.

Mr. Goodson stated that he would like to hear whether the Board was in favor of considering the emergency ordinance or deferral.

Mr. Icenhour stated that the public hearing should be opened and should continue as we move forward. He stated that the error should not impact what the actions would be tonight.

Mr. Goodson stated that he agreed.

Mr. Goodson asked if the Board would have to open the public hearing on the temporary ordinance.

Mr. Rogers stated that the public hearing would need to be opened for the land use portion but not for the emergency ordinance.

Mr. Rogers stated that the AFD withdrawal has been part of the land use case since the beginning, and that in deciding the land use case the Board must consider whether the land should be withdrawn from the AFD and then the procedural issue of whether to adopt an emergency ordinance, or to defer the case for proper advertisement.

Mr. Goodson asked if there was a consensus to put the emergency ordinance before the public.

Mr. McGlennon asked if the emergency ordinance was subject to the public hearing.

Mr. Rogers stated that there was no need for a public hearing for an emergency ordinance, hence the nature of an emergency.

Mr. McGlennon stated that the issue of whether or not to adopt the emergency ordinance would need to be addressed before the public hearing.

Mr. Goodson asked staff to make the presentation.

Mr. David German, Planner, stated that Mr. Vernon Geddy has applied on behalf of Realtec, Inc. to rezone the subject property located at 3889 News Road (James City County Real Estate Tax Map No. 3730100004) from R-8 (Rural Residential) to R-4 (Residential Planned Community), with Proffers, to support the creation of a Continuing Care Retirement Community (CCRC) on the property. This CCRC will feature up to 38 independent living townhouses, 558 additional independent living units (elderly attached and congregate care), 83 assisted living/memory care rooms, two additional assisted living/memory care beds for use by the James City County Department of Social Services in conjunction with its Auxiliary Grant (AG) Program, and 60 skilled nursing beds. While the CCRC, if approved, would become a part of the Ford's Colony Master Plan, none of the CCRC living units, rooms, or beds will be sold to individual owners. Additionally, the applicant has proffered that the CCRC will not be a part of the existing Ford's Colony Home Owners Association (HOA), and that persons living in the CCRC will not be members of the existing Ford's Colony HOA; (please see Proffer No. 17 for further information). The R-8 zoning district is a low-density holding district for properties inside the Primary Service Area (PSA). It is the expectation of the County that properties zoned R-8 will eventually be rezoned and developed.

Staff found this application proposes a development that is generally consistent with the tenets of both the Zoning Ordinance and the Comprehensive Plan. The project represents an initial and annual fiscal gain for the County, and it adequately mitigates the larger infrastructure and other potential impacts associated with the proposed development. While the intensity of development is somewhat higher than in neighboring uses, staff believes that the buffers and proffers that are included in the plan of development will adequately offset the negative aspects associated with this difference in scale.

At its meeting on May 5, 2008, the AFD Advisory Committee recommended approval by a vote of 4-2.

At its meeting on June 4, 2008, the Planning Commission recommended approval by a vote of 4-3.

Staff recommended approval of the application.

Mr. Icenhour asked Mr. Rogers the application of this under the R-4 ordinance. He stated that Ford's Colony has been the most active R-4 community in the addition of land, and there was a question of ownership or control. He stated that the County was unconcerned with how many people own the property, as long as the applicant also owns the adjacent property. He stated that the issue was with control since the ownership of the R-4 is in several hands. He stated that at the time of application to add property, staff needed to make an administrative decision to determine if the developer had control of the property. He noted that since the original master plan there were many additions of land, and at the time they were done, the HOA Board was appointed by the developer. He stated that this was the first one that has occurred since the Board has been independent. He stated that the appeal process is past, but that there needed to be clarification to this issue of control due to when ownership of the R-4 community transfers to an HOA, they do not have any control of that.

Mr. Rogers stated that this was not correct. He stated that the control that an HOA has is over the common area of the development, and at some point in the declaration the ownership or control is turned over to the property owners. He noted that this is the same process that any planned residential community follows. He stated that the R-4 development is owned by Realtec, Inc., which owns a great deal of property through itself and its entities. He stated that through R-4 standards it was determined that Realtec was eligible to apply for a rezoning. He said that the question was whether it met the threshold to make an application.

Mr. Icenhour stated that it meets the requirement for a property owner to apply, but that there was still the issue of control.

Mr. Rogers stated that Realtec was the same developer that developed the R-4 community, and it had control over the property; and therefore, it was able to apply to add property and to let the Board decide whether or not it should be approved.

Mr. Icenhour stated that there was no confidence on the part of the HOA or residents that the Board would represent their interests, so they secured an agreement with the developer that gives them the authority for anything that would be put under the homeowners association, in addition to the HOA would require the approval of the HOA. He stated that his impression of a planned residential community was tied to a master plan, and this community's master plan has grown to be a master plan of the developer that has divorced from the community. He stated that the R-4 ordinance brought into question the interpretation of ordinances. He stated that it was the decision of staff, but he disagreed with it. He stated that he did not feel it was in the best interest of the citizens.

Mr. McGlennon asked what this particular proposal despite the amendment to the master plan, has to do with the planned residential community. He asked what other cases the County has that are comparable. He stated that he understood the proposal for the development, but he did not understand why it needed to be part of Ford's Colony.

Mr. German stated that he was unaware of any additions made after the master plan was approved, but Mr. Geddy may be able to answer this.

Mr. McGlennon asked why this was a reasonable amendment to a master plan to bear some relationship to the existing planned community, and asked if there were other examples to comparable amendments, particularly if the amendment was not to be treated similarly to the rest of the master plan.

Mr. German stated that it was unique in that respect, and stated that it was continuation of the lifestyle of Ford's Colony for those who live there.

Mr. McGlennon asked what would lead government to that conclusion based on a land use application. He asked if there was an example of a similar application.

Mr. Goodson stated that Morningside was a CCRC in the Busch R-4 Master Plan.

Mr. Icenhour stated that facility does not meet the same standard of continuing care.

Mr. Rogers stated that was not an amendment to an R-4, but it was similar in that it was a CCRC as part of an R-4 Master Plan. He stated that staff has an administrative responsibility to determine what meets the minimum standards to accept the application, but no legislative responsibility to determine if the addition should be made.

Mr. McGlennon asked why staff made the recommendation to make this amendment. He stated that staff should have come to the Board for guidance with a case that is not reflected in past policies and cases in the County Code. He stated that there was no standard of when to amend a master plan and when not to do so, but if this case is approved, it would set a precedent. He stated that there was not a compelling argument on why this case was made.

Mr. Goodson stated that there was disagreement over whether the application should be accepted.

Mr. McGlennon stated that there was obvious disagreement over whether or not to accept the application, which raised concern.

Mr. Kennedy asked if the acceptance was done in August 2007.

Mr. Rogers stated that the application was submitted in July 2007.

Mr. Kennedy stated that the R-4 ordinance was discussed in August 2007.

Mr. Rogers stated that was correct. He stated that the Zoning Administrator makes a determination whether or not to accept an application which is an administrative decision, not a legislative decision.

Mr. Porter stated that the application was submitted in July 2007, and through a series of deferrals it was not ready to be heard by the Board until this meeting.

Mr. Goodson stated that if the case was not heard tonight, it would have been in process for over a year. He stated that the applicant had asked for deferrals to incorporate citizen input, and that this was not attributed to being behind in the process.

Mr. Porter stated that the applicant was trying to improve the application.

Mr. McGlennon stated that it was reasonable to believe that if there was adequate guidance prior to the application, then the deferrals would not be necessary. He stated that the applicant made the

determination to make those deferrals, and he stated that the Board should not be pressured to act based on the deferral of the applicant.

Mr. Goodson stated that there was no pressure, but that the case has gone on for a long time.

Mr. Icenhour asked staff about the density issue and how staff made the determination to move forward in light of the character and nature of this portion of the County.

Ms. Jones asked about the minutes Mr. Icenhour had quoted from the Development Review Committee.

Mr. Fraley stated this item would not have gone before the Development Review Committee (DRC), but rather the Planning Commission.

Mr. German stated that the comment letter that Mr. Icenhour read was from staff to the applicant.

Mr. Icenhour stated that there was concern from staff and there were several deferrals and then there was a different recommendation. He stated that it was important for the Board to know that there was serious concern, but the same level of development went forward to the Planning Commission with a recommendation of approval.

Mr. German stated that in the interim there were a number of changes made by the applicant to improve the application. He stated that the applicant was very willing to work with staff and the Planning Commission on the proffers, which was how staff arrived at the positive recommendation.

Mr. Icenhour commented on the density of the project in relation to the Comprehensive Plan definition of Low Density Residential. He said that the Comprehensive Plan spoke only in residential density in units per acre with guidance in how to vary from 1-4 units per acre. He stated this was a use that did not fit within that zoning. He stated that other CCRCs were in property that was Low Density Residential, and that there were rezonings. He said each CCRC project used different density calculations based on the type of unit divided by gross acres. He stated that the Comprehensive Plan states 1-4 units, and asked how the recommendation was presented for approval for a project over four units per acre. He stated that some units were not counted because of different uses and different impact. He stated that staff has been inconsistent with its procedure without coming back to the Board for guidance on the interpretation.

Mr. Goodson stated that he felt the Board had been giving guidance through approvals for the previous calculations.

Mr. Icenhour stated that he felt the Board may not agree with the inconsistency in the calculations.

Mr. Goodson stated that he believed it did, as he did not believe rooms should be counted as units.

Mr. Icenhour stated that there was no method of determining impacts. He stated that if there were no independent living units, then the methodology would dictate a density of zero, which would be unacceptable. He stated that if there should be a determination of how much these items should count toward density.

Mr. Goodson stated staff should be given a question to answer.

Mr. Icenhour asked why staff used this method of calculating density for the project.

Mr. German stated that the same methodology was used as with the previous case in WindsorMeade as staff wished to maintain consistency with the last similar project the Board passed, which had not been done in the past.

Mr. Icenhour stated that when all units were counted, the density was above the recommended limit for low-density residential.

Mr. Goodson stated that the question of methodology was answered.

Mr. Icenhour stated that the calculations met the Comprehensive Plan limit.

Mr. Goodson stated that after this proposal, there should be a work session and staff should receive direction, but this application is currently before the Board and staff was given the direction through the approval of the last project.

Mr. Icenhour stated that direction should be given to change the Comprehensive Plan.

Mr. Goodson stated that staff followed the Board's direction by following the previously approved calculations.

Mr. McGlennon stated that since staff used conflicting calculations in the past, there was no clear direction.

Mr. Goodson stated that the mistake was realized and that it was rectified. He stated that staff got direction via the approval of the last case.

Mr. McGlennon stated that if there was a question staff should have asked the Board for guidance.

Mr. Porter stated that the density limit is there, and also what needs to be looked at is what was already approved and what has been built. He stated that with Patriots Colony, 120 units were approved and 60 units were built. Mr. Porter stated that it may be that Mr. Icenhour did not have the full information. He stated that the developments had an approved number, but they were not built-out.

Mr. Icenhour stated that even in the built-out phase it met the Comprehensive Plan limit.

Mr. McGlennon stated that the zoning allowed up to four units per acre, but to allow more than one unit there needed to be significant public benefit. Mr. McGlennon asked what unique benefits were provided to allow for the higher end of the limit of density.

Mr. German stated that there was a substantial economic benefit and a positive environmental benefit in design. He stated that the proffers were compared to previous applications from the same developer on the same property, and there was a superior proposal. He stated that this was a substantial public benefit.

Mr. McGlennon asked if there was a significant public benefit to warrant the higher density.

Mr. German stated that if it was built as designed, it would.

Mr. McGlennon stated that he assumed increasing density would equate to increasing public benefit, and that he was surprised it was not the assumption of staff. He stated that he was concerned about two proffers. He asked why staff felt the proffered stoplight was a benefit.

Mr. German stated that the residents of Powhatan Secondary asked the developer to consider a stoplight. He stated that the developer told them he doubted that the Virginia Department of Transportation (VDOT) would not warrant the stoplight at the intersection.

Mr. McGlennon stated that it was an empty proffer.

Mr. German stated that it may not come to pass at this point, but he felt that it was commendable that the applicant put the proffer forward in the event that VDOT warranted a stoplight.

Mr. McGlennon stated that VDOT has determined that since the development is built-out, it was unlikely that VDOT would change its opinion.

Mr. German stated that this was correct. He noted that was an additional item since the Planning Commission meeting.

Mr. McGlennon stated that citizens may reference a proffer like that and question why it has not come to pass. He said that it would raise questions of whether the developer lived up to the requirements. He stated his concern about that language, and raised concern about a proffer of a Williamsburg Area Transportation (WAT) bus stop on a road that was not served by, and no plan to serve bus service. He stated that there was a question of why it was proposed. He stated there may be bus service some day, but that it would likely not be the best choice for a new route due to the nature of the road. He stated that these items justify the additional density were meaningless.

Mr. Goodson stated that the stoplight was not considered as part of the approval by the Planning Commission.

Mr. McGlennon stated that each of these proffers was referenced as public benefits.

Mr. Goodson stated that VDOT would not allow the stoplight without the warrants, so the proffer could not be blamed. He stated that the anticipation that there would be no warrant did not eliminate the fact that the applicant tried to comply with the surrounding community.

Mr. Icenhour asked if neither Springhill Drive, Firestone Drive, nor Powhatan Secondary would warrant a stoplight.

Mr. German stated that was correct.

Mr. Icenhour asked why a stoplight would not be placed in this area.

Mr. Goodson stated that VDOT believed there was no need for a stoplight.

Mr. Icenhour noted that the people of Powhatan Secondary were concerned about the traffic there.

Ms. Jones stated that this is why they asked for the proffer.

Mr. McGlennon stated that if there was a proffer there, then that would not happen.

Mr. McGlennon stated that there was a justification that this project diversifies the local economy. He asked if this facility would primarily employ people of service and health field, and asked if there was an excess labor pool for these positions.

Mr. German stated that the economy would be diversified rather than the labor pool. He stated that this was a source of revenue that was not based on residential property taxes.

Mr. McGlennon stated that the reference was to moving away from tourist-related activity, which led to the opinion of the job market expansion.

Mr. German stated that the jobs generated there would not be significant diversification. He stated that there would be skilled and unskilled labor.

Mr. McGlennon asked if there was any discussion at any point to the issue of contribution to mitigate the affordable housing issue.

Mr. German stated that the applicant had spoken informally about the affordable housing issue, but there was no direct discussion of any related proffers with this application.

Mr. McGlennon stated that he understood there was discussion about a dense moderately-priced housing project on News Road, but beyond that there was no discussion about affordable housing.

Mr. German stated that this was correct.

Mr. Icenhour stated that when the traffic analysis was done, there was still a discussion about traffic on News Road at ultimate build-out with approved projects and other properties with by-right development. He stated that it was unlikely to be developed by-right. He stated the build-out scenario for this road was likely understated. He asked if there was any thought to apply land designation of 1-4 units to see what would be done to traffic on the road.

Mr. Fraley stated that when the traffic study was revamped by the applicant it took into account all approved development and for property for which there was no application, current zoning density applied. He stated the conclusion was that News Road would be at capacity for a two-lane road as determined by the Comprehensive Plan. He stated he was interested in a plan to address that for that area. He stated if a residential development with two units per acre was assumed for the property of this application, traffic would be far worse than what was proposed. He stated trip generation would be approximately 3,600 trips as opposed to fewer than 2,000 trips with this proposal. He stated that at a density of one unit per acre, the traffic generation was about neutral.

Mr. Icenhour thanked Mr. Fraley for his information and stated that the precedent that would be set if one applicant is getting four units per acre, then another applicant should as well. He stated that there was no reasoning he could give to permit a certain density. He stated that historically there was rarely over two units per acre without extensive public benefit.

Mr. Goodson stated that this development has far different impacts than residential developments.

Mr. Icenhour stated that there was a need to keep News Road viable as a two-lane road. He stated that no portion of the two-lane road meets current VDOT standards. He stated that a few million dollars was needed to bring the road up to standards and for intersection expenditures at Centerville Road.

Ms. Jones stated that at the Planning Commission Public Hearing, some Planning Commissioners made a recommendation that the News Road corridor should be given its own master plan in the Comprehensive Plan. She stated that this was something whereas the Board should offer support and move forward on this initiative.

Mr. Icenhour stated that it was in the best interest of the County to keep the road as a two-lane road.

Mr. Fraley stated that VDOT never said that it would never warrant a stoplight, but it was unlikely. He stated that at build-out, it becomes a safety issue for citizens of Powhatan Secondary to get to the Recreation Center. He stated that the residents of Powhatan Secondary were concerned with the traffic report and that it would be hazardous for the young people that cross the street to go to the recreation facilities.

Ms. Jones stated that was an existing condition, but this was a way to mitigate it.

Mr. McGlennon asked if there was any confidence that a stoplight would be placed at that intersection.

Mr. German stated there was not.

Mr. Icenhour asked staff if the property lies in two sub watersheds. He stated that looking at the Powhatan Creek watershed, he believed that this portion was determined to be sensitive, and impervious cover should be kept below 10 percent at build-out. He asked what the current impervious surface covers of the sub watersheds. He asked if it had exceeded 10 percent.

Mr. Scott Thomas, Environmental Director, stated that both portions were at approximately 12 percent. He stated that Sub Watershed 209 was at about 15 percent and the non-tidal mainstem was at approximately 9 percent.

Mr. Icenhour stated that the other portion of the Sub Watershed 209 was around the rear of WindsorMeade which was scheduled for apartments to be built.

Mr. Thomas stated that he had not seen that Plan.

Mr. Icenhour stated that the impervious cover was already at 15.8 percent without build-out.

Mr. Icenhour stated that this was correct, but there needed to be a more current inventory.

Mr. Icenhour stated that it had a projection for build-out impervious cover, but it was based on by-right development of 1-3 acres.

Mr. Thomas stated that this was correct.

Mr. Icenhour asked about the 300-foot variable width buffer on the mainstem and how it was applied in this case.

Mr. Thomas referred to a map that defined the creek mainstem and variable width buffers. He stated that there was a zone of up to 150 feet and then a 25-foot buffer in the outer-zone. He highlighted the 175 foot zone, plus the outer-zone of 25 feet. He stated that the thinnest portion was at a variable 70-foot buffer plus the outer-zone 25-foot buffer. He stated it was variable to 70 feet here because it was on a ridgeline. He stated there was interpretation on where the ridgeline met the corner, and there was additional area to compensate for thinner areas. He demonstrated on the map where some non-RPA buffers and non-intermittent stream buffers were, as well as 100-foot RPA buffers and that additional RMA buffers were beyond that.

Mr. Icenhour stated that there were other areas that were put in conservation easements that would not be required.

Mr. Thomas stated that some buffers were to be dedicated to conservation areas.

Mr. Goodson opened the Public Hearing.

1. Mr. Vernon M. Geddy, III, on behalf of the applicant, gave an overview of the project and highlighted the development team for the project, the property, and the benefits and goals of the proposal.

Mr. Geddy stated that Realtec was in a partnership that created a critical need for the Board to act on the zoning portion of the application by the end of the month.

Mr. Icenhour asked how long Realtec had known the July 31, 2008, deadline existed.

Mr. Geddy responded that they had known since January 2008.

Mr. Icenhour stated that since December 2007 there had been five developer-requested deferrals.

Mr. Geddy stated that they were sometimes at the request of staff, but they consented to improve the project.

Mr. Icenhour asked if staff asked or pressured the applicant to defer.

Mr. Geddy stated that there was an effort to improve the project at the request of staff.

Mr. Icenhour stated there was a deadline of which the Board was unaware that the developer was aware of. He stated that he would have had more sympathy for a deadline if there had been more communication.

Mr. Geddy stated that the applicant has worked to get this in a form that could be approved as quickly as possible and there as a business deadline.

Mr. McGlennon asked if there was a way to market this as the Village at Ford's Colony without an amendment to the Master Plan.

Mr. Geddy stated there was, but that there were many years vested in the development of the Ford's Colony community and that the developer would like to continue with this project.

Mr. McGlennon stated that the responsibility of the Board was to deliberate on this concern. He asked the cost of residence in the facility.

Mr. Mulhare stated that he was not permitted to discuss that until it was established.

Mr. McGlennon asked the target audience. He stated that it was not going to serve the needs of the growing elderly population, but rather it would serve the more affluent.

Mr. Mulhare stated that the pricing would be competitive with the local marketplace but pricing information could not be discussed by law.

Mr. Geddy stated discussion was prohibited until it was established.

Mr. McGlennon asked if the target market could be discussed.

Mr. Mulhare stated that he did not feel comfortable discussing it in light of the legal matters in relation to the cost.

Mr. Goodson stated that he understood it was marketed toward the residents of Ford's Colony.

Mr. McGlennon stated that the residents of Ford's Colony alone could not sustain this project.

Mr. Geddy stated that it was marketed to residents of Ford's Colony and the external market.

Mr. McGlennon asked if the market would be for people across the country.

Mr. Geddy stated the market was more likely in the surrounding area.

Mr. McGlennon stated that this would be a facility for people of a high income level.

Mr. Geddy stated that there would be income requirements.

Mr. Mulhare stated that the requirements would consider income and insurance combined.

Mr. McGlennon asked if it would be difficult to staff the facility at this level without broadening the current labor pool in those job categories.

Mr. Geddy stated that he was unaware of a study, but that was probably true.

Mr. McGlennon stated that existing facilities have vacancies.

Mr. Geddy stated that creates competitive income.

Mr. McGlennon stated that created a need for increased population and housing. He stated he had problems with a potential dense workforce housing project on News Road.

Mr. Geddy stated that the other proffer was for housing assistance for low-income elderly.

Mr. McGlennon asked if any other effort was made toward workforce or affordable housing.

Mr. Geddy stated that it was not specifically discussed, but the revenue generated could be put into these efforts by the County.

Mr. McGlennon asked that there was no effort to address affordable housing.

Mr. Geddy stated that there was a grant program for lower-income elderly, and no other CCRCs in the County have provided affordable housing.

Mr. McGlennon stated that there were significant environmental benefits and other benefits, but the standards of a case for rezoning were increasing. He stated that many of these concerns would need to be addressed regardless of the type of proposal.

Mr. Kennedy asked to allow the public to speak due to the late hour.

Mr. Goodson stated that typically there was time for questions in order to provide for discussion later.

Mr. Icenhour stated that he spoke with those with interest in the other local facilities and a potential customer. He stated that Williamsburg Landing draws 75 percent of its residents from the local area, and Patriots Colony had about 25 percent local residency. He said WindsorMeade is about 50 percent local residents. He stated that the current facilities draw about half the residents from outside the area. He said that marketing was toward 70 or older with certain income requirements. He stated that the cost he was provided was approximately \$300,000 upfront and \$4,000 per month. He stated that there were about 4,000 people at Ford's Colony, and he would estimate approximately 500 that meet the requirement. He stated that the local area would likely provide a minority, and that most of the people living there would be from outside the area. He stated that the labor force for the existing CCRCs was about 80 percent from outside the area. He stated that there was approximately 10 percent shortfall in staff. He asked what the marketing plan in general of the facility.

Mr. Geddy stated that the existing facilities are already 90 percent full, and there continued to be an aging population. He said that there may be some turnover, but there have been two market studies that indicate a significant local market for this facility.

Mr. Mulhare stated that the marketing studies indicated a significant need. He stated that the reason a majority of people leave Ford's Colony is due to the need for a higher level of care.

2. Mr. Dale Merriss, 104 Inverness, commented that the current project for construction is now acceptable to the Board and a majority of the residents. He stated that it was a greatly improved project and he was in opposition but now does not have a problem with the construction of the project, and his continued concern with the density in the surrounding area. He stated that altering the master plan and rezoning the property was unnecessary to allow the project to move forward. He asked that the master plan remain and rezone to R-5.

3. Mr. Mike Caplice, 4193 Teakwood, on behalf of Springhill subdivision, commented on traffic and structure of News Road. He stated that on behalf of Springhill, that the speed limit of 35 mph be established on News Road, that Police enforce speed limit and safety measures, moratorium on News Road development projects until a comprehensive traffic impact study is done and results are published, and that VDOT bring News Road up to standards through 2025.

Ms. Jones stated that she had asked Mr. Halacy from VDOT to look at a speed study on News Road. She stated that there was a distinct disconnect between the citizen expectations and what the VDOT studies dictate.

4. Mr. Robert Richardson, 2786 Lake Powell Road, asked that this item be returned to the Planning Commission for a revote that excluded Mr. Chris Henderson, as Mr. Richardson believed the vote was predetermined prior to Mr. Henderson's appointment to the Planning Commission.

5. Mr. Paul Spitalnik, 112 Mahogany Run, stated that he agreed with the previous speaker, and commented that the developer was deceiving the Board through its assertions of the fiscal impacts due to the age-restricted portion of the project created no impact on schools. He stated that the workers of the CCRC would likely have children living in the County. He stated that independent living requires unskilled labor and maintenance services all day. He stated that Mr. Geddy indicated 245 full-time employees, and there were Federal and State recommendations and requirements for this type of care that require and recommend a staffing plan. He stated that the Board should postpone its decision and ask for a staffing plan for this project.

6. Ms. Fran Dunleavy, 108 Worksop, stated that she was unable to get an explanation as to the acceptability of the application. She stated that the answer she received did not answer the question and eliminated the discussion. She stated there was no determination that Realtec was a majority owner and it was not. She stated that the property owners were the owners of Ford's Colony, but Realtec had no right to amend the master plan for Ford's Colony. She asked to be informed on how to interpret the ordinance.

7. Mr. Jack Haldeman, 1597 Founders Hill North, on behalf of the James City County Citizens Coalition (J4C), stated that the J4C was unable to reach a consensus. He stated that the organization met with the developer to discuss environmental issues, and traffic safety issues. J4C continues to oppose any further development in the Powhatan Creek Watershed. He stated that Realtec has seriously attempted to meet the requests of J4C though the facility was not ideal. He stated that Realtec has been committed to keeping J4C involved, and that they see this as a model, and that J4C withdraws its opposition to this project as it has gone the extra mile to meet citizen expectations.

8. Mr. Gary Krull, 104 Stoweflake, commented that a vote needed to be made, and it should be approved. He stated that Realtec and Mr. Mulhare worked with the HOA, J4C, and community to resolve the issues that had arisen. He commented that this plan was referred to as the most environmentally sensitive plan in the history of James City County, and noted the benefits to many of the citizens and to the County as it was a tax generating project. He stated his support for the project and requested approval, and said that staff should be accountable for their actions; AFD was introduced very late and should not be 'government at its finest', and asked for approval at this meeting.

9. Mr. Anthony Derose, 164 Killarney, stated he believed that this project would be done well by Realtec and noted that he had not spoken to any neighbors that were opposed to the project. He stated the advantages outweigh the disadvantages. He requested approval, and he commented on the staffing plan and stated that he felt that Ford's Colony would meet and exceed any requirements.

10. Mr. Ed Oyer, 139 Indian Circle, commented on the James City Service Authority (JCSA) water availability and asked if this was taken into consideration with this project.

Mr. Goodson closed the Public Hearing.

Mr. Goodson recessed the Board for a short break.

At 10:38 p.m. Mr. Goodson reconvened the Board.

Mr. Goodson asked the Board to discuss whether there was a consensus to defer or move forward.

Mr. McGlennon made a motion to defer to allow the Planning Commission to take the proper actions on this item.

Mr. Kennedy stated that he viewed this item as a courtesy rather than an emergency. He stated that he believed the AFD withdrawal portion was intended but an unfortunate mistake was made.

Mr. Goodson explained that an affirmative vote was for deferral.

On a roll call vote, the vote was: AYE: Icenhour, McGlennon (2). NAY: Jones, Kennedy, Goodson (3).

The motion failed.

Mr. Goodson asked if there was a motion to adopt the emergency ordinance.

Mr. Rogers stated that he had an emergency ordinance for the withdrawal from the AFD.

Mr. Goodson asked if this took the place of the resolution.

Mr. Rogers stated that both needed to be adopted, either simultaneously or the AFD ordinance first.

Mr. Goodson stated that it would be appropriate to adopt them simultaneously in the event that the application failed, but that the AFD withdrawal was approved.

Mr. Rogers stated that he believed in the past there have been separate votes on these items, since one is an ordinance and the other is a rezoning item.

Mr. Goodson stated that the ordinance would go away.

Mr. Rogers stated that the ordinance would go away unless it was reordained within 60 days.

Mr. McGlennon asked for further explanation.

Mr. Rogers stated a temporary ordinance had a span of 60 days and that could be done to readvertise and bring it before the Planning Commission and the Board to be reordained.

Mr. McGlennon asked if this met the financial needs of Ford's Colony.

Mr. Rogers stated that he understood from Mr. Geddy that it would.

Mr. Geddy stated that it would.

Mr. Icenhour asked to have the emergency ordinance separate.

Ms. Jones made a motion to adopt the emergency ordinance for AFD withdrawal.

Mr. McGlennon stated that he did not believe the conditions were present to warrant the adoption of an emergency ordinance, and he believed that it was more logical to hold a proper public hearing process.

Mr. Goodson stated that the applicant should not be penalized for the error of staff, and he stated that the AFD withdrawal was part of the application through the entire process.

Ms. Jones stated that she agreed with Mr. Goodson and stated though she was hesitant, she respected the citizen involvement and the public process it had gone through. It was not ideal and it was an oversight of staff, but do not feel it necessary to hold up the applicant on this item. She stated that the longer it takes regardless of the application, it is more expensive. She stated her support for the temporary ordinance.

Mr. Icenhour stated that it was called an emergency ordinance, and stated that this provided great latitude to the Board for its interpretation of need. He asked how many times an emergency ordinance was used and for what purposes.

Mr. Rogers stated that the last one was on outdoor burning, and that there was another occasion based on a public hearing ad issue in the 1990s.

Mr. Icenhour asked for more information about the issue in the 1990s.

Mr. Rogers stated that it was a similar circumstance due to a public hearing ad problem.

Mr. Icenhour stated that it was given for emergency purposes and this was not viewed as an emergency. He stated that he was not in support of it and he stated the AFD withdrawal was done correctly through the AFD committee, the Planning Commission, and the Board agenda. He said the missing item was an important procedural step to notify the public to meet the requirements of State Code. He stated that if the emergency ordinance moved forward, there was an issue of notification. He stated the outcome did not change, but there would be an impact on the citizens due to the inconsistency of the notification for certain cases. He said that this would send a bad message about the value of the process and the input, and that he would not support it.

Mr. Goodson stated this demonstrates that if the staff makes a mistake, it would be rectified.

Ms. Jones stated that it was important to clarify that if staff could rectify a mistake, it would be done.

Mr. Icenhour stated that there was responsibility on the hands of staff, but the applicant also has counsel that could have come to this conclusion.

Ms. Jones stated her appreciation for Mr. Icenhour noticing this ahead of time.

On a roll call vote, the vote was: AYE: Icenhour, McGlennon (2). NAY: Jones, Kennedy, Goodson (3).

The emergency ordinance was adopted.

Mr. Kennedy made a motion to adopt the resolution as amended.

Mr. Icenhour asked Mr. Geddy about proffering a building height of 38 feet in relation to the proffers with Springhill.

Mr. Geddy stated this would be a 48-foot building as 38-feet would be a two-story building.

Mr. Icenhour asked if he was willing to proffer a 48-foot building height.

Mr. Geddy stated that they would likely agree to 50 feet to allow for flexibility.

Mr. Icenhour asked about proffering 50 feet for the building height.

Mr. Geddy stated that they could proffer a height of 50 feet.

Mr. Icenhour asked about the emergency entrance and stated that the proffers were clear that if VDOT approved the turn lanes, this could be a normal use entrance. He said that the public should have an opportunity for a public hearing on that. He asked the possibility that if this came to pass it would come back to the Board for approval.

Mr. Geddy stated that he understood that it would come before VDOT, the DRC, and the Planning Commission in a public process to allow Springhill and everyone interested to speak on this.

Mr. Icenhour asked if he was willing to proffer coming back before the Board.

Mr. Geddy stated he was not.

Mr. McGlennon asked why not rezone the land to R-5 zoning.

Mr. Geddy stated that it was considered, but Realtec has spent 25 years building up this master plan and it was important to define it as part of the master plan.

Mr. Icenhour asked why this was when 921 people in Ford's Colony cited concern with having the facility be part of the residential community of Ford's Colony.

Mr. Geddy stated that it was analyzed as an R-5 and through discussions an agreement was made about the ability to annex new owners into the HOA without consent.

Mr. Icenhour commented on other proffers such as the \$447,000 proffer for News Road improvements. He asked about the amount of the credit for turn lanes.

Mr. Geddy stated that would be \$125,000.

Mr. Icenhour asked about proffer 19 for a watershed study at Cold Spring Swamp, and the density on undeveloped parcels.

Mr. Geddy stated that there were two undeveloped parcels, with Powhatan Secondary assumed to be low density residential, and the WindsorMeade piece to be multifamily residential.

Mr. Icenhour asked the level of water flow used to determine the adequate drainage for the project.

Mr. Geddy stated 50 and 100 year storm levels were used.

Mr. Icenhour stated that if the study warranted drainage work, it was not proffered.

Mr. Geddy stated that was the purpose of the \$447,000 for improvements.

Mr. Icenhour asked if there was an estimate.

Mr. Geddy stated that there was not at this time.

Ms. Jones commented on the use of 50-and 100-year storm water levels, and asked about increasing that due to capacity of culverts. She asked about doing the study at 500-year storm water levels.

Mr. Mulhare stated that VDOT's standard would be a 50-year storm level for this type of road, and they would do the work for 100-year storm levels, but it was possible to evaluate the 500-year storm levels and share them with the County.

Ms. Jones asked about Mr. Oyer's question regarding JCSA and the water supply.

Mr. German stated that the JCSA was asked to look at the application and evaluated it in terms of availability and proffer amounts from the applicant for infrastructure improvements.

Mr. McGlennon asked if the calculation included some of the cost from the Newport News Water Works Project Development Agreement.

Mr. German stated that he was unaware as JCSA provided a lump-sum estimate, but it was discussed that the water would be available to support this project, and if it was a comparable size housing development it would use more water and irrigation than a CCRC.

Mr. Rogers stated that on page 82 and 83 there was water and sewer analysis and the capacity question is that the proffer for water was for new capacity and connection fees, not infrastructure.

Mr. McGlennon asked how fixtures would be assessed since these are not residences.

Mr. Rogers stated that there was a water meter that was sized, and noted there was a policy related to condominiums and multiple dwelling units, and this may qualify under that policy. He said that JCSA was still collecting a fee for each connection. He said that he was unsure about beds in the nursing home, which may be assessed as a business, but for independent living it would be collected as if they were a single unit.

Mr. McGlennon stated that the value of the public hearing was diminished and the Board was hearing this case for the first time tonight and have gotten new questions. He stated that there was an opportunity to correct this, and the Board could adopt this resolution at the next meeting and still meet requirements if there were additional questions. He stated his position was that it was acceptable as a use; his concern was the scale of development on this parcel. He stated this was a significant growth accelerator, and that there needed to be a healthy rate of growth. He stated his opposition.

Mr. Icenhour stated that there was no issue with the use. The issues have been whether it should be done on the master plan and the appropriate density. He stated there were issues with interpretation of the County Code. He stated that the Comprehensive Plan defines low density residential unless it is interpreted differently. He stated that he would support this if it were less 100 units to be comparable to other surrounding areas. He stated that 739 units comprised 370,000,000 square feet, which was a very large development on News Road. He stated there could be additional master plan changes to expand the R-4 again. He stated that Springhill was not taken into consideration as seriously as other adjacent developments. He stated that he could not support the item.

Mr. Goodson stated that this is a demand of the community as the other CCRCs were close or at capacity. He stated this was an appropriate use and less intensive based on what could be done by right. He stated that staff was given clear direction to staff, and that this was not the same as single-family residences.

He stated that if there needed to be a way to devise density in these units, it should be done. He stated that independent living unit should be defined as a unit, but assisted living should be defined differently. He stated his support for the application.

Ms. Jones stated that she initially had significant concerns based on the concerns of scale and compatibility and the density. She stated that she met on July 1, 2008, with Mr. Geddy and Mr. Mulhare to review the most current plans. She stated that on April 14, 2008, she met with Powhatan Secondary Traffic Study Task Force with their concerns, and on May 1, 2008, she met with Monticello Woods, and the applicant responded to these concerns and took interest seriously. She stated that News Road needed to be studied for the upcoming Comprehensive Plan update. She stated that the calculation of density was a concern and commented that the skilled nursing bed calculation was not defined. She stated that she would support looking at other localities in this regard. She stated that 61 percent of the site was designated as buffer areas, and noted that the environmental practices were extraordinary and warranted the increased density. She stated it was a fiscal opportunity for the community, and that she understood the concerns about growth and felt that this was responsible growth management. She stated her support for this application.

Mr. Kennedy stated that the applicant has deferred and addressed the needs that were voiced by the citizens. He commented that the environmental record was outstanding, and that this project brought new ideas to the County, and the developer was vested in the community. He stated his support for the application, and his concern for the procedural mistake, and he felt that it should be corrected. He stated he did not want to shift the blame.

On a roll call vote, the vote was: AYE: Icenhour, McGlennon (2). NAY: Jones, Kennedy, Goodson (3).

RESOLUTION

CASE NO. Z-0008-2007/MP-0006-2007. THE VILLAGE AT FORD'S COLONY

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, 1950, as amended, 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. 0008-2007, with Master Plan No. 0006-2007, for rezoning 180.79 acres from a zoning of R-8, Rural Residential, to R-4, Residential Planned Community, with proffers, to accommodate the creation of The Village at Ford's Colony, a Continuing Care Retirement Community (CCRC); and

WHEREAS, this proposal includes the amendment of the existing Ford's Colony Master Plan to add the CCRC to the Master Plan as Section 37 of Ford's Colony; and

WHEREAS, the property to be rezoned is located at 3889 News Road, and can be further identified as James City County Real Estate Tax Parcel ID No. 3730100004; and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee met on May 5, 2008, and recommended that the property be withdrawn from the Gordon Creek Agricultural and Forestal District, by a vote of 4 to 2; and

WHEREAS, the Planning Commission of James City County, following its public hearing on June 4, 2008, recommended approval, by a vote of 4 to 3.

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

following a public hearing, does hereby approve Case No. Z-0008-2007/MP-0006-2007, amending the existing Master Plan of Ford's Colony, approving the rezoning of the subject property, allowing for the withdrawal of the subject property from the Gordon Creek Agricultural and Forestal District, and allowing for the construction of the proposed CCRC, as outlined in the Master Plan and proffers, and accepts the associated voluntary proffers.

Mr. Goodson asked to move up Board Consideration Item No. 2.

2. Requesting a Change in the Limited Access Line of Route 199 to Accommodate Improvements to the Route 199/Route 60 Interchange

Mr. Wanner stated that this was a resolution requesting a change in the limited access line to accommodate improvements to the Route 199/Route 60 Interchange due to the development at the Quarterpath area to improve the geometry of the to accommodate additional traffic generated by development. This required approval by the Commonwealth Transportation Board (CTB) after Hampton Roads District. Timmons Plan shows the change to the limited access line, which was not a new break, but instead a reconfiguration of the ramps. He stated the property was located in the County, and staff was working with the City of Williamsburg and VDOT. He said the organizations collectively support this and the City of Williamsburg had adopted a similar resolution.

Mr. McGlennon asked if it was from Interstate 64 on Route 199 at the exit at Busch Gardens.

Mr. Porter demonstrated the line on the map.

Mr. Goodson stated that at this point there is a tight curve and this would extend the curve.

Mr. Wanner stated that Riverside has agreed to donate the land and there is no cost to the County.

Mr. McGlennon stated that there would be some cost for signalization.

Mr. Wanner stated that when the development continues in the City of Williamsburg and the County, there would be traffic improvements.

Mr. McGlennon made a motion to adopt the resolution.

Mr. Goodson noted that there were people in the audience representing Quarterpath at Williamsburg and VDOT.

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

RESOLUTION

REQUESTING A CHANGE IN THE LIMITED ACCESS LINE OF ROUTE 199 TO

ACCOMMODATE IMPROVEMENTS TO THE ROUTE 199/ROUTE 60 INTERCHANGE

WHEREAS, Riverside Healthcare Association, Inc. has initiated construction plans for the development of Quarterpath at Williamsburg located in the City of Williamsburg and James City County; and

WHEREAS, Riverside Healthcare Association, Inc., having identified certain existing deficiencies in the functioning of the Route 199/Route 60 interchange, has expressed a desire to enhance said functioning to correct existing traffic management issues and to better accommodate for its anticipated development of the Quarterpath at Williamsburg project, and has offered to pay for improvements to the interchange that necessitates a change in the Route 199 limited access line; and

WHEREAS, Riverside Healthcare Association, Inc. has paid for the development of a plan of improvements to the Route 199/Route 60 interchange that includes extension of Loop B and Ramp B of the interchange in accordance with the design criteria of A Policy on Geometric Design of Highways and Streets, published by the American Association of State Highway and Transportation Officials (AASHTO) and shown on "Route 199 and Route 60 Interchange (Ramp B and Loop B) Designed Per Minimum AASHTO Criteria" by the Timmons Group, dated May 8, 2008, (i.e., the Timmons Plan); and

WHEREAS, the proposed extension of Loop B and Ramp B requires an expansion of the Route 199 limited access area; and

WHEREAS, Riverside Healthcare Association, Inc. has agreed to donate the land required for the extension of Loop B and Ramp B, and the expansion of the Route 199 limited access area; and

WHEREAS, the required expansion of the Route 199 limited access area does not change the limits of limited access control on Route 199 or Route 60, and there is no reduction in limited control by the Commonwealth, nor is there any new break in limited access; and

WHEREAS, the Timmons Plan for the Route 199/Route 60 interchange will alleviate existing traffic problems and interchange function deficiencies, and accommodate planned development on the Route 60 corridor in James City County which includes Quarterpath at Williamsburg; and

WHEREAS, all costs of constructing the Timmons Plan will be paid by Riverside Healthcare Association, Inc., with no expense to the Commonwealth to provide this appreciable enhancement for the traveling public.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request approval of the change in limited access to accommodate the Timmons Plan, including any subsequent modifications thereto as may be jointly approved by the Williamsburg City Manager and the James City County Administrator for improvements to the Route 199/Route 60 interchange.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation and the Commonwealth Transportation Board to proceed expeditiously with review of this privately funded improvement to the Route 199/Route 60 interchange.

2. Case No. Z-1-2008/MP-01-2008/SUP-06-2008/HW-02-2008. St. Olaf Catholic Church

Mr. Porter stated that the applicant has requested a deferral for this Item until July 22, 2008.

Staff recommended deferral.

Mr. Goodson opened the Public Hearing.

As no one wished to speak to this item, Mr. Goodson continued the Public Hearing.

The Board deferred this item until July 22, 2008.

3. HW-0003-2008. 9th Elementary/4th Middle School Athletic Field Lighting

Ms. Leanne Reidenbach, Planner, stated that Mr. Aaron Small of AES Consulting Engineers, on behalf of James City County, has requested a height limitation waiver from the Board of Supervisors to construct 14 70-foot-tall light poles and ten 80-foot-tall light poles which will be used to illuminate new recreation facilities (two softball fields, one baseball field, and four multiuse fields) at the 4th middle/9th elementary schools. On property zoned PL, structures may be constructed up to 60 feet; however, structures in excess of 60 feet may be constructed only if specifically approved by the Board of Supervisors. The proposed use for the schools and their associated recreation facilities has been previously approved for this site with SUP-0030-2007, so all that is in question with this application is the height of light poles for this facility. The site plan for these facilities is currently under review by the County and other reviewing agencies.

Staff found the proposal consistent with the requirements stated under Section 24-535.9 of the Zoning Ordinance.

Staff recommended approval of the resolution.

Mr. Goodson stated that taller lights eliminate impact.

Ms. Reidenbach stated that this was correct and they could share light poles.

Mr. McGlennon stated that this was the same as other light poles.

Ms. Reidenbach stated that this was correct.

Mr. Kennedy stated that security camera use under these lights could be considered

Mr. Wanner stated that staff could investigate this.

Mr. Goodson asked if these light poles were available for cell tower locations.

Ms. Reidenbach stated that it would need to be higher, which would require a height waiver as in a recent case at the Recreation Center.

Mr. Goodson opened the Public Hearing.

As no one wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Mr. Kennedy made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. HW-0003-2008. 4TH MIDDLE SCHOOL/9TH ELEMENTARY SCHOOL

ATHLETIC FIELD LIGHTING

WHEREAS, Mr. Aaron Small of AES Consulting Engineers on behalf of James City County has applied for a height limitation waiver to allow for the construction of fourteen 70-foot-tall and ten 80-foot-tall light poles; and

WHEREAS, all fields will be illuminated with Musco Light Structure Green outdoor sports lighting or other lighting of substantially equivalent or superior offsite spill light control characteristics; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case No. HW-0003-2008; and

WHEREAS, the light poles will be located on property zoned PL, Public Lands, and is further identified as a portion of James City County Real Estate Tax Map No. 3010100009; and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-535.9 of the James City County Zoning Ordinance have been satisfied in order to grant a height limitation waiver to allow the erection of structures in excess of 60 feet.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-0003-2008 which permits the construction of fourteen 70-foot-tall and ten 80-foot-tall light poles in the general locations shown on the plan, drawn by AES titled "Sports Lighting Photometric Plan," and dated December 26, 2007.

4. SUP-0011-2008. Williamsburg Dog

Ms. Leanne Reidenbach, Planner, stated that the applicant has requested a deferral for this item until August 12, 2008.

Mr. Goodson opened the Public Hearing.

As no one wished to speak to this matter, Mr. Goodson continued the Public Hearing.

The Board deferred this item until August 12, 2008.

5. Lease of Property at 5301 Longhill Road

Mr. Adam Kinsman, Deputy County Attorney, stated that this lease provided approximately 900 feet to AT&T for a wireless communication facility on a light pole at 4501 Longhill Road at the James City/Williamsburg Community Center. He stated that the County would lease the property for up to \$40,000. Staff recommended approval of the resolution.

Mr. Goodson opened the Public Hearing.

As no one wished to speak on this matter, Mr. Goodson closed the Public Hearing.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

LEASE OF PROPERTY AT 5301 LONGHILL ROAD

WHEREAS, James City County owns a parcel of property located at 5301 Longhill Road and further identified as James City County Real Estate Tax Map No. 3910100153 (the "Property"); and

WHEREAS, at its meeting on June 10, 2008, the Board of Supervisors approved a Special Use Permit (the "SUP") for the erection of a 138-foot-tall wireless communication facility on the Property; and

WHEREAS, AT&T wishes to lease a portion of the Property in order to erect a wireless communication facility on the Property pursuant to the conditions contained in the SUP.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to execute those documents necessary to lease approximately 900 square feet of property for the erection of a communication tower and related structures on the Property in accordance with SUP-0005-2008.

G. BOARD CONSIDERATIONS

1. Revised Fiscal Year 2009 Virginia Department of Transportation (VDOT) Revenue Sharing Program Request

Mr. Marvin Sowers stated that the Board originally requested \$1 million for revenue sharing; but since then, VDOT had revised the revenue sharing guidelines and unfortunately the new guidelines no longer favored the large projects requested by the County. He stated that instead they favored those projects able to be done in a short period of time, and the requested projects were unlikely to get funded. He said that the CTB also disqualified landscaping projects, and staff could only identify a small number that met the new criteria. He said that staff had one recommendation for the revenue sharing project, which was the Old News Road reconstruction between Monticello Avenue and Powhatan Parkway, currently part of the approved

secondary road plan. He stated that Revenue Sharing Funds could accelerate this project by four years. He recommended approval of the resolution.

Mr. Icenhour asked if VDOT could accelerate the project if the County received the matching funds.

Mr. Sowers stated that was the intention.

Mr. Icenhour asked if there were public hearing requirements.

Mr. Sowers stated that there was likely not, unless the project would require acquisition of right-of-way. He stated that the County would have to survey to determine that.

Mr. Wanner stated that a hearing was held during the Secondary Road Plan hearing.

Mr. Icenhour stated that he did not know if there would be opposition from those who live on that road due to an increase in traffic.

Mr. Wanner stated that there may be drainage improvements, and that the model is what the Board approved for the reconstruction on Ironbound Road. He stated that it could be accelerated to be done sooner and cost less, and that the public would be aware of the project.

Mr. McGlennon asked if this was something to be addressed in a legislative package.

Mr. Wanner stated that it should, particularly in relation to the landscaping projects.

Mr. Icenhour made a motion to adopt the resolution.

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

RESOLUTION

REVISED FISCAL YEAR 2009 VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)

REVENUE SHARING PROGRAM REQUEST

WHEREAS, the Board of Supervisors of James City County by resolution on February 26, 2008 supported its application to the Fiscal Year (FY) 2009 Revenue Sharing Program in accordance with VDOT's application deadline; and

WHEREAS, the 2008 Virginia General Assembly subsequently revised the FY 2009 Revenue Sharing Program criteria necessitating reconsideration of said application; and

WHEREAS, upon consideration of the revised Revenue Sharing Program criteria, the Board of Supervisors of James City County desires to submit an amended application requesting \$235,000 of Revenue Sharing funds through VDOT to the FY 2009 Revenue Sharing Program; and

WHEREAS, the County will allocate \$250,000 to match the Revenue Sharing Program funds; and

WHEREAS, the combined County and State funding totaling \$485,000 is requested to be used to fund the reconstruction of Old News Road; and

WHEREAS, the Revenue Sharing Program has historically been a very valuable resource to address James City County's most important highway improvement needs; and

WHEREAS, the revised FY 2009 Revenue Sharing Program criteria now places significant and unnecessary constraints on project scale and on expenditure timelines.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County, Virginia, that the FY 2009 Revenue Sharing Program has been substantially changed to where its ability to address many of the most critical highway needs of James City County or of its citizens has been substantially impaired.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, that since said Revenue Sharing Program will significantly improve the safety of Old News Road, the Board of Supervisors hereby supports this application for an allocation of \$235,000 through the FY 2009 Revenue Sharing Program and will contribute \$250,000.

H. PUBLIC COMMENT - None

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that when the Board completed its business it should adjourn to 4 p.m. on July 22, 2008, for a work session on the Comprehensive Plan Update process, and County Administrator's annual evaluation.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson recommended that the closed session for the appointments to the Economic Development Authority be done at the next meeting.

Mr. Kennedy commented on the Prince William County disclosure in the Daily Press, and asked the County Administrator to discuss this again and come to a consensus.

Mr. McGlennon corrected that it was Loudoun County. He asked if it included a ban on contributions.

Mr. Wanner stated that he would like to tie this discussion to that on the Code of Ethics, and provide for a work session on these items. He stated that the reason this discussion was delayed was because it needed input from all boards and commissions to help with the Board's deliberations.

Ms. Jones asked for the process of the Stormwater Citizen Committee and asked when it would be officially formed.

Mr. Wanner stated that Ms. Geissler put a proposal to the Board to receive input. He stated that the Board could take action on this at its meeting on July 22, 2008.

Ms. Jones noted the Hurricane Readiness Guide in the newspaper, and noted James City County provisions listed in the paper.

Mr. Goodson stated that there was significant concern in the community about a hostile takeover of Anheuser Busch by InBev. He stated that there was not a great deal that a local Board of Supervisors could do, but asked if the Board would like to issue a resolution of support for American ownership of Anheuser Busch.

Mr. McGlennon stated that it should go beyond that and express the concerns of the Board to representatives in Washington, and express the impact on the community and the little discussion given to the theme parks, as Busch Gardens is an important fiscal contributor to the County.

Mr. Goodson stated that instead of a resolution there should be a letter from the Chairman with those issues.

Mr. McGlennon stated his agreement.

L. ADJOURNMENT to 4 p.m. on July 22, 2008

Mr. McGlennon made a motion to adjourn.

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

At 11:59 p.m. Mr. Goodson adjourned the Board to 4 p.m. on July 22, 2008.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: July 22, 2008

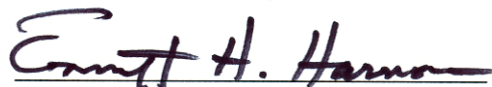
TO: The Board of Supervisors

FROM: Emmett H. Harmon, Chief of Police


SUBJECT: Grant Award - Department of Criminal Justice Services - Technology Improvement - \$50,000

The Virginia Department of Criminal Justice Services (DCJS) has awarded the James City County Police Department a Criminal Justice Information Technology Improvement Grant in the amount of \$50,000 (\$37,500 DCJS; and \$12,500 Local Match). The grant funds will be used to purchase and install the “e-summons” feature of the existing Records Management System (RMS) to coincide with the expansion of the Mobile Data Terminal (MDT) project to streamline the process of traffic summons in a more efficient process through the Police Department and the courts.

Staff recommends adoption of the attached resolution.


Emmett H. Harmon

CONCUR:


Sanford B. Wanner

EHH/nb
DCJSTechGA_mem

Attachment

RESOLUTION

GRANT AWARD - DEPARTMENT OF CRIMINAL JUSTICE SERVICES –

TECHNOLOGY IMPROVEMENT - \$50,000

WHEREAS, the Virginia Department of Criminal Justice Services (DCJS) has awarded the James City County Police Department a Criminal Justice Information Technology Improvement Grant in the amount of \$50,000 (\$37,500 DCJS; and \$12,500 Local Match); and

WHEREAS, the grant requires a local match of \$12,500, which is available in the County's Grants Match Account; and

WHEREAS, the funds will be used to purchase and install the "e-summons" feature of the existing Records Management System (RMS) to coincide with the expansion of the Mobile Data Terminal (MDT) project to streamline the process of traffic summons in a more efficient process through the Police Department and the court.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants fund:

Revenues:

DCJS – Technology Improvement	\$37,500
County Grants Match Account	<u>12,500</u>
Total	<u>\$50,000</u>

Expenditure:

DCJS – Technology Improvement	<u>\$50,000</u>
-------------------------------	-----------------

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of July, 2008.


DCJSTechGA_res

MEMORANDUM


DATE: July 22, 2008
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Grant Award - Rescue Squad Assistance Fund - \$84,400

The Virginia Department of Health (VDH), Office of Emergency Medical Services (OEMS) has awarded the James City County Fire Department a Rescue Squad Assistance Fund (RSAF) grant in the amount of \$84,400 (\$42,200 RSAF; and \$42,200 local match). The grant funds will be used to purchase power-lift stretchers for the medic units, AirSim Manikin training equipment, a Defibrillator-AED/manual combination system, and five Pediatric resuscitation systems.

Staff recommends adoption of the attached resolution.


William T. Luton

CONCUR:


Sanford B. Wanner

WTL/nb
RSAsstFnd_mem

Attachment

RESOLUTION

GRANT AWARD - RESCUE SQUAD ASSISTANCE FUND - \$84,400

WHEREAS, the Virginia Department of Health (VDH), Office of Emergency Medical Services (OEMS) has awarded the James City County Fire Department a Rescue Squad Assistance Fund (RSAF) grant in the amount of \$84,400 (\$42,200 RSAF; and \$42,200 local match); and

WHEREAS, the grant requires a local match of \$42,200 and the funds are available in the County's Grant Match Account; and

WHEREAS, the funds will be used to purchase power-lift stretchers for the medic units, AirSim Manikin training equipment, a Defibrillator-AED/manual combination system, and five Pediatric resuscitation systems.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants fund:

Revenues:

RSAF – Medic supplies/equipment	\$42,200
James City County Grant Match Account	<u>42,200</u>
Total	<u>\$84,400</u>

Expenditure:

RSAF – Medic supplies/equipment	<u>\$84,400</u>
---------------------------------	-----------------

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of July, 2008.

RSAsstFnd_res

MEMORANDUM

DATE: July 22, 2008

TO: The Board of Supervisors

FROM: Leo P. Rogers, County Attorney

SUBJECT: Joint Exercise of Powers Agreement for the Colonial Community Corrections

Attached for your consideration is a resolution authorizing the execution of the updated Joint Exercise of Powers Agreement for the Colonial Community Corrections. The revisions to the Agreement reflect the changes in the Code of Virginia that establish the Community Criminal Justice Boards. The revisions also clarify ambiguous clauses in Section III (E) and Section IV (A) and reword the introduction paragraph to show that the member localities re-ordain the Agreement. Our partners in this Agreement, the Counties of Charles City, New Kent, and York, and the Cities of Poquoson and Williamsburg have reviewed the changes and their governing bodies will be considering approval of the revised Agreement.

I recommend adoption of the attached resolution.

Leo P. Rogers

LR/nb
CCCJntPwrs_mem

Attachment

RESOLUTION

APPROVAL OF REVISIONS TO THE JOINT EXERCISE OF POWERS AGREEMENT -

COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

WHEREAS, the revisions to the Joint Exercise of Powers Agreement reflect the changes in the Code of Virginia that establish the Community Criminal Justice Boards; and

WHEREAS, the attorneys representing the Counties of Charles City, James City, New Kent, and York, and the Cities of Poquoson and Williamsburg assisted in drafting the revisions to the Joint Exercise of Powers Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the revised Joint Exercise of Powers Agreement for the Colonial Community Criminal Justice Board.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of July, 2008.

CCCJBPwrAgr_res

MEMORANDUM

DATE: July 22, 2008

TO: The Board of Supervisors

FROM: Doug Powell, Manager of Community Services

SUBJECT: Authorization of Execution of a Contract between the County of James City and the Colonial Services Board for the Delivery of Mental Health, Mental Retardation, and Substance Abuse Services

The State Code requires the governing body of each city or county to approve the performance contract for its Community Services Board (CSB). The purpose of the contract, which is between the CSB and the Virginia Department of Mental Health, Mental Retardation, and Substance Abuse Services, is to ensure accountability to the Department. A copy of the performance contract is included in your reading file. The contract is similar to those of previous years.

Staff recommends approval of the attached resolution.


 Doug Powell

CONCUR:


 Sanford B. Wanner

DP/nb
 CSBServs_mem

Attachment

RESOLUTION

AUTHORIZATION OF EXECUTION OF A CONTRACT BETWEEN THE COUNTY OF JAMES

CITY AND THE COLONIAL SERVICES BOARD FOR THE DELIVERY OF MENTAL

HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE SERVICES

WHEREAS, Section 37.2-501 of the Code of Virginia, 1950 as amended, requires each locality to establish, singly or in combination, a community services board for the provision of mental health, mental retardation, and substance abuse services to its residents; and

WHEREAS, pursuant to this statutory provision, the County of James City has established the regional Colonial Community Services Board in conjunction with York County and the Cities of Williamsburg and Poquoson; and

WHEREAS, Section 37.2-504(A)(2) requires local governments to review and act on the Annual Performance Contract with the Colonial Community Services Board and to make appropriate appointments to that Board; and

WHEREAS, the Board of Supervisors has reviewed the proposed Performance Contract between the County of James City and the Colonial Community Services Board, and found it to be acceptable, provided that certain expectations and conditions will also be met during the terms of the agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, this 22nd day of July, 2008, that the proposed FY 2009 Annual Performance Contract between the County of James City and the Colonial Community Services Board be, and it is hereby, approved; and the County Administrator is hereby authorized to execute the agreement and to take all actions necessary to assure that mental health, mental retardation, and substance abuse services are delivered to the citizens of James City County and that the conditions and expectations of the Board of Supervisors are met.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of July, 2008.

CSBContract_res

**REZONING-0001-2008/MASTER PLAN-0001-2008/SPECIAL USE PERMIT-0006-2008/
HEIGHT WAIVER-0002-2008. St. Olaf Catholic Church Expansion, and a Resolution to
Vacate 4.03 Acres of Conservation Easement
Staff Report for the July 22, 2008, 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

Planning Commission:

Board of Supervisors:

Building F Board Room; County Government Complex

June 4, 2008, 7:00 p.m.

July 8, 2008, 7:00 p.m. (deferred)

July 22, 2008, 7:00 p.m.

SUMMARY FACTS

Applicant:

Ms. Sara Rilveria of AES Consulting Engineers

Land Owner:

The Catholic Diocese of Richmond, Virginia

Proposal:

22,883 square foot addition to the existing St. Olaf Church (to be completed in Phases I, IA, IB, IC and II)

Location:

104 Norge Lane

Tax Map/Parcel No.:

2320100016

Parcel Size:

9.39 acres

Zoning:

R-8, Rural Residential, with proffers

Comprehensive Plan:

R-8, Rural Residential

Primary Service Area:

Low-Density Residential

STAFF RECOMMENDATION

Staff finds the proposal to be consistent with the surrounding zoning and development and, with the proposed conditions, consistent with the Comprehensive Plan. Staff recommends approval of this application.

Staff Contact:

Ellen Cook

Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

At their June 4, 2008, meeting, the Planning Commission recommended approval by a vote of 7-0.

Proposed Changes Made Since Planning Commission Meeting

In response to Planning Commission discussion at their June 4, 2008, meeting regarding the adequacy of the buffer between the expanded parking lot and the residential lots along Norge Lane, Condition #7 has been revised to specify that a landscape plan will be reviewed and approved by the Development Review Committee.

First, the building design and footprint has been somewhat altered, with an overall reduction in square footage of 4,742 square feet as compared to what was presented at the Planning Commission meeting. In response to staff questions, the applicant has indicated that the space reductions are in non-seating square footage, and that they therefore do not propose to reduce the parking provided. Second, the building elevations have changed, including a change in the location of the cross spire from the east to the west side of the building. Documents which show comparisons between the original and revised building footprints, interior layouts, and elevations are attached to this staff report (Attachment 8). Staff forwarded these documents to the Planning Commission members to inform them of these changes; staff has heard back from them that they did not feel the changes significantly altered the application or negatively affected how they viewed the case or the action that was taken on June 4, 2008.

Proffers: The applicant has submitted a request to eliminate the existing proffers on the property.

PROJECT DESCRIPTION

Ms. Sara Rilveria, of AES consulting engineers, has applied to expand the existing St. Olaf Catholic Church located at 104 Norge Lane (at the corner of Norge Lane and Richmond Road). In 1994, the Board of Supervisors approved a rezoning of this property from A-1 and B-1 to R-8, Rural Residential, with Proffers. In 1994, houses of worship were permitted by-right in the R-8 district. In 1999, the R-8 district was amended to make houses of worship a specially permitted use making St. Olaf a legally nonconforming use; under the zoning ordinance, nonconforming uses cannot be expanded. In 2005, a Special Use Permit (SUP) to allow for the placement of two temporary office trailers and other minor expansions and renovations up to a total of 4,000 square feet was approved by the Board of Supervisors. However, this idea was re-evaluated by the church and the trailers were not placed on the site and no other expansion or renovation work in connection with that SUP application was done.

The current application proposes to accomplish several things. First, to eliminate the proffers which were put in place during the 1994 rezoning. The third proffer (“the structure shall be located between Richmond Road and the main parking area”) would no longer be met with the new proposed layout of the site. The other two proffers are now covered by SUP conditions dealing with a binding master plan (Condition #1) and entrances (Condition #2). With the proffers eliminated, the zoning of the parcel would be simply R-8, Rural Residential, rather than R-8, Rural Residential, with proffers. Second, to obtain a SUP which would allow for a 22,883-square-foot expansion, since this amount of square footage would not be permitted by the SUP approved in 2005. The 22,883-square-foot expansion would take place through Phases I, IA, IB, IC and II as shown on the master plan, and is needed to accommodate the church’s growing congregation. Currently, a 2,601-square-foot parish office and a 5,214-square-foot worship building are in place on the site. Third, to obtain a height limitation waiver as more fully explained below. Finally, to vacate the existing conservation easement on the property, also more fully explained below.

For the amount of seating area proposed, a total of 190 parking spaces would be required by the Zoning Ordinance (one space per five seats). As outlined in the Community Impact Statement, the applicant has collected data on normal Sunday mass attendance between October 2007 and March 2008 and proposes the use of a higher ratio – one space per two seats, or a total of 300 parking spaces.

PUBLIC IMPACTS

Archaeology

The Archaeology Policy states that “where it appears that significant archaeological potential exists, the County seeks to identify and protect these areas and staff will recommend that standard condition language be added to special use permits and rezoning cases.” In this instance, the Comprehensive Plan shows this parcel as having a moderate, rather than high, archaeological site potential. The applicant has had a Phase I Cultural Resources Survey completed which indicates that there is very little evidence to suggest that archaeological remains would be present on the parcel. Given this, and the fact that a

Z-0001-2008/MP-0001-2008/SUP-0006-2008/HW-0002-2008. St. Olaf Catholic Church

sizeable proportion of the property has already been disturbed, staff has not included the archaeological policy condition for this SUP.

Environmental

Watershed: The project site lies within the York River Watershed area and within the subwatershed 103 of the Yarmouth Creek Watershed. The applicant has stated that the stormwater management of the site shall ensure that all storm water will be directed to the existing BMP System on-site which lies within the York River Watershed.

Conditions:

- Condition #9: Specifies that the owner shall make use of low-impact design measures as outlined in the Community Impact Statement, and as approved by the Environmental Director.

Staff Comments: To meet stormwater management requirements, the applicant proposes to convert the existing Stormwater Management pond to a 10-Point Facility. The applicant proposes to use Low Impact Development measures on-site, likely in the form of at least four individual bio-retention basins within the parking lot (see Condition #9). Since the stormwater management requirements will be met through these improvements, the applicant has requested that the Board of Supervisors vacate the existing conservation easement on-site, as described below. The Environmental Division staff members have reviewed the applicant's proposal and have no further comments on this legislative case.

Public Utilities

The property is served by public water and sewer.

Conditions:

- SUP Condition #5: The owner shall develop water conservation guidelines for the property.

Staff Comments: JCSA staff requested that water conservation guidelines be developed (Condition #5), and noted that at the development plan level, calculations shall be submitted showing the adequacy of the water meter and any required upgrades.

Transportation

Access to the church is from Norge Lane. The intersection of Norge Lane and Richmond Road is signalized. Based on the Institute of Transportation Engineer's manual, the projected weekday peak hour trip generation is 39.6, and the projected Sunday peak hour trip generation is 330.4.

2007 Traffic Counts: For Richmond Road between Croaker Road and Lightfoot Road, the 2007 Traffic Counts indicate a traffic volume of 21,828.

2026 Volume Projected: For Richmond Road between Croaker Road and Centerville Road, the 2026 traffic volume projection is 33,500. This section of Richmond Road is in the "Watch" category.

Road Improvements: None, however, sidewalk improvements along Richmond Road are included in the conditions to accommodate pedestrian travel.

Conditions:

- SUP Condition #2: Limits the church to only one entrance from Norge Lane, and prohibits entrances to the site from Richmond Road.
- SUP Condition #8: Specifies that the church shall provide data to VDOT regarding the percent utilization of the left-turn lanes at the Norge Lane/Richmond Road intersection to be used to make adjustments to signal timing, if necessary.
- SUP Condition #10: Specifies installation of sidewalks along Richmond Road.

VDOT Comments: VDOT has stated that since there are existing right- and left-turn lanes at the signalized intersection on Route 60 and the entrance to the church is over 300 feet from this intersection, no roadway improvements appear warranted at this time. VDOT has requested information about future left-turn lane utilization in relation to the possible need to adjust signal timing, noting that Sunday morning attendance will increase significantly with this expansion. The requirement that this data be provided is included in Condition #8. Finally, VDOT asked for confirmation that no school or daycare functions during the weekdays will occur – the church has confirmed that there would be none, and Condition #1 restricts prohibits any school use on the property.

COMPREHENSIVE PLAN

Land Use Map

Designation	<i>Low Density Residential (Page 120):</i> Recommended uses include single family homes, duplexes, cluster housing, recreation areas, schools, churches, community oriented public facilities, and very limited commercial establishments. Churches should generally be located on collector or arterial roads at intersections where adequate buffering and screening can be provided to protect nearby residential uses and the character of the surrounding area.
	Staff Comment: Churches are among the recommended use in this land use designation. St. Olaf Church is located within three hundred feet of the Richmond Road/Norge Lane intersection. Evergreen screening would be provided between the church and the residential properties to the northeast on Norge Lane (Condition #7).
Development Standards	<i>General Land Use Standards No.01 (Page 134):</i> To permit new development only where such developments are compatible with the character of adjoining uses and where the impact of such new developments can be adequately addressed.
	Staff Comment: The proposal is an expansion of an existing church use at this site. Other uses in the vicinity include churches, commercial shops, medical offices, agricultural uses, and residential: staff believes that the expanded church would remain compatible with the general character of the area.

Environment

Goals, strategies and actions	<i>Strategy No. 02 (Page 65):</i> To assure that new development minimizes adverse impacts on the natural and built environment. <i>Action No. 05 (Page 66, item g):</i> To encourage the use of Better Site Design, Low Impact Development, and Best Management Practices (BMPs) to mitigate adverse environmental impacts by reducing the rate of increase of impervious cover. <i>Action No.23 (Page 67):</i> To encourage residential and commercial water conservation.
	Staff Comment: The development would continue to meet James City County stormwater management requirements and would incorporate Low Impact Development elements as described in the Community Impact Statement. The SUP conditions include the development of water conservation guidelines.

Transportation

General	<i>Roadway Components of County Transportation Planning, Richmond Road (Page 77):</i> Although the future volumes indicate the potential need for widening sections, it is recommended that Richmond Road remain four lanes. Minimizing the number of new signals and entrances and ensuring efficient signal placement and coordination will be crucial.
Goals, strategies and actions	<i>Action #7 (Page 81):</i> Encourage efficient use of existing and future road by limiting driveway access points and providing joint entrances, side street access, and frontage roads.
	Staff Comment: The church would continue to use the existing access off of Norge Lane rather than creating additional entrances on Richmond Road.

Community Character

General	<i>Community Character Corridors (Page 83):</i> The proposed development fronts Richmond Road, a Community Character Corridor.
	Staff Comment: The applicant proposes a 50-foot Community Character Corridor buffer. Additional landscaping would be provided in the buffer as needed to meet Zoning Ordinance requirements.
	<i>Community Character Areas (Page 87):</i> The proposed development is located within the Norge Community Character Area. The development standards listed in the Comprehensive Plan would assist in the preservation of the integrity of the area. These include: <ul style="list-style-type: none">• The architecture, scale, materials, spacing and color of buildings should complement the historic character of the area.• Building setbacks should be consistent with nearby historic buildings and structures.• Where possible, parking should be located to the rear of buildings. Parking should be screened from roadway and adjacent properties.• Pedestrian and bicycle access and circulation should be promoted through the provision of sidewalks, bike racks, benches, crosswalks, street trees and other design features.
	Staff Comment: The applicant has submitted elevations as part of the SUP package. The Community Impact Statement indicates that the architecture of the proposed church recalls and references traditional Nordic architecture while interpreting them with modern lines and materials. The parking on the site is located approximately 100 feet from Richmond Road (at the closest point) and will be screened from the parcels along Norge Lane with evergreen landscaping.

Comprehensive Plan Staff Comments

Overall, staff finds the proposal to be consistent with the land use designation and other aspects of the Comprehensive Plan.

HEIGHT WAIVER

The applicant has applied for a height waiver to allow the cross portion of the church to rise above rest of the church structure to a height of 90 feet above ground level (please see the attached elevations). The ordinance permits up to 60 feet by-right, and up to 100 feet per the criteria outlined in Section 24-354(2) of the Zoning Ordinance. It is the intent of the church to light the cross.

Section 24-354 of the James City County Zoning Ordinance states that structures in excess of 60 feet in height may be erected only upon the granting of a height limitation waiver by the Board of Supervisors and upon finding that:

1. Such structure will not obstruct light from adjacent property;

Staff comment: Given the relatively small mass of the cross, staff believes that the proposed structure will not obstruct light from adjacent properties.

2. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;

Staff comment: The church is within one mile of a number of historic resources, as more fully detailed in the attached Phase 1A Cultural Resources Survey. Among these resources is the Norge Historic District which was nominated to the National Register of Historic Places in 1992 (the District has not been placed on the Register). The applicant has submitted elevations as part of the Community Impact Study which shows views of the proposed cross spire from Richmond Road and Norge Lane. The spire would be to the northwest side of the main church and about 370 feet from Richmond Road. A spire in the form of a cross is a traditional element of a church structure and the mass of the spire is small relative to the overall church and parcel. While taller than most structures in Norge, staff does not believe that the spire appears out of context in a manner that would negatively affect the surrounding area. Staff believes the proposed

cross spire will not impair the enjoyment of nearby historic attractions, areas of significant historic interest and surrounding developments.

3. Such structure will not impair property values in the area;

Staff comment: The Real Estate Assessments department indicated they have no market evidence that would suggest an adverse impact on value.

4. Such structure is adequately designed and served from the standpoint of safety and that the County fire chief finds the fire safety equipment installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property;

Staff comment: The project is subject to full County review processes. Staff feels confident this will ensure the structure is adequately designed from a safety standpoint. Basic fire and rescue services will be provided from Fire Station #1 with back up from the other James City County fire stations.

5. Such structure will not be contrary to the public health, safety and general welfare.

Staff comment: Based on the current proposal and supporting information submitted by the applicant, staff believes the church cross, if constructed as proposed, will not unduly or adversely affect the public health, safety, or general welfare.

CONSERVATION EASEMENT – DISPOSAL OF PROPERTY

The applicant has requested that the conservation easements currently in place on the property be vacated by Board of Supervisors action. The existing easements total 4.03 acres and are shown on the attached plat. The conservation easements were put in place in 1995 to meet stormwater management requirements, however, the easement area actually functions as a landscaped open space rather than an undisturbed natural open space conservation easement. The applicant proposes to meet current stormwater management requirements through other measures, as described in the Environmental section of the staff report above, thus eliminating the need for the dedicated easements in meeting the requirements. A disposal of property resolution is attached to this staff report for Board action.

RECOMMENDATION

The United States government enacted the Religious Land Use and Institutionalized Persons Act of 2000 (the “Act”). The Act prohibits imposing a substantial burden on the free exercise of religion through land use regulations unless there is a compelling government interest. It is staff’s opinion that the conditions contained in this special use permit are reasonably related to the impacts caused by the use of the property and do not constitute a substantial burden on the free exercise of religion.

Staff finds the proposal to be consistent with the surrounding zoning and development and, with the following conditions, consistent with the Comprehensive Plan. Staff recommends approval of this application with the following conditions. In addition, staff recommends approval of the attached disposal of property resolution.

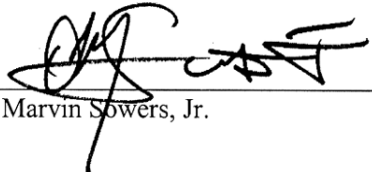
1. This Special Use Permit (SUP) shall be valid for operation of a house of worship and accessory uses thereto as shown on the Master Plan prepared by AES Consulting Engineers date stamped July 15, 2008. Expansion and renovation activities shall result in no more than 23,000 square feet of additional building area. No school use shall be permitted as part of this SUP.

2. Only one entrance shall be allowed onto Norge Lane, and this entrance shall line up with the entrance to the Norge Shopping Center. There shall be no entrances to the site from Richmond Road.
3. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 25 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher shall extend outside the Property lines. Limited lighting of the church building and the spire (no more than 20 percent of the overall façade) shall be permitted in such a manner that all light will be directed upward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher shall extend outside the Property lines.
4. Prior to final site plan approval, the planning director shall review and approve the final architectural design of the building. Such building shall be reasonably consistent, as determined by the planning director, with the architectural elevations titled "Saint Olaf Catholic Church" submitted with this special use permit application, dated June 24, 2008, and drawn by Brawer & Hauptman Architects.
5. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final development plan approval. The standards shall include, but not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought resistant native and other adopted low water use landscaping materials and warm season turf where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
6. Installation of parking spaces on the site may be phased in step with the building phasing so long as all spaces needed to meet Zoning Ordinance requirements for any particular phase have been installed prior to issuance of a Certificate of Occupancy for that phase.
7. For those areas on the Master Plan where the "Evergreen Screen" is indicated, a continuous evergreen buffer designed to screen the parking lot from the adjacent properties and comprised of a mixture of evergreen ornamental trees, evergreen trees that will reach the height of at least 40 feet at maturity and evergreen shrubs shall be planted which, at planting, are 125 percent of the size requirements listed in the Zoning Ordinance, and shall be generally as shown on the "St. Olaf Catholic Church Planning Board Commission Exhibit No. 1 Landscape Buffer Intent Adjacent to Residential Properties" prepared by AES and dated June 4, 2008. A landscape plan for the entire Property (to include the "Evergreen Screen" and the Route 60 Community Character Corridor buffer area, as specifically requested by the Planning Commission, and other areas of the site as required by the Zoning Ordinance) shall be submitted for review and approval by the Development Review Committee with the initial plan of development for the Property. All landscaping on this plan shall be installed or bonded prior to the issuance of a final Certificate of Occupancy for the building expansion area shown on the initial plan of development.
8. Within six months of issuance of a Certificate of Occupancy (C.O.) for the Phase I portion of the building expansion, the owner shall be responsible for determining the maximum percent utilization (queue length/storage length) of the left-turn lanes at the Richmond Road/Norge Lane intersection just prior to and just after the Sunday mass meeting, and providing this information in a report to VDOT for their approval so that VDOT can make any adjustments to the signal timings as may be necessary. If determined necessary by VDOT, additional reports shall be done within six months of C.O. for the other Phases: the need for any additional reports shall be determined prior to site plan approval of each of the Phases.

9. In implementing stormwater management improvements on the Property, the owner shall make use of low impact design measures as outlined in the Community Impact Statement date stamped July 15, 2008, and approved by the environmental director.
10. Prior to issuance of the first Certificate of Occupancy for any portion of the building expansion, a sidewalk shall be constructed along the Richmond Road frontage of the Property. The sidewalk shall extend to adjoining property lines and have handicapped accessible ramps at any driveways or street intersections.
11. If construction has not commenced on this project within 36 months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Ellen Cook

CONCUR:



O. Marvin Sowers, Jr.

EC/gb
StOlafExpan.doc

ATTACHMENTS:

1. Planning Commission Minutes
2. Location map
3. Master Plan (under separate cover)
4. Community Impact Statement (with Archaeology Studies & Elevations) (under separate cover)
5. Existing Proffers
6. Letter Requesting Elimination of the Proffers
7. Existing Conservation Easements Exhibit
8. Documents comparing the original and revised building footprints, interior layouts and elevations
9. Resolution (for Z-0001-2008/MP-0001-2008/SUP-0006-2008/HW-0002-2008)
10. Disposal of Property Resolution

RESOLUTION

CASE NO. Z-001-08/MP-001-08/SUP-0006-08/HW-002-08.

ST. OLAF CATHOLIC CHURCH EXPANSION

- WHEREAS, the Catholic Diocese of Richmond owns a parcel of property located at 104 Norge Lane and further identified as Parcel No. (1-16) on James City County Real Estate Tax Map No. (23-2) (the "Property"); and
- WHEREAS, the Property is currently zoned R-8, Rural Residential with Proffers, and designated Low Density Residential on the 2003 Comprehensive Plan Land Use Map; and
- WHEREAS, Ms. Sara Rilveria of AES Consulting Engineers has applied on behalf of St. Olaf Catholic Church to rezone the Property from R-8, Rural Residential, with Proffers, to R-8, Rural Residential (eliminating the existing Proffers); to obtain an SUP to allow for expansion of the existing St. Olaf Catholic Church; and to obtain a height limitation waiver to allow for the construction of a 90-foot-tall cross spire as part of the expansion of the Church; and
- WHEREAS, the proposed expansion is shown on a master plan, entitled "St. Olaf Catholic Church" prepared by AES Consulting Engineers and date stamped July 15, 2008; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing scheduled; and
- WHEREAS, the Planning Commission of James City County, following its public hearing on June 4, 2008, recommended approval of cases Z-0001-08, MP-0001-08, and SUP-0006-08 by a vote of 7-0; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2003 Comprehensive Plan Land Use Map designation for this site; and
- WHEREAS, the Board of Supervisors finds that the requirements of Section 24-354 of the James City County Zoning Ordinance have been satisfied in order to grant a height limitation waiver to allow the erection of structures in excess of 60 feet.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing, does hereby approve the issuance of a height limitation waiver for a structure up to 90 feet under Case No. HW-0002-2008, and also approves Case Nos. Z-0001-08/MP-0001-08/SUP-0006-2008 as described herein with the following conditions:

1. This Special Use Permit (SUP) shall be valid for operation of a house of worship and accessory uses thereto as shown on the Master Plan prepared by AES Consulting Engineers date stamped July 15, 2008. Expansion and renovation activities shall result in no more than 23,000 square feet of additional building area. No school use shall be permitted as part of this SUP.

2. Only one entrance shall be allowed onto Norge Lane, and this entrance shall line up with the entrance to the Norge Shopping Center. There shall be no entrances to the site from Richmond Road.
3. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 25 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher shall extend outside the Property lines. Limited lighting of the church building and the spire (no more than 20 percent of the overall facade) shall be permitted in such a manner that all light will be directed upward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher shall extend outside the Property lines.
4. Prior to final site plan approval, the planning director shall review and approve the final architectural design of the building. Such building shall be reasonably consistent, as determined by the planning director, with the architectural elevations titled "Saint Olaf Catholic Church" submitted with this special use permit application, dated June 24, 2008, and drawn by Brawer & Hauptman Architects.
5. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final development plan approval. The standards shall include, but not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought resistant native and other adopted low water use landscaping materials and warm season turf where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
6. Installation of parking spaces on the site may be phased in step with the building phasing so long as all spaces needed to meet Zoning Ordinance requirements for any particular phase have been installed prior to issuance of a Certificate of Occupancy for that phase.
7. For those areas on the Master Plan where the "Evergreen Screen" is indicated, a continuous evergreen buffer designed to screen the parking lot from the adjacent properties and comprised of a mixture of evergreen ornamental trees, evergreen trees that will reach the height of at least 40 feet at maturity and evergreen shrubs shall be planted which, at planting, are 125 percent of the size requirements listed in the Zoning Ordinance, and shall be generally as shown on the "St. Olaf Catholic Church Planning Board Commission Exhibit No. 1 Landscape Buffer Intent Adjacent to Residential Properties" prepared by AES and dated June 4, 2008. A landscape plan for the entire Property (to include the "Evergreen Screen" and the Route 60 Community Character Corridor buffer area, as specifically requested by the Planning Commission, and other areas of the site as required by the Zoning Ordinance) shall be submitted for review and approval by the Development Review Committee with the initial plan of development for the Property. All landscaping on this plan shall be installed or bonded prior to the issuance of a final Certificate of Occupancy for the

building expansion area shown on the initial plan of development.

8. Within six months of issuance of a Certificate of Occupancy (C.O.) for the Phase I portion of the building expansion, the owner shall be responsible for determining the maximum percent utilization (queue length/storage length) of the left turn lanes at the Richmond Road/Norge Lane intersection just prior to and just after the Sunday mass meeting, and providing this information in a report to VDOT for their approval so that VDOT can make any adjustments to the signal timings as may be necessary. If determined necessary by VDOT, additional reports shall be done within six months of C.O. for the other Phases: the need for any additional reports shall be determined prior to site plan approval of each of the Phases.
9. In implementing stormwater management improvements on the Property, the owner shall make use of low impact design measures as outlined in the Community Impact Statement date stamped July 15, 2008, and approved by the environmental director.
10. Prior to issuance of the first Certificate of Occupancy for any portion of the building expansion, a sidewalk shall be constructed along the Richmond Road frontage of the Property. The sidewalk shall extend to adjoining property lines and have handicapped accessible ramps at any driveways or street intersections.
11. If construction has not commenced on this project within 36 months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of July, 2008.

StOlafExpan_res

RESOLUTION

CONVEYANCE OF PROPERTY LOCATED AT 104 NORGE LANE TO THE

CATHOLIC DIOCESE OF RICHMOND

WHEREAS, in conjunction with the construction of the St. Olaf's Catholic Church (the "Church") on a parcel of property located at 104 Norge Lane and designated as James City County Real Estate Parcel No. 2320100016 (the "Property") in James City County, Virginia (the "County"), a natural open space easement totaling 4.03± acres (the "Easement") was granted to the County by a deed recorded on February 23, 1995, in Deed Book 728, Page 182; and

WHEREAS, the Easement was granted to the County to satisfy certain environmental requirements associated with development of the Property; and

WHEREAS, the Church desires to construct additional church-related buildings and parking upon the Property, and has submitted Application Nos. Z-0001-2008, MP-0001-2008, and SUP-0006-2008 in furtherance thereof (the "Expansion"); and

WHEREAS, the Expansion proposes new environmental protections that will provide water quality protections in excess of that which the Easement was designed to provide and which will satisfy all County environmental requirements; and

WHEREAS, the three applications associated with the Expansion were approved by the Board at its July 8, 2008, meeting, and as such the Easement no longer has any value to either the Church or the County; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to grant and convey the Easement to the Church in exchange for the additional environmental benefits provided as a part of the Expansion.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute such deed and other documents as may be necessary to convey the Easement to the Church.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of July, 2008.

104NorgeLn_res

APPROVED MINUTES FROM THE JUNE 4, 2008 PLANNING COMMISSION
MEETING

Z-0001-2008 / MP-0001-2008 / SUP-0006-2008 St. Olaf's Catholic Church
Expansion

Ms. Cook stated that Ms. Sara Rilveria, of AES Consulting Engineers, has applied to expand the existing St. Olaf Catholic Church located at 104 Norge Lane. The current application proposes to accomplish several things. First, to eliminate the proffers which were put in place during the 1994 rezoning; the proffered items would now be covered by SUP conditions or eliminated. Second, to obtain a SUP which would allow for a 27,625 square foot expansion, which is needed to accommodate the church's growing congregation. Currently, a 2,601 square foot parish office and a 5,214 square foot worship building are in place on the site. Third, to obtain a height limitation waiver, to be acted upon by the Board of Supervisors. Finally, to vacate the existing conservation easement on the property, also to be acted upon by the Board of Supervisors.

Ms. Cook stated the church parcel is designated Low Density Residential. Churches are among the recommended uses in this land use designation. Other uses in the vicinity include churches, commercial shops, medical offices, agricultural uses, and residential: staff believes that the expanded church would remain compatible with the general character of the area. Overall, Staff finds the proposal to be consistent with the surrounding zoning and development and, with the following conditions, consistent with the Comprehensive Plan. Staff recommends approval of this application.

Mr. Billups asked if this was a one or two story addition.

Ms. Cook was not sure of the specifics of the building but the architect was present to answer any questions.

Mr. Billups asked if the applicant addressed stormwater runoff with regards to impervious cover and if the entrance on Norge Lane will be widened to accommodate the new flow of traffic.

Ms. Cook stated the entrance was being re-designed but she would defer to the applicant as to the specifics.

Mr. Billups asked if there was any impact on the residential lots in the area.

Ms. Cook stated there will be some buffering, an evergreen screen, and they would need to meet landscape ordinance standards for other portions of the site.

Mr. Billups asked about specific buffering that would camouflage the parking lot from Route 60.

Ms. Cook stated that there was not special use permit condition language that addressed these areas of the site currently, that landscaping in that area would be in accordance with the Zoning Ordinance.

Mr. Billups asked about the height of the cross and whether it could be reduced.

Ms. Cook deferred to the applicant.

Mr. Fraley asked if the applicant could present a landscaping master plan for the Commission to review.

Ms. Cook said it could be written as a condition of the special use permit.

Mr. Fraley opened the public hearing.

Mr. Geddy made a presentation on behalf of the applicant St. Olaf's Catholic Church. He showed pictures and diagrams of the proposed expansion. He also stated that there is an attempt to meet the parking needs, which is more than what is in the Ordinance. Mr. Geddy stated they believe it is consistent with the master plan and the surrounding uses. He requested that the Planning Commission recommend approval to the Board of Supervisors.

Mr. Krapf expressed his concerns about the width of the buffer between the parking lot and the residential areas. He stated the applicant is proposing 300 parking spaces as opposed to the ordinance requirement of 190. He asked if some of the parking could be reduced and the buffering increased.

Mr. Geddy stated the applicant wanted to keep the 300 spaces.

Mr. Krapf asked if the applicant would agree to a binding landscape master plan that would go before the DRC.

Mr. Geddy stated that would be agreeable.

Mr. Fraley asked if the building expansion would come before the DRC.

Mr. Murphy stated that there is no requirement for this to come before the DRC. He further stated that having a condition that the landscape plan come before the DRC would be acceptable. He did ask that staff and the applicant would like to know if the Commissioners had certain areas they wanted emphasized.

Mr. Krapf wanted to make sure there was adequate buffering and screening for residents on Norge Lane.

Mr. Murphy asked about the depth of the buffer. He stated if the Commissioners felt that the depth should be deeper and/or wider, then that should be made a condition of the special use permit.

Mr. Krapf asked the applicant to explain from an engineering standpoint the problems with making the buffer wider.

Mr. Rich Costello addressed this question. He stated that the islands need to remain due to the storm water criteria that needed to be addressed. If the buffer was increased, the parking would need to go to diagonal parking. Mr. Costello stated the parking will be phased in. He stated that one way aisles would be confusing to people. He also stated that this parking will not be enough 100% of the time; overflow parking will still be needed.

Mr. Henderson asked if the owner who is impacted by the 15 foot buffer is a member, or has he stated any concerns to the applicants.

Mr. Costello stated that the church has contacted the residents and no one has made suggestions.

Mr. Henderson suggested maybe purchasing additional property to increase the buffer.

Mr. Costello said the church can speak with the property owner if need be.

Mr. Krapf asked how Mr. Henderson's suggestion be incorporated into this application.

Mr. Murphy stated that a condition could be added to the special use permit that the church would solicit agreements with the adjoining property owners.

Mr. Kinsman did not recommend a condition that imposes something on an adjacent property owner.

Mr. Krapf stated some concerns with the parking spaces and recommended a larger buffering area.

Mr. Costello was not aware of any issues that adjacent property owners had.

Mr. Obadal asked about the use of pervious concrete in the parking lot.

Mr. Costello said the cost would be a factor. He stated the islands that are on the plan make stormwater work better if the area gets clogged. He stated that if pervious concrete gets clogged it would be difficult to correct. It is important to maintain it in order to be effective.

Mr. Obadal asked how the figure of 300 parking spaces was determined.

Mr. Costello stated counts of cars and parishioners were taken over the course of three months. He stated it was assumed that two parishioners are in one car.

Mr. Billups asked what the average size of a cross on a church is.

The applicant's architect stated that the size of the cross was determined by the size of the building so that they are proportional.

Mr. Fraley opened the public hearing.

Mr. Ray Rebello, 206 John Pott Drive, stated he is a member of St. Olaf's Catholic Church. He stated the history of the expansion of the church. He stated that because of the large retirement population of the membership, he feels that the proposed plan will not accommodate this number. Mr. Rebello stated there is no current design available for parishioners to view. He does not feel that this proposal is practical.

Mr. John Collagon stated he is on the finance counsel at St. Olaf's Catholic Church. He stated that surveys have been done and there has been some discussion about relocating to another site. He mentioned that the Church has a capital campaign. He stated that the pastor makes the financial decisions for the church. Mr. Collagon would like the Planning Commission to recommend approval to the Board of Supervisors.

Mr. Cox stated he is the business manager of St. Olaf's Catholic Church. He stated that at the largest mass on Sunday, the count was 350 – 400 individuals. He stated that 2.1 was the average that was determined per car. He stated there is still parking on the grass and along the road.

Mr. Fraley closed the public hearing.

Mr. Henderson stated he believes it is a good thing that a church needs to expand and that is a positive thing for the community. He supports the application.

Mr. Krapf supports the application with the addition of requiring a landscape master plan to be reviewed by the DRC. Mr. Krapf made a motion to approve with this condition.

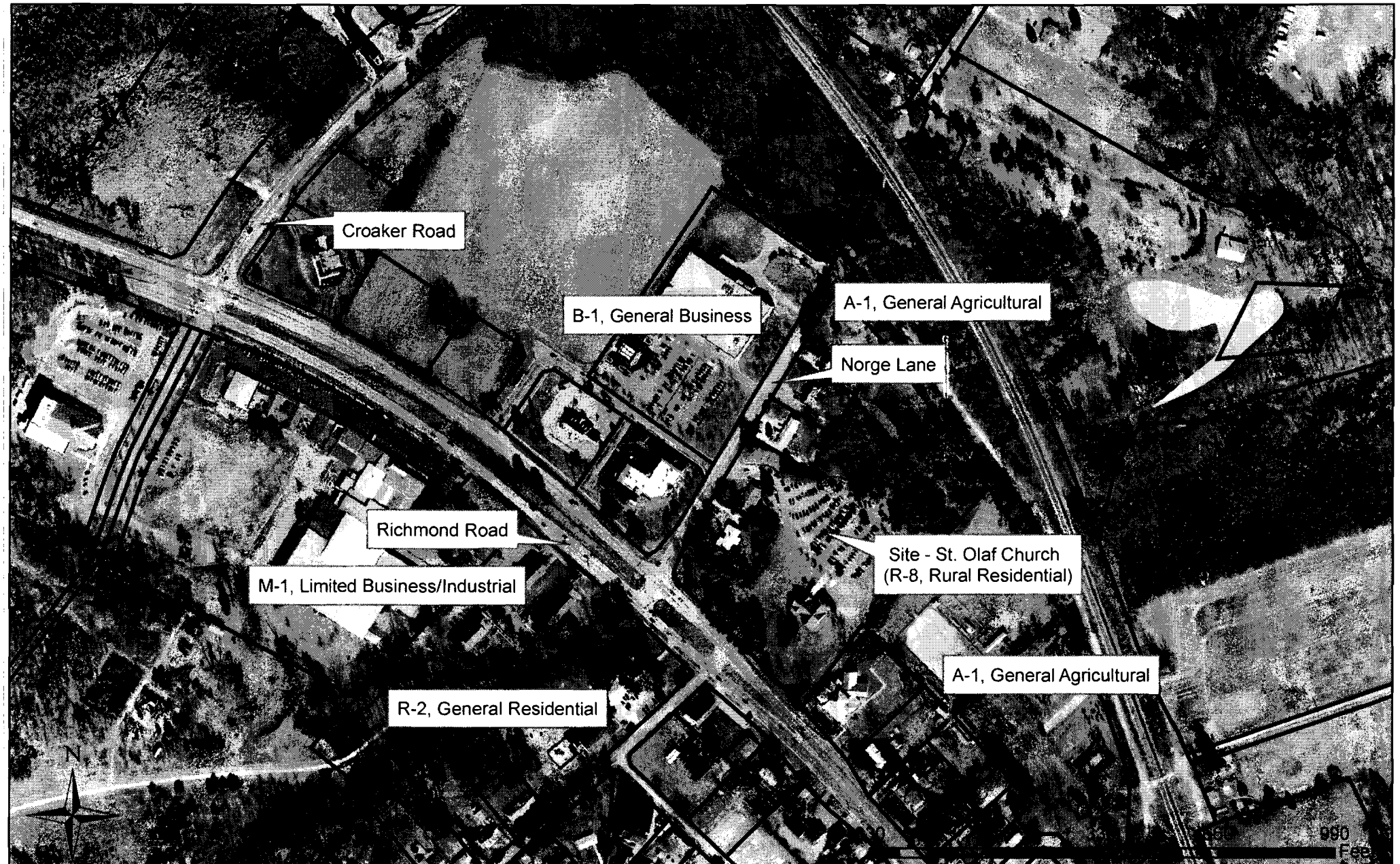
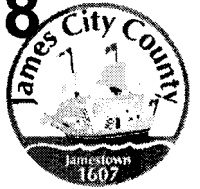
Mr. Obadal supported the application.

Mr. Poole seconded the motion.

Mr. Fraley asked Planning Commissioners to send requests to Ms. Cook what they would like addressed on the landscape master plan.

In a roll call vote the application was approved. (7-0) AYE: Peck, Poole, Henderson, Billups, Krapf, Obadal, Fraley.

Z-0001-2008/MP-0001-2008/SUP-0006-2008/HW-0002-2008 St. Olaf Catholic Church Expansion





Community Impact Statement

For

**St. Olaf Roman Catholic Church Expansion
at 104 Norge Lane**

**March 26, 2008
Revised July 14, 2008**

Prepared By

**AES Consulting Engineers
5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
(757) 253-0040**

Prepared For

**St. Olaf Roman Catholic Church
104 Norge Lane
Williamsburg, Virginia 23188
(757) 564-3819**

II. INTRODUCTION & PROJECT DESCRIPTION

On behalf of St. Olaf Roman Catholic Church and the Catholic Diocese of Richmond, AES Consulting Engineers respectfully requests a Special Use Permit (SUP) and Rezoning to allow an expansion of their facilities at 104 Norge Lane. The proposed expansion includes building additions, reconfiguration of the parking facilities, and upgrades to the existing storm water facility.

The property is zoned R8 and totals 9.39± acres. It is served by public utilities which are adequate to meet the demands of the proposed expansion. For more details, please see the section of this report titled "Water and Sanitary Sewer". The site is within the Primary Service Area (PSA).

In 2005, this property was granted a Rezoning to R-8 (SUP-30-05) with proffers (Z-07-94) to bring the existing church facility into conformance with the zoning ordinance and to permit the church to expand and renovate its existing facilities. The proffered conditions required the structure to be located between Richmond Road and the main parking area.

Under the proposed special use permit and zoning adjustments, the existing building, which was the subject of the proffer referred above, is to remain between Richmond Road and the main parking area, while the proposed principal building expansion is to be located east of the existing church building. Due to the size and spatial arrangement of the proposed facility, the church is unable to expand west of the existing worship building within the space allowed and meet programming needs. The existing church building will be renovated as a social hall and kitchen while, a new worship space, a commons area, meeting room, storage room and restroom facilities will be within the first phase of the new building additions.

St. Olaf Church wishes to expand their church facilities on this site. The site is of adequate size to meet their programming and parking needs, however an additional 4,000 square feet (all that would be permitted under the current zoning conditions) would not accommodate the additional space needs of the church's growing congregation. Because the proposed multi-phase project would result in 22,883 sf of additional square feet, an amendment to the SUP is required.

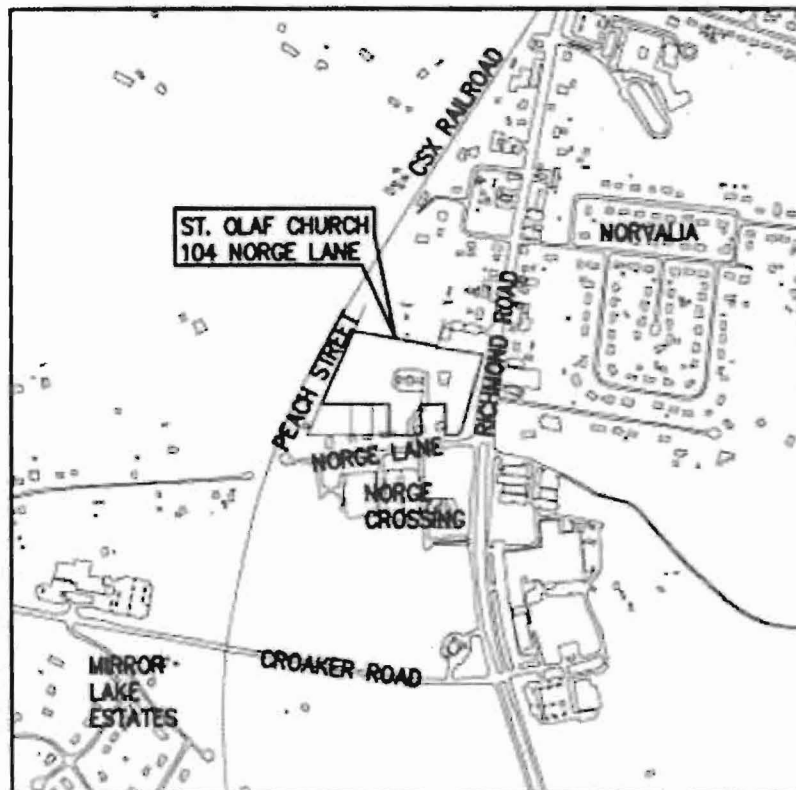
The existing SUP has a condition requiring a 100-foot wide undisturbed buffer along Richmond Road. The buffer has been maintained rather than left in a natural state and no longer fully serves an intended water quality function. The church wishes to amend the buffer condition to conform with the current 50-foot Community Character Corridor as outlined in the ordinance and approach the stormwater management practices with current design practices including

I. THE PROJECT TEAM

The following organizations are involved in the planning and development of the 9.39± acre property:

Property Owner	Catholic Diocese of Richmond, Virginia
Applicant	AES Consulting Engineers - Williamsburg, VA
Architect	Brawer & Hauptman Architects - Philadelphia, PA
Civil Engineer	AES Consulting Engineers - Williamsburg, VA
Land Planning/ Landscape Architect	AES Consulting Engineers - Williamsburg, VA

VICINITY MAP:
Scale: 1" = 1000'



II. INTRODUCTION & PROJECT DESCRIPTION

On behalf of St. Olaf Roman Catholic Church and the Catholic Diocese of Richmond, AES Consulting Engineers respectfully requests a Special Use Permit (SUP) and Rezoning to allow an expansion of their facilities at 104 Norge Lane. The proposed expansion includes building additions, reconfiguration of the parking facilities, and upgrades to the existing storm water facility.

The property is zoned R8 and totals 9.39± acres. It is served by public utilities which are adequate to meet the demands of the proposed expansion. For more details, please see the section of this report titled "Water and Sanitary Sewer". The site is within the Primary Service Area (PSA).

In 2005, this property was granted a Rezoning to R-8 (SUP-30-05) with proffers (Z-07-94) to bring the existing church facility into conformance with the zoning ordinance and to permit the church to expand and renovate its existing facilities. The proffered conditions required the structure to be located between Richmond Road and the main parking area.

Under the proposed special use permit and zoning adjustments, the existing building, which was the subject of the proffer referred above, is to remain between Richmond Road and the main parking area, while the proposed principal building expansion is to be located east of the existing church building. Due to the size and spatial arrangement of the proposed facility, the church is unable to expand west of the existing worship building within the space allowed and meet programming needs. The existing church building will be renovated as a social hall and kitchen while, a new worship space, a commons area, meeting room, storage room and restroom facilities will be within the first phase of the new building additions.

St. Olaf Church wishes to expand their church facilities on this site. The site is of adequate size to meet their programming and parking needs, however an additional 4,000 square feet (all that would be permitted under the current zoning conditions) would not accommodate the additional space needs of the church's growing congregation. Because the proposed multi-phase project would result in 27,625 sf of additional square feet, an amendment to the SUP is required.

The existing SUP has a condition requiring a 100-foot wide undisturbed buffer along Richmond Road. The buffer has been maintained rather than left in a natural state and no longer fully serves an intended water quality function. The church wishes to amend the buffer condition to conform with the current 50-foot Community Character Corridor as outlined in the ordinance and approach the stormwater management practices with current design practices including

improvements to the existing pond and possible low impact design measures. The landscaping plan shall include enhanced landscaping if necessary.

Height Limitation Waiver

A height limitation waiver will be required for the cross rising above the church spire a height of 90' above ground level. The ordinance permits up to 60' by-right, and up to 100' per the criteria outlined in sec. 24-354 (2) a-e. A letter requesting the height limitation waiver will be submitted separately.

Parking

For the purpose of calculating required parking, the James City County Ordinance defines churches or houses of worship as "theaters, auditoriums, and places of public assembly" and requires the number of parking spaces to be calculated at one parking space per five seats based upon the planned seating capacity. Based on recent observations of normal Sunday mass attendance, St. Olaf Church proposes that a parking ratio of 1 space per 2.0 seats be applied. This ratio was derived based upon several months of normal church attendance observation and records, as follows:

Sunday, Oct. 28 th	132 cars parked	327 in attendance	2.48 people per car
Sunday, Nov. 4 th	159	383	2.41
Sunday, Nov. 11 th	164	284	1.73
Sunday, Nov. 18 th	142	315	2.22
Sunday, Nov. 25 th	124	291	2.35
Sunday, Feb. 24 th	173	316	1.83
Sunday, Mar. 2 nd	183	370	2.02
Sunday, Mar. 9 th	166	343	2.07
Sunday, Mar. 16 th	178	357	2.01

Planning Considerations

The James City County 2003 Comprehensive Plan (2003, as amended), recommends Low-Density Residential land uses for this property. Churches are specifically listed as an appropriate land use, and it is recommended they be located on collector or arterial roads at intersections where adequate buffering and screening can be provided. As the "Traffic and Access" section describes in detail, the site is accessed via Norge Lane, which meets Richmond Road at a signalized intersection. Because there is no direct access to Richmond Road, a continuous buffer, as required by the Community Character Corridor Overlay and recommended in the comprehensive plan, can be applied. Additionally, the building is sited such that it is immediately adjacent to existing commercial uses to the south, while the adjacent residential uses to the north are buffered from the church by landscaping and parking. Therefore, Comprehensive Plan land use recommendations for use, buffering, and screening can be met with the expansion of this church.

This property also falls within the Norge Community Character Area. The Comprehensive Plan makes a number of recommendations addressing the architecture, scale, and materials employed on new projects within this area. As the architectural renderings submitted with this application show, the architecture of the proposed church recalls and references traditional Nordic architecture while interpreting them with modern lines and materials. Parking will be screened via landscaping and the Community Character Corridor buffer.

III. ANALYSIS OF PUBLIC FACILITIES AND SERVICES

A. Water and Sanitary Sewer

Water

Domestic water service is currently provided by James City Service Authority (JCSA) via a 2" waterline from the south. This waterline will be upgraded to 8" to provide for sprinklers and onsite fire hydrants, with further review and design taking place during the development of the site plan.

Sanitary Sewer

Sanitary sewer service to the site is currently provided via a 4" line from the 8" main in Norge Lane. This service will be upgraded with a new connection that will be designed and reviewed during the development of the site plan.

B. Traffic and Access

The property is situated just southeast of the corner of Richmond Road and Norge Lane. There is an existing signalized intersection and right-turn lane from Richmond Road onto Norge Lane. The church will continue to use the location of the existing two-lane driveway for ingress/egress from Norge Lane only.

James City County's "2006 Traffic Count Summary" provides current traffic count information. According to the report, annual average daily traffic (AADT) volumes along this stretch of Richmond Road (Croaker Road to Centerville Road) average 19,000 trips per day. According to VDOT standards, a four-lane minor arterial road with turn lanes has an average capacity of 30,000 trips per day.

The applicant has stated that historically the church attracts an average of 158± cars for Sunday 10am mass, which is their peak service. With the addition, a maximum of 300 cars during services can be accommodated. Based on projected daily traffic volumes and existing conditions on Richmond Road, this proposal would have very little, if any, effect on traffic or level of service.

Pedestrian access is available via a sidewalk on the north side of Norge Lane.

C. Fire and Emergency Medical Services

There are currently five fire stations providing fire protection and Emergency Medical Services to James City County. Each station is located such that the emergency response goal is six minutes or less. In addition, there exists a mutual aid agreement with the City of Williamsburg and York County for additional backup assistance. The primary response station for this site is the Forge Road Station (Station 1).

In the evaluation of fire protection at the project site, two existing fire hydrants are located nearby. One fire hydrant is positioned at the northwest corner of the intersection of Richmond Road and Norge Lane and the second existing fire hydrant is located just inside the entrance to Norge Crossing off of Norge Lane. Additional onsite fire hydrants will be required; any proposed upgrade will be designed and reviewed during the development of the site plan.

D. Solid Waste

The property will generate solid waste which will require collection and disposal. A dumpster will be provided on-site, per the attached Master Plan. Collection of solid waste will be provided by private contract with a reputable hauler acting in accordance with all applicable health standards.

E. Gas and Electricity

Dominion Virginia Power, Cox Communications, and Verizon Communications provide, respectively, electricity, cable tv service, and telephone services to this area. At this time all heating, ventilation, and air conditioning is scheduled to use electric energy. Should natural gas become viable for this site, equipment using natural gas may be considered.

IV. STORMWATER MANAGEMENT

This project site lies within the York River Watershed area. Redevelopment of the site triggers the need to meet James City County's 10-point BMP System for stormwater quality improvements. Additionally, increase in stormwater flows associated with the proposed site improvements are to be compensated for, thereby reducing peak post-development runoff rates of selected storms to pre-development values. Implementation of Low Impact Design (LID) measures could be introduced to improve the hydrology of the site assisting to lower peak runoff rates and introduce groundwater recharge, while not disturbing the existing 9-point pond. Alternatively, the pond could be upgraded to a 10-point facility meeting all current requirements.

Stormwater Management and Water Quality:

Stormwater management and water quality evaluation required for this site can be achieved by modifying the existing SWM/BMP Pond to meet current requirements and converting the facility to a 10-point facility (as shown on the Conceptual Stormwater Management Plan). The other option is to allow the existing SWM/BMP to remain in its current state and install bio-retention basins within the parking area. The current SWM/BMP is a 9-point facility (based on JCC Environmental Department evaluation) and the bio-retention areas, which are counted as a 10-point facility and the same drainage area gets ½ credits when routed through the existing wet pond.

Converting existing SWM/BMP Pond to a 10-Point Facility:

- Clearing and excavating additional area for a larger pond to achieve current County requirements for pretreatment, water quality, and stream channel protection.
- Inspecting and may need to replace and/or repair existing riser and/or some piping.

Allow existing SWM/BMP Pond to remain in current state and add LID:

- Existing riser is 36" ACCMP and its outfall pipe is 18" Asphalt Coated Corrugated Metal Pipe. The outfall pipe is 180 LF designed at 1.10% slope and drains the SWM/BMP under Peach Street to the CSX property, which an agreement was signed February 1996.
- Utilizing LID principles and techniques to reduce and control impacts associated with increased stormwater runoff.
- Utilizing Treatment Train Concepts by the redundancy of treatment to the parking area, first LID then SWM/BMP before being released from the site.

With evaluation of the information currently available on the site conditions, the following LID measures could most likely be employed for the site improvements:

- At least four individual Bio-Retention Basins at 650 sq. ft. minimum size (especially suitable for parking areas) for 10-point credit for the area draining to these basins and 1/2 credit (4 or 5 points) for the same drainage area through the wet pond.

Other LID measures that may be considered, and incorporated in the final design in lieu of or augmenting those mentioned above. These other measures include:

- design of flatter site grades for the site improvement area;
- In addition, the installation of level spreaders to the perimeter of the aforementioned bio-retention basins.

Existing Stormwater Retention Pond is identified via County BMP Code Number YR 010.

V. ENVIRONMENTAL RESOURCES

Description of Existing Environment

The site is currently developed with an existing parish office and worship building, as well as associated parking, utilities, and stormwater management facilities. Much of the perimeter of the property is currently held in conservation easements and is characterized by trees and natural undergrowth. The site is generally flat, with the southern quarter of the site draining towards Richmond Road and the northern three-quarters of the site draining towards the existing wet pond adjacent to the northeastern property line.

A. Topography

The site gently slopes to the north and to the south of the site. Elevations on the property range between 103 and 117 feet mean sea level (msl), as determined by a site topographic survey.

B. Soils

The *Soil Survey of James City and York Counties and the City of Williamsburg, Virginia* (USDA April, 1985) map several soil types within the property boundaries. The predominant soil types are described as Kempsville-Emporia and Slagle, with moderate permeability and moderate shrink-swell potential.

C. Surface Water

Most of the site drains to the York River watershed with a small portion at the western property within the Yarmouth Creek watershed. As such, the site plan will be reviewed to ensure that stormwater management and water quality meets the requirements of the County (see Stormwater Management (Section IV), above).

D. Wetlands

There are no jurisdictional wetlands on the project site.

E. Floodplain

Information and technical data published by the Federal Emergency Management Agency (FEMA) were reviewed to determine the extent, if any, of the 100-year floodplain on this site. Based on the Flood Insurance Rate Map (FIRM) for James City County, Virginia (Map Number: 51095C0045C, September 28, 2007) this property is classified as Zone X, "Areas determined to be outside the 0.2% annual chance of floodplain;" therefore no portions of this property fall within the 100-year floodplain.

F. Chesapeake Bay Preservation Areas

The Chesapeake Bay Preservation Areas (CBPA) ordinances for James City County mandate that CBPA's be mapped in association with site development. CBPA's include both Resource Protection Areas (RPA) and Resource Management Areas (RMA). The definition of RPA as outlined in the James City County Ordinance includes "tidal waters, tidal shores, non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow, and a 100-foot wide vegetated buffer" located adjacent to, and landward of, other RPA components.

No RPA features are present on the subject property; however, James City County has been designated as an RMA in its entirety.

G. Vegetation

This site is currently developed as the St. Olaf Roman Catholic Church and is subject to a conservation easement that was set forth when the property was rezoned in 1994. As such, there are mature trees and shrubs landscaping the property, particularly in the front of the site and along the perimeter. As depicted in the Master Plan, a 50' buffer is proposed to remain along Richmond Road, thereby contributing to landscaping and screening the proposed use.

The central portion of the property is largely open. Trees and undergrowth buffer the perimeter of the property. The proposed building addition is to the east of the existing building in an area currently comprised of open lawn, and portions of the adjacent treeline are proposed to be reduced in order to accommodate the building addition and parking.

H. Rare, Threatened, and Endangered Species

Information concerning Virginia's threatened, endangered, rare species and unique natural communities is available from databases maintained by the Virginia Department of Game and Inland Fisheries (DGIF), the Virginia Department of Conservation and Recreation Division of Natural Heritage (DCR), and/or the United States Fish and Wildlife Services (FWS). Based upon the data from DGIF, two federally listed species have been confirmed to occur in James City County. These include sensitive joint-vetch (*Aeschynomene virginica*) and the small whorled pogonia (*Isotria medeoloides*).

Habitat for sensitive joint-vetch can be described as fresh to slightly brackish tidal marshes. The plant generally prefers the lower edge of the inter-tidal zone where daily inundation is common. Given that there are no wetlands or tidal marshes on this site, the occurrence of sensitive joint-vetch is implausible.

Small whorled pogonia occupies a very specific habitat type within its range. In particular, the species seems to require the following conditions: mature, mixed

hardwood, upland forests, generally open understory conditions with minimal aggressive ground level species, generally level to moderately sloping land with shallow upland draws often northerly or easterly exposure, scattered ground-level sunlight, and acidic, sandy loam soils (Ware 1991, Gleason and Cronquist 1991, Weakley 2006). In addition, many professionals have noted a prevalence of decaying logs and a well-developed detritus layer on the forest floor. These attributes tend to be present with the species when found, although the exact mechanisms associated with each affinity are not understood (Ware 1991).

While there are mature trees on the site, the cluster along the perimeter is not a mature forest and the conditions present would not likely support small whorled pogonia.

I. Cultural Resources

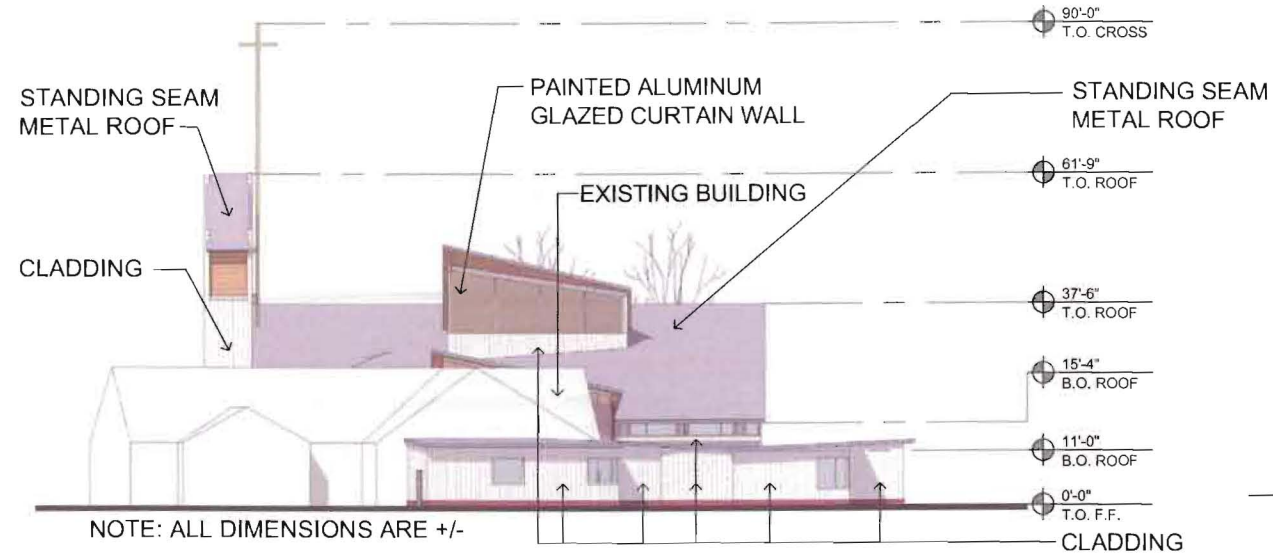
A Phase 1A Report was completed by Martha W. McCartney in May 1993 for the original St. Olaf Church rezoning application. A copy of that report is attached for reference.

IV. SUMMARY AND RECOMMENDATIONS

In summary, we conclude that the subject property does not contain any environmental resources as described in Section 23.10 of the James City County Code, and that the proposed use will not impose any adverse demands on public infrastructure or services, or cultural resources.

The proposed use and improvements reflect the Nordic heritage of the area in its architecture and the use is consistent with the Low Density land use recommendation as set forth in James City County 2003 Comprehensive Plan and Norge Community Character Area guidelines. The expansion, located adjacent to the existing building and adjacent to existing commercial uses, allows for appropriate screening and buffering to Richmond Road and to adjacent residential uses, and, with the approval of this request to amend existing proffered conditions and obtain a special use permit and height limitation waiver, the project will be consistent with the underlying Rural Residential (R-8) zoning standards.





4 CONCEPTUAL RICHMOND ROAD ELEVATION
Scale: 1/16"=1'-0"



3 PERSPECTIVE FROM NORGE LANE
Scale: NTS



2 PERSPECTIVE FROM RICHMOND ROAD
Scale: NTS

CONSULTANTS:

STRUCTURAL ENGINEERS:
Brinjac Engineering
The Mellon Independence Center
701 Market Street
Suite 6000
Philadelphia, PA 19106
T 215.592.9611
F 215.592.7863

MPE ENGINEERS:

AKF Engineers
1500 Walnut Street, Suite 1400
Philadelphia, PA 19102
T 215.725.7290
F 215.735.6706

**SAINT OLAF
CATHOLIC CHURCH**
104 Norge Lane
Williamsburg, VA 23188

Revisions:

No.	Date	REVISION/SUP
1	6/24/08	REZONING/SUP
-	-	-
-	-	-
-	-	-

REZONING / SUP SUBMISSION

0729
24 JUNE 2008

CONCEPTUAL RENDERED
ELEVATIONS, PERSPECTIVES +
FINISHES

S2

EXTERIOR FINISHES SCHEDULE:

BRICK VENEER

1) FLEMISH BOND PATTERN



OR

2) RUNNING BOND PATTERN



CLADDING

VERTICAL AND/OR HORIZONTAL SIDING OF
3) CEDAR (NATURAL FINISH)



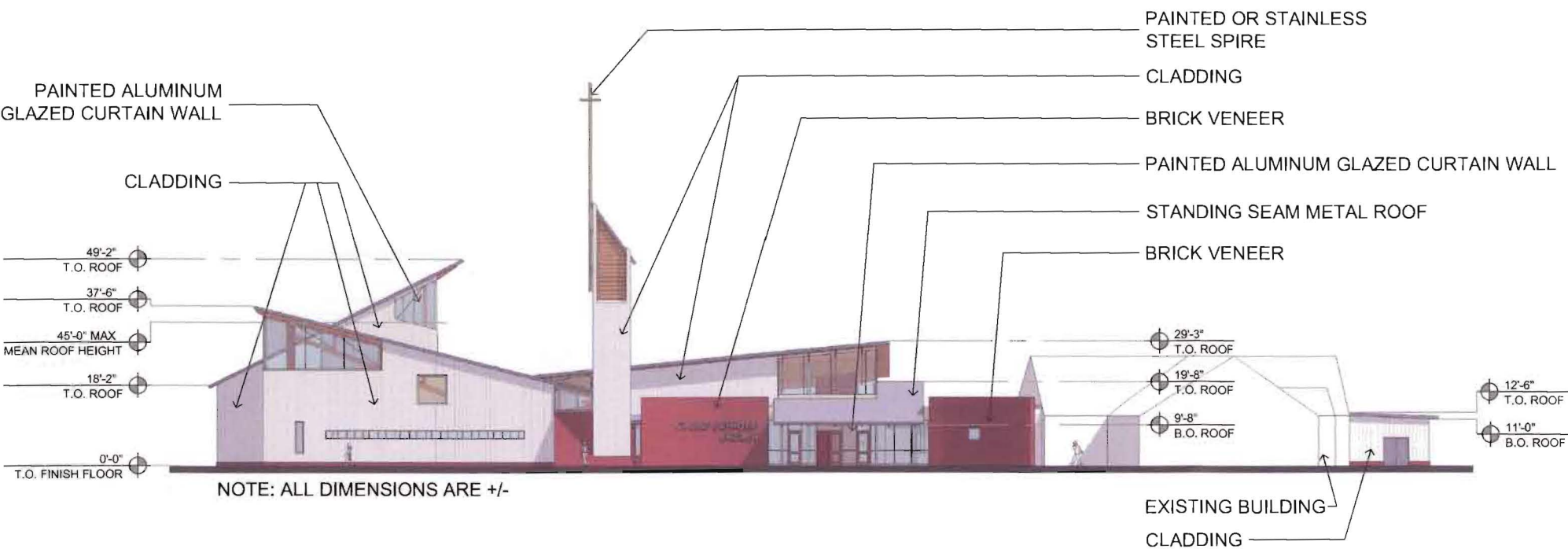
OR

4) PAINTED FIBER CEMENT BOARD

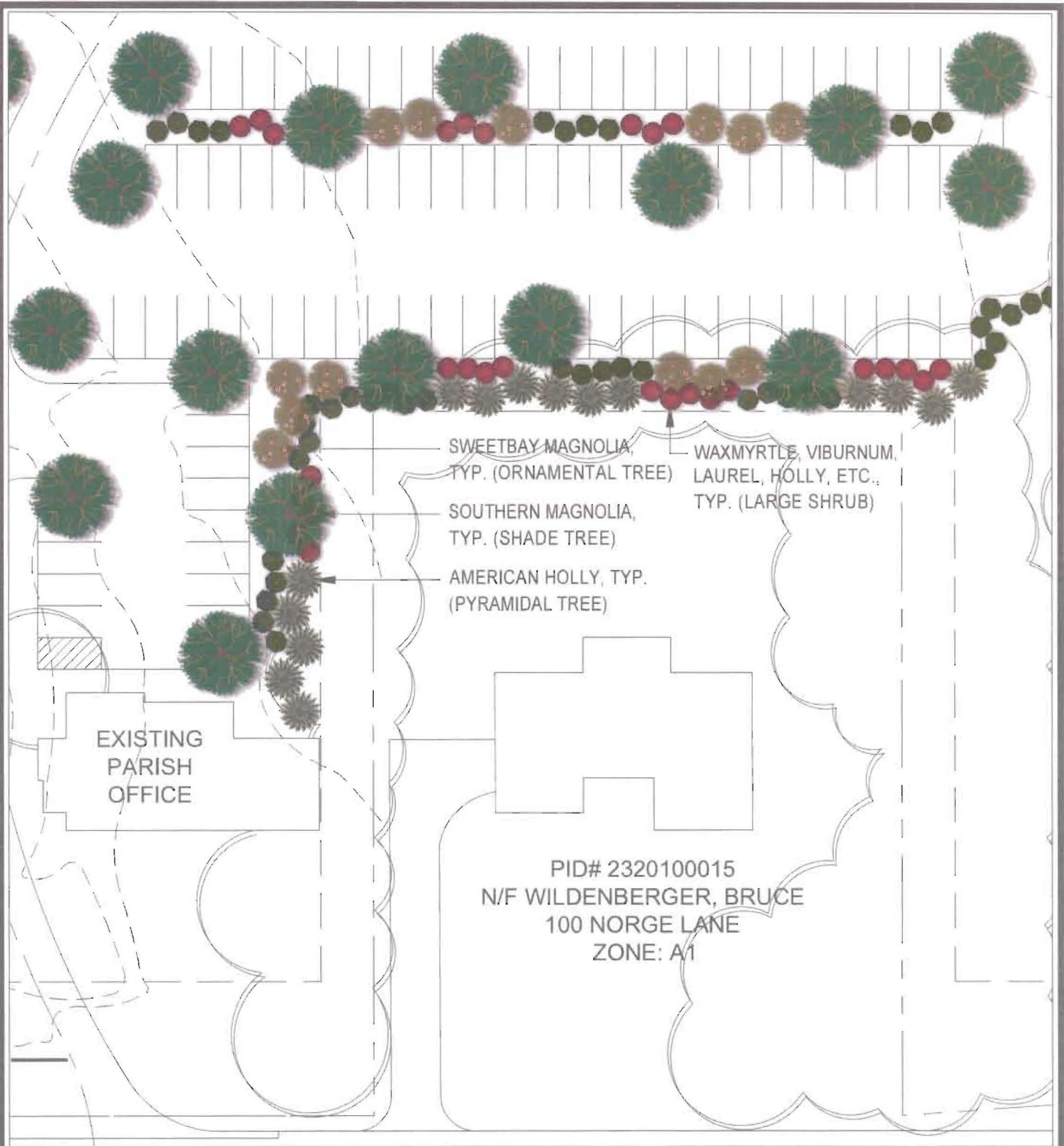


OR

5) PAINTED ALUMINUM CLADDING



1 CONCEPTUAL NORGE LANE ELEVATION
Scale: 1/16"=1'-0"



ST. OLAF CATHOLIC CHURCH
PLANNING BOARD COMMISSION EXHIBIT NO. 1
LANDSCAPE BUFFER INTENT ADJACENT TO RESIDENTIAL PROPERTIES.

Drawn By: SJR

Scale: 1"=40'

Date: 06/04/08

Job No: 9982-00



CONSULTING ENGINEERS

WILLIAMSBURG • RICHMOND • GLOUCESTER • FREDERICKSBURG

5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
(757) 253-0040 Fax (757) 220-8994

**PHASE IA CULTURAL RESOURCES SURVEY
ST. OLAF'S CHURCH
JAMES CITY COUNTY, VIRGINIA**

**Prepared for:
St. Olaf's Church
104 Norge Lane
Williamsburg, Virginia 23188**

**Prepared by:
Aaron Levinthal, Dawn M. Frost, and Carol D. Tyrer
Circa~ Cultural Resource Management, L.L.C.
309 McLaws Circle, Suite E
Williamsburg, Virginia 23185
(757) 220-5023**

March 2008



TABLE OF CONTENTS

TABLE OF CONTENTS	i
LIST OF FIGURES	ii
LIST OF TABLES	ii
INTRODUCTION	1
ARCHIVAL SEARCH	1
CULTURAL BACKGROUND	4
Prehistoric Site Context.....	4
Paleoindian (Prior to 8000 B.C.).....	4
Archaic (8000-1200 B.C.)	5
Woodland (1200 B.C. – ca. A.D. 1600).....	6
PREVIOUS SURVEYS	8
SITE VISIT.....	9
SUMMARY AND RECOMMENDATIONS	9
REFERENCES CITED	11

Appendix A – *The St. Olaf's Church Tract, James City County, Virginia Archival
Research Report* by Martha W. McCartney

Appendix B – Site Photos

LIST OF FIGURES

Figure 1. Approximate location of project area, Norge quad, scale 1:50,000.....	1
Figure 2. VDHR DSS archival search map.....	3

LIST OF TABLES

Table 1: Resources Within a One-Mile Radius of Project Area Boundaries	2
--	---

INTRODUCTION

In March 2008, St. Olaf's Church contracted Circa~ Cultural Resource Management, LLC (Circa~) to conduct a Phase IA cultural resources survey of the church property project area in James City County, Virginia (Figure 1). After reviewing the background information, Circa~ determined that the history and historic context had previously been prepared for the property under separate contract by Martha W. McCartney. The report of archival research, completed in 1993, is included in Appendix A. Circa~ conducted an archival search at the Virginia Department of Historic Resources (VDHR) and a site visit to determine the existing conditions of the property. The information collected is provided below. Appendix B contains photos of the project area taken in March 2008.

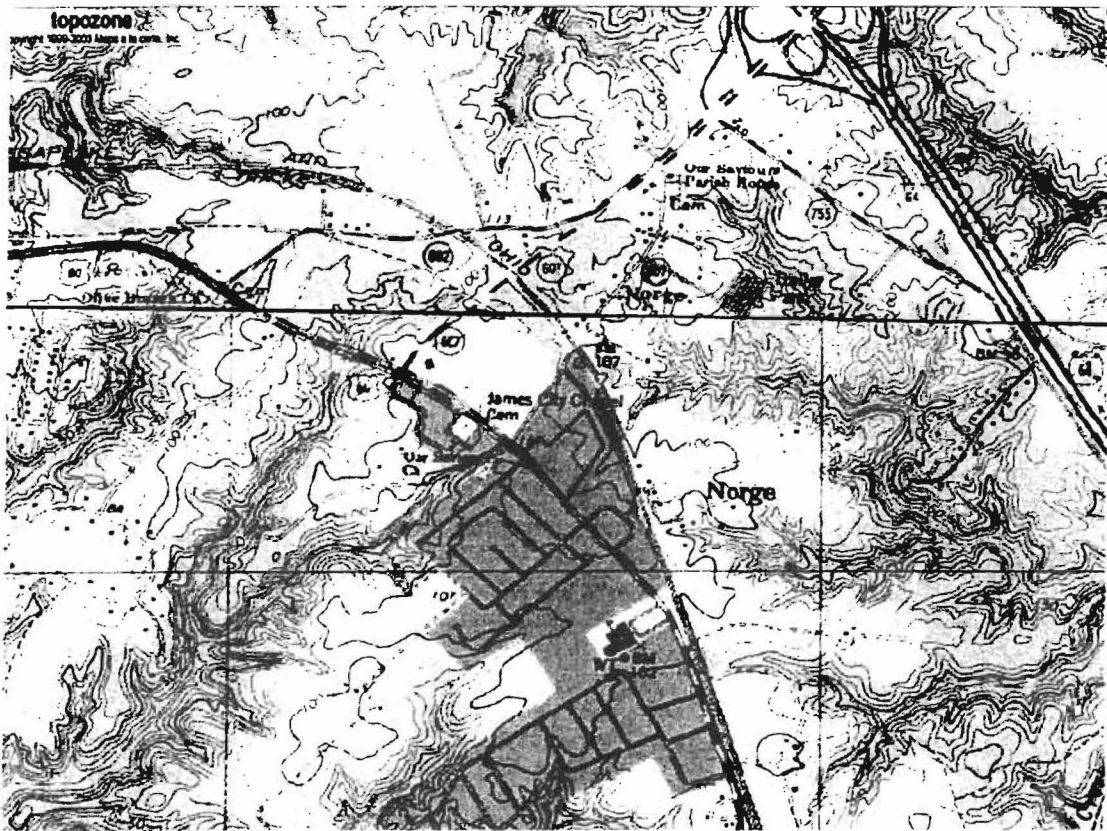


Figure 1. Approximate location of project area, Norge quad, scale 1:50,000.

ARCHIVAL SEARCH

Circa~ performed an archival search for St. Olaf Expansion project using the VDHR online Data Sharing System (DSS) on February 8, 2008. This research was completed to determine if historic resources exist within the project area boundaries. The search identified eight archaeological and 15 architectural resources within a one-mile radius of the project area boundaries. Table 1 lists all of the resources within one mile of the project area boundaries. Figure 2 also shows the approximate project area boundaries (yellow shaded area) and resources within close proximity. Any resources colored turquoise on the map are within one mile of the project area boundaries. Of the resources

identified, no archaeological and no architectural resources were identified within the project area; however, the expansion does border #047-0034, the Norge Historic District.

Table 1: Resources Within a One-Mile Radius of Project Area Boundaries

VDHR Survey Number	Date of resource	Description of resource	Survey Information	Recommendation
<i>Archaeological Resources</i>				
44JC0259	19 th century	Single dwelling	Historic map projected 11/83	None made
44JC0264	19 th century	Church	Historic map projected 12/83	None made
44JC0295	19 th century	Church related residence	Historic map projected 12/83	None made
44JC0511	19 th century	House site; there was also a cemetery located on the property that was relocated off the property prior to the Phase I survey	Phase I survey no date	None made
44JC0512	Native American	Procurement camp	Phase I survey no date	None made
44JC1129	18 th century 19 th century	Farmstead	Phase I survey 6/9/04 Phase II survey 7/19/04	VDHR determined not eligible 9/14/04
44JC1171	19 th century 20 th century	Small scatter of historic artifacts in yard of early 20 th century farmhouse	Phase I survey 6/30/07	None made
44JC1172	19 th century	Small scatter of historic artifact with circular depression at edge of significant slope; possible ice house; possible Civil War firing/defensive position	Phase I survey 6/30/07	None made
<i>Architectural Resources</i>				
047-0026	c. 1835	Olive Branch Christian Church, 7643 Richmond Road; site has an associated cemetery	Phase I survey 1/70, 10/00, and 2/15/07 Phase II survey 5/01	None made
047-0034	c. post 1840	Norge Historic District	Preliminary Information Form (PIF) 1/31/91	Federal determination of eligibility 10/8/92 VDHR determined eligible 10/8/92 National Register of Historic Places nomination 1/92
047-0053	c. 1900	Our Saviour's Lutheran Church	Phase I survey 1974	None made
047-0070	c. 1925	Major Barn	Phase I survey 10/15/71	None made
047-0073/ 047-0034- 0004	c. 1800	Vaiden House aka Fosters, 101 Peninsula Street	Phase I survey 10/15/71	None made
047-0077	c. 1890	Lutheran Parish House	Phase I survey 1971	None made
047-0079	c. 1800	Farmville aka Bick House, 327 Farmville Lane	Phase I survey 1972, 9/14/72	None made
047-5151	c. 1908	Bethany Parish Lutheran Residence, 101 Maxton Lane	Phase I survey 1999-2000 Cost Share survey	None made

VDHR Survey Number	Date of resource	Description of resource	Survey Information	Recommendation
047-5152	c. 1927	House, 4392 Rochambeau Drive	Phase I survey 1999-2000 Cost Share survey and 12/21/06	None made
047-5157	c. 1904	Hill Pleasant Farm, 7152 Richmond Road	Phase I survey 1999-2000 Cost Share survey and 3/6/07	None made
047-5171	c. 1930	Scavenger's Paradise, 7059 Richmond Road	Phase I survey 1999-2000 Cost Share survey and 3/7/07	None made
047-5172	c. 1920	Music Makers, 7441 Richmond Road	Phase I survey 1999-2000 Cost Share survey and 1-4-07	None made
047-5195	c. 1925	House, 7355 Richmond Road, part of Norge Historic District	Phase I survey 1999-2000 Cost Share survey and 1/8/07	None made
047-5196	c. 1925	House, 7301 Richmond Road	Phase I survey 1999-2000 Cost Share survey	None made
047-5260	c. 1948	Hoar House, 7147 Richmond Road	Phase I survey 8/27/04	VDHR determined not eligible 10/15/04

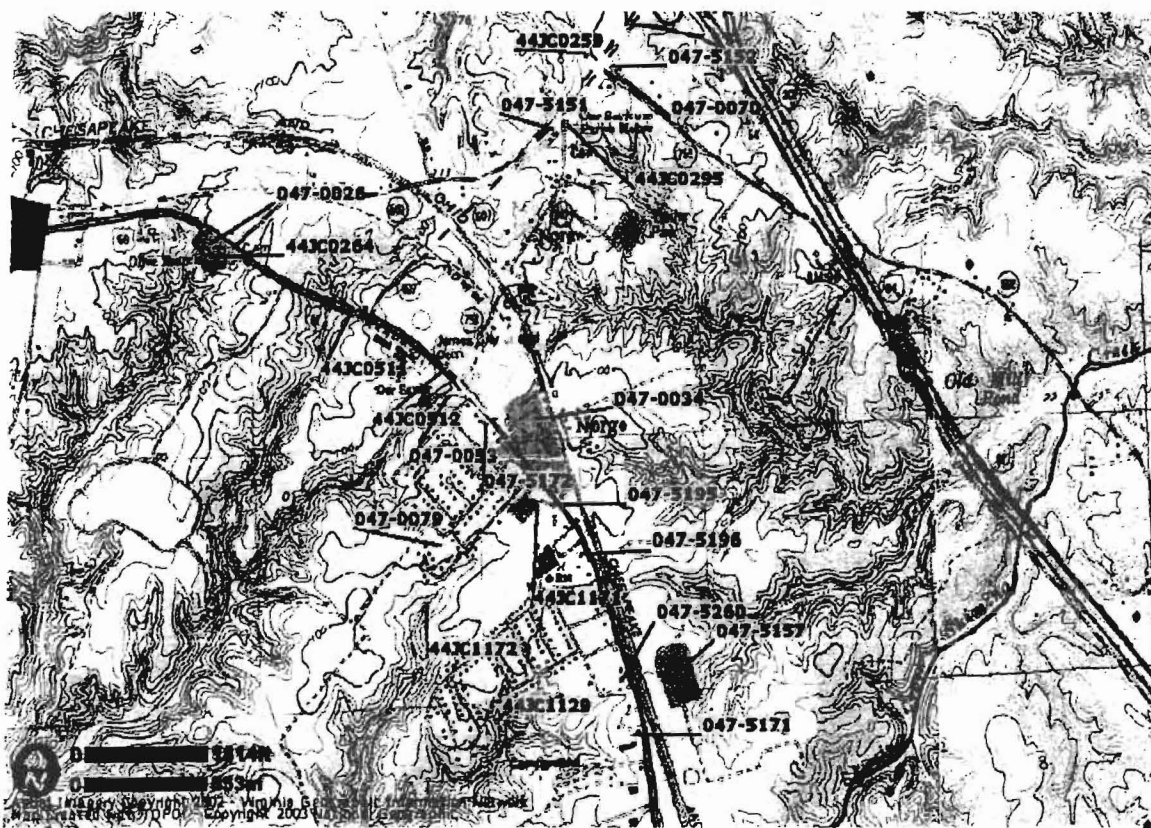


Figure 2. VDHR DSS archival search map.

CULTURAL BACKGROUND

The following section provides the prehistoric background information necessary to assess the archaeological potential of the proposed project area. Previous investigations near the project area are outlined, while specific documents and resources employed in this survey are discussed. Please see Appendix A for a summary of the historic context for the project area.

Prehistoric Site Context

Virginia's prehistoric cultural chronology is divided into three major periods based on changes in settlement-subsistence patterns inferred through the study of material remains and settlement types and locations. These divisions are known as the Paleoindian, Archaic, and Woodland periods. The Archaic and Woodland periods are then further subdivided into Early, Middle, and Late sub-periods. A brief summary of the regional cultural chronology follows, with comments on each period within the greater vicinity of the project area.

Paleoindian (Prior to 8000 B.C.)

Paleoindian occupation in Virginia, the first human occupation of the region, began some time before 10000 B.C. The earliest diagnostic artifacts where there is any consensus are Clovis projectile points that are typically fashioned of high-quality cryptocrystalline materials such as chert, chalcedony, and jasper. Later Paleoindian points include smaller Clovis-like and Cumberland variants, small "Mid-Paleo" points, and, at the end of the period, Dalton, Hardaway-Dalton, and Hardaway side-notched points. Also diagnostic, though to a lesser extent, are certain types of well-made endscrapers, sidescrapers, and other formalized tools. Most current views now hold that eastern Paleoindians were generalized foragers with an emphasis on hunting. Social organization apparently consisted of relatively small bands that exploited wide but defined territories.

Isolated projectile point finds and small temporary camps represent the majority of Paleoindian remains in Virginia. Although some larger and very notable base camps are present in the state, they are relatively rare and usually associated with sources of preferred high-quality lithic materials. Two of the most important Paleoindian sites in Virginia, and in the eastern United States as a whole, are the Thunderbird Site in the Shenandoah Valley (Gardner 1974, 1977) and the Williamson Site in south-central Virginia (McCary 1951, 1975, 1983). Both are large base camps associated with nearby sources of high-grade cryptocrystalline lithic materials. At the Thunderbird site area and its surrounding environs, a site typology has been formulated to include lithic quarries, quarry-related base camps, quarry reduction stations, base camp maintenance stations, outlying hunting sites, and isolated point sites (Gardner 1981, 1989).

One of the earliest dated sites in North America, Cactus Hill, lies in the Coastal Plain along the Nottoway River in Sussex County, Virginia (McAvoy and McAvoy 1997). Although still controversial, Cactus Hill appears to have the potential to become one of the most well-accepted, pre-Clovis sites in the western hemisphere.

The largest concentrations of Paleoindian sites in the state are in Dinwiddie and Mecklenburg counties, with a second one around the Dismal Swamp. All counties north of the James River (with the exception of Warren, in the Shenandoah Valley) have had relatively few Paleoindian finds (McCary 1983, Turner 1989), and James City County is no exception. In general, Paleoindian remains are rare across the entire James-York peninsula, and those few sites that have been found indicate small ephemeral camps occupied sporadically (Blanton et al. 1997). However, the chances of finding Paleoindian remains within the project area are poor.

Archaic (8000-1200 B.C.)

The beginning of the Archaic period generally coincides with the end of the Pleistocene epoch, marked in the region by a climatic shift from a moist, cool period to a warmer, dryer climate. Vegetation also changed at this time from a largely boreal forest setting to a mixed conifer deciduous forest. In eastern Virginia, a temperate climate was established, and the formation of the Chesapeake estuary began (Dent 1995). Increasing differences in seasonal availability of resources brought on by post-Pleistocene changes are thought to coincide with increasing emphasis on strategies of seasonally geared mobility.

Archaic populations are thought to have been primarily characterized by a band-level social organization involving seasonal movements corresponding to the seasonal availability of resources and, in some instances, shorter-interval movements. Settlement during the Archaic period probably involved the occupation of relatively large regions by single band-sized groups, living in base camps during part of the year and dispersing as necessary on an as-needed or seasonal basis, creating smaller microband camps, possibly consisting of no more than single families.

The development of more specialized resource procurement activities as well as the technology to accomplish these activities characterizes the Archaic period. These differences in the material culture are believed to reflect larger, more localized populations and changes in methods of food procurement and processing.

Corner and side notching became a common characteristic of projectile points at the beginning of the Archaic period (Early Archaic), indicating changes in hafting technology, and possibly the invention of the spear-thrower (atlatl). Notched forms include Palmer and Kirk corner-notched and, in localized areas, various side-notched forms.

Local Early Archaic site population density appears to have been low, and some of the sites are in the same locations as those of the earlier Paleoindian period. In the James-York peninsula area, Early Archaic sites are nearly as scarce as those of their Paleoindian predecessors, a pattern that contrasts notably with that of the more frequent Early Archaic occupation south of the James River (Blanton et al. 1997; Dent 1995).

A series of bifurcate base projectile point forms mark the latter end of the Early Archaic period and the beginning of the Middle Archaic period and, in general, the Middle

Archaic period (ca. 6500-ca. 3000 B.C.) sees the rise of various stemmed forms. In this area of central Virginia, the most common recognized Middle Archaic projectile forms are LeCroy, Stanly, Morrow Mountain, and Guilford types, followed by the side-notched Halifax type at the end of the period and the transition into the Late Archaic between ca. 3500-3000 B.C.

Although Middle Archaic sites are more common than those of earlier periods in James City County, their numbers are nonetheless still very low when compared to those of surrounding areas. It has been suggested that at least two factors, unrecognized diagnostic artifacts and sites drowned by sea level rise and Post-Pleistocene Coastal inundation, may be responsible for this phenomenon locally (Blanton et al. 1997).

The Late Archaic period is dominated by stemmed and notched tool forms, including various large, broad-bladed stemmed knives, and projectile points (e.g., Savannah River points and variants) that generally diminish in size by the succeeding Early Woodland period. Also found, though less common, are stemmed and notched-stem forms identical to those associated more prominently with areas of Pennsylvania and adjoining parts of the northeast (Susquehanna and Perkiomen points). Also common are ground stone axes and, during the more recent end of the period, vessels carved from soapstone quarried in the Piedmont.

Marked increases in population density and decreased mobility characterize the Late Archaic period in the Middle Atlantic region and eastern North America as a whole. Because population growth necessitated a larger and more predictable food supply, agriculture in the mid-south and Middle Atlantic regions may have had its origins during this period. Yarnell (1976), for example, writes that sunflower, sumpweed, and possibly goosefoot, may have been cultivated as early as 2000 B.C. In the lower Little Tennessee River Valley, remains of squash have been found in Late Archaic Savannah River period contexts (ca. 2400 B.C.), with both squash and gourd in slightly later Iddins period contexts (Chapman and Shea 1981).

The rise in the numbers of Late Archaic artifacts over those of earlier periods suggests a population increase and/or intensity of use of this region between about 2500 B.C. to ca. 1200 B.C. The Late Archaic period is the first time that sites in the James City County area show any appreciable evidence of intensive occupation, and large, intensively occupied camps or base camps are present along with smaller camps that are otherwise more typical of the Middle Archaic period. The larger and more intensively occupied sites have been found repeatedly in either riverine settings or near the tributary mouths (Blanton et al. 1997). It is doubtful that resources from this period would be present on the project tract.

Woodland (1200 B.C. – ca. A.D. 1600)

Ceramic technology, a gradually developing dependence on horticulture, and increased sedentism characterizes the Woodland period. Three sub-periods (Early, Middle, and Late Woodland) have been designated, based primarily on stylistic and technological changes in ceramic and projectile point types as well as settlement patterns.

The appearance of ceramics in the archaeological record generally defines the Early Woodland period, bracketed herein at ca. 1200-500 B.C. The earliest Woodland ceramic wares, Marcey Creek Plain and variants, are rectangular or oval and resemble the preceding Late Archaic soapstone vessels. Locally, the grog-tempered Croaker Landing Plain ware is the most frequently encountered and well-studied of the earliest Coastal Plain Woodland ceramics. In the Piedmont and Inner Coastal Plain, cord-marked, soapstone-tempered Selden Island ceramics follow Marcey Creek and variants, which in turn are followed by sand-and-grit-tempered Elk Island (Accokeek) ceramics with both plain and cord-marked surfaces. In the less recent archaeological literature, these latter are referred to as the Stony Creek series, a type now known to subsume several Early, Middle and Late Woodland ceramic wares. In the James-York peninsula area of the Coastal Plain, Croaker Landing Cord-marked pottery, grit-tempered ware may be a local equivalent to Accokeek, and variously-tempered flat-bottomed, beaker-shaped vessels appear to represent the later end of the local Early Woodland pottery traditions.

Also characteristic of the Early Woodland period across a broad region of the east is complexity of and emphasis on ceremonial aspects, especially those concerned with the burial of the dead. In Virginia, this emphasis is not seen until about 500 B.C. when stone and earth burial cairns and cairn clusters occur in the western part of the state; however, this phenomenon did not extend into the Piedmont until much later. In addition, based on the best available evidence, construction of burial mounds probably never extended as far east as the Fall Line and undoubtedly was not a part of Coastal Algonquian culture.

Early Woodland sites in the James-York peninsula area appear to be smaller and less common than either Late Archaic or Middle Woodland sites. This pattern is in marked contrast to the large, intensively occupied Early Woodland sites noted for the James River Piedmont (Mouer 1990).

The Middle Woodland period in the James-York peninsula, defined herein between ca. 500 B.C. and A.D. 900, is first marked by the appearance of net-marked, sand-tempered pottery (Pope's Creek ware) as well as cord-, net-, and fabric-marked, pebble-tempered pottery (Prince George ware), which generally spans the early part of the period from ca. 500 B.C. to about A.D. 300, followed by the use of shell-tempered net- and cord-marked Mockley series pottery until about A.D. 900 across the entire Chesapeake region. During the Middle Woodland period, numerous small sites are found in interior stream settings of James City and York counties. At the same time, however, evidence of shellfish exploitation is more pronounced, with larger shell midden accumulations and associated sites in estuarine settings.

By the Late Woodland period (A.D. 900-1600), agriculture had assumed a role of major importance in the prehistoric subsistence system. The adoption of agriculture represents a major change in the prehistoric subsistence economy and settlement patterns. Expanses of arable land became a dominant settlement factor, and sites were located on fertile floodplain soils or on higher terraces or ridges adjacent to them.

Diagnostic artifacts of this period include several triangular projectile point styles that originated during the later part of the Middle Woodland period and decreased in size through time. Late Woodland ceramics from about A.D. 900 to the time of European contact in the James City County area include (in approximate order of decreasing frequency): shell-tempered, fabric-impressed Townsend ceramics which cover the entire Late Woodland period; shell-tempered, simple-stamped (Roanoke) and plain-surface ceramics; and, infrequently, lithic- and/or sand-tempered, simple-stamped ceramics similar to Gaston or Cashie wares. Both Roanoke and Gaston/Cashie were used during the more recent centuries of the period, just prior to and at the time of European contact.

Settlements dating to this time consist of both villages and small hamlets. Some villages were highly nucleated while others were internally dispersed over a wide area. Some were completely fortified by circular or oval palisades, indicating a rise in inter-group conflict, while others contained both a fortified core area and outlying houses. The more dispersed settlements were scattered over a wide area and characterized by fluid settlements within large, sprawling and loosely defined town or village territories.

Drawings and journals of early European explorers describing Indian villages indicate that houses were constructed of oval, rectanguloid, or circular frameworks of flexible green sapling poles set in the ground, lashed together, and covered with thatch or bark mats. Burial sites of the period were situated in individual pits or in ossuaries. Such historical accounts are consistent with data obtained locally from archaeological excavations of Late Woodland village sites (Hodges and Hodges 1994).

With the development of a more sedentary settlement-subsistence system culminating in the Late Woodland period, permanent habitation sites gradually replaced base camp habitation sites more characteristic of those of the previous foragers and hunter-gatherers. Various supporting camps and activity areas were established in the day-to-day procurement of food and other resources (i.e., short-term hunting and foraging camps, quarries, butchering locations, and re-tooling locations). Locations used partially or largely for ceremonial purposes were also present, though usually in association with habitation sites.

The large base camps, hamlets, and villages are typically located on bluffs, terraces, or high floodplains adjacent to rivers or major tributaries. Small seasonal camps and non-seasonally based satellite camps supporting nearby sedentary villages and hamlets are located along smaller streams in the interior. Limited concentrations and sparse scatters of lithics and ceramics typically characterize these campsites. It is doubtful that the project area would contain any resources from this period.

PREVIOUS SURVEYS

In 1993, Martha W. McCartney conducted archival research on the St. Olaf's Church property using historic maps on file at the National Archives, Library of Congress, VDHR, Virginia State Library, and Colonial Williamsburg Foundation Research Archives. Ms. McCartney also carried out research at the James City County

Courthouse, the Colonial Williamsburg Foundation Research Archives, and the College of William and Mary Swem Library. Within the finished report, Ms McCartney placed an emphasis on the identification of culturally sensitive areas within the St. Olaf's tract. The report, in its entirety, is included in Appendix A.

SITE VISIT

Circa~ conducted a site visit on March 25, 2008 to determine if additional historical resources existed within the proximity of the project area and to field verify those resources identified during the archival search.

St. Olaf's Church is situated on Richmond Road (Route 60) in Norge, Virginia. Richmond Road is highly developed in this area with commercial development. The area adjacent to the church property is developed with a small shopping center to the north and a relatively newly constructed dentist office to the southwest. While the property does border the Norge Historic District, there is a heavy tree line separating the property from the edge of the district. See Appendix B for photos taken during the site visit.

Aside from the historic district, two other architectural resources were identified within view of St. Olaf's during the archival search. VDHR #047-0053, the c. 1900 Our Saviour's Lutheran Church is within view of St. Olaf's; however, it is separated from St. Olaf's by Richmond Road and a large grassy area. VDHR #047-5172, the c. 1920 Music Makers located at 7441 Richmond Road, is situated to the southwest of St. Olaf's and is also separated from the church property by Richmond Road and a large grassy area. In addition, Music Makers is no longer the occupant of the building and the building is currently for sale.

SUMMARY AND RECOMMENDATIONS

In reviewing the archival research and associated maps prepared by Ms. McCartney, it appears that no buildings were constructed within the proposed project area. Rochambeau's army stopped on their way to and from Yorktown and camped near the project area in July 1782; however, the Army does not appear to have camped within the confines of the St. Olaf property. A map prepared in 1782 shows the campsite and a small cluster of buildings at the intersection of the forerunners of Route 60 and Route 758. A subsequent map prepared in 1789 shows this same intersection but no buildings, suggesting that the buildings may have been demolished by this time. It is also possible that any remains of these buildings were further destroyed during the late 19th and early 20th century highway improvements. Maps made of the area during the Civil War era showed no evidence of buildings on the property. Early 20th century maps show a single building at the intersection of Route 60 and 758 and a row of buildings along Route 60; however again, the building at the intersection was most likely demolished by 20th century highway improvements. Deed research also indicated that the owners of the property in the early to mid 20th century did not reside on the St. Olaf property, but rather on an adjacent parcel. Therefore, there is very little evidence to suggest that archaeological structural remains would be likely within the proposed project area.

In sum, the probability of sites related to the Native Americans is low due to the lack of available water and other environmental resources. No historic resources are shown on historic period maps, nor are structures mentioned in the archival research, only that the project tract lands were held within larger tracts. The likelihood of intact archaeological remains is low within the tract.

In addition, because the proposed development at St. Olaf's will occur behind the existing church facility and therefore not front on Richmond Road, Circa~ recommends that the project will not affect the Norge Historic District, Our Saviour's Lutheran Church, or Music Makers. Further, no historic architectural resources were identified within the project area boundaries. Taking all of this into consideration, Circa~ recommends that no further architectural survey work is necessary for this project.

APPENDIX A: The St. Olaf's Church Tract, James City County, Virginia

REFERENCES CITED

- Blanton, Dennis B., Wayne Walker, and Charles M. Downing
1997 *Preserving Our Hidden Heritage: An Archaeological Assessment of James City County, Virginia*. William and Mary Center for Archaeological Research, Williamsburg, Virginia.
- Chapman, Jefferson, and Andrea Brewer Shea
1981 "The Archaeobotanical Record: Early Archaic Period to Contact in the Lower Little Tennessee River Valley." *Tennessee Anthropologist* VI (1).
- Dent, Richard J., Jr
1995 *Chesapeake Prehistory: Old Traditions, New Directions*.
- Gardner, William M.
1974 "The Flint Run Paleoindian Complex: A Preliminary Report 1971-1973 Seasons." *Occasional Publication* No. 1, Archeology Laboratory
1977 "Flint Run Paleoindian Complex, its Implication for Eastern North American Prehistory." In "Amerinds and Their Paleoenvironment in Northeastern North America." edited by W. S. Mewman and B. Salwen, *Annals of the New York Academy of Sciences*.
1981 "Paleoindian Settlement Pattern and Site Distribution in the Middle Atlantic." *Anthropological Careers*, edited by R. H. Landmine, L. A. Bennett, A. Brooks, and P. P. Chock.
1989 "An Examination of Cultural Change in the Late Pleistocene and Early Holocene (circa 9200 to 6800 B. C.)." In "Paleoindian Research in Virginia: A Synthesis." edited by J. Mark Wittkofski and Theodore R. Reinhart, *Special Publication* No. 19 of the *Archeological Society of Virginia*.
- Hodges, Mary Ellen N., and Charles T. Hodges, editors
1994 *Paspahegh Archaeology: Data Recovery Investigations of Site 44JC308 at The Governor's Land at Two Rivers, James City County, Virginia*.
- McAvoy, Joseph M., and Lynn D. McAvoy
1997 "Archaeological Investigations of Site 44SX202, Cactus Hill, Sussex County, Virginia." *Research Report Series* No. 8, Virginia Department of Historic Resources.
- McCartney, Martha W.
1993 *The St. Olaf's Church Tract, James City County, Virginia Report of Archival Research*.

McCary, Ben C.

1951 "A Workshop of Early Man in Dinwiddie County, Virginia." *American Antiquity* 17(1).

1975 "The Williamson Paleoindian Site, Dinwiddie County, Virginia." *The Chesopiean* 13(3-4).

1983 "The Paleoindian in Virginia." *Archeological Society of Virginia Quarterly Bulletin* 38(1).

Mouer, Loyd Daniel

1990 "The Archaic to Woodland Transition" in *The Piedmont and Coastal Plain Sections of the James River Valley, Virginia*. Ph.D. dissertation, University of Pittsburgh.

Turner, E. Randolph, III

1989 *Paleoindian Settlement Patterns and Population Distribution in Virginia*. In *Paleoindian Research in Virginia: A Synthesis*. edited by J. Mark Wittkofski and Theodore R. Reinhart, *Special Publication* No. 19 of the Archeological Society of Virginia.

Yarnell, Richard A.

1976 "Early Plant Husbandry in Eastern North America." In *Cultural Change and Continuity: Essays in Honor of James Bennett Griffin*, edited by Charles E. Cleland.

THE ST. OLAF'S CHURCH TRACT
JAMES CITY COUNTY, VIRGINIA

REPORT OF ARCHIVAL RESEARCH

prepared by
Martha W. McCartney

May 1993

RESEARCH STRATEGY

Preliminary archival research was undertaken on the St. Olaf's Church property in James City County. Historical maps were examined that are on file at the Colonial Williamsburg Research Archives, the Virginia State Library, the Virginia Department of Historic Resources, and the Virginia Historical Society so that archaeologically sensitive areas could be identified. The Virginia map bibliographies of the National Archives and Library of Congress were reviewed in order to determine whether potentially useful maps and charts might be available in those repositories. Maps reproduced in secondary sources, such as The Official Atlas of the Civil War and the American Campaigns of Rochambeau's Army, were utilized. An early twentieth century topographic quadrangle sheet was examined. James City County's plat books were examined as a means of determining whether the tract being studied had been surveyed at a relatively early date. This line of inquiry was pursued because plats often show sites at which buildings, roadways, fence lines, cemeteries, and other man-made features were located at the time the survey was conducted, thereby identifying culturally sensitive areas.

Research was carried out in deed and will books and land tax lists that are on file at the James City County courthouse and the Colonial Williamsburg Research Archives, as a means of determining the study area's land ownership tradition and its historical significance. Through the study of land tax lists, gaps in James City County's court records were bridged and the presence/absence of structural features on certain portions of the property was ascertained. Tax records, which were filed with the State Auditor's Office commencing in 1782, list the amount of acreage possessed by each landowner and often contain notations regarding when and how specific parcels were transferred from one person to another. Starting in 1820, tax commissioners during the assessment process began recording the names of contiguous property owners, listing the collective value of any buildings that were present on the parcel being assessed. They usually noted whether new buildings had been constructed since their last

visit and what their value was. Conversely, if previously existing buildings had been destroyed or razed, the tax commissioner reduced the amount of the landowner's assessment. Assessors, when formulating an estimate, did not take into account any fences, roads, and wells that may have been present.

Research was carried out in secondary source works that are on file at the College of William and Mary's Swem Library, the Williamsburg Regional Library and the Colonial Williamsburg Foundation Research Archives. Appropriate published sources also were accessed through E. G. Swem's Virginia Historical Index and the Virginia Gazette index. Data extracted from the James City County government's collection of essays entitled Where America Began: James City County 1634-1984 and the Colonial Williamsburg Foundation's resource preservation planning document, Resource Protection Process for James City, York County, Williamsburg and Poquoson, Virginia, Draft Report II were utilized. Nancy S. Bradshaw and Frances H. Hamilton's book, Velkommen til Norge, was very helpful in gaining an understanding of the Norge area's late nineteenth and early twentieth century history. Because military activity is known to have occurred in James City County during the American Revolution and the Civil War, specialized reference works were consulted that deal with both of those conflicts.

DATA LIMITATIONS

The importance of the James-York peninsula in Virginia's strategic defense, commerce, and trade led to its being mapped carefully by successive generations of cartographers, whose maps range in date from the arrival of the first explorers and settlers, through the twentieth century. Maps made during the eighteenth and nineteenth centuries show some of the region's roadways, sometimes identifying specific features in the built environment. Plats and military maps that include the study area were extremely helpful in pinpointing the sites at which cultural resources were located.

The availability of documentary records that pertain to the study area can be characterized as limited but good. Although

most of James City County's antebellum court records were destroyed during the Civil War, gaps in the historical continuum are offset in part by military accounts, official records such as land and personal property tax lists, ecclesiastical records and other written sources such as private papers, journals and narratives.

James City County Deed Book 1 opens on January 5, 1854 and Will Book 1, on August 14, 1865. Processioners' records, which commence in 1890, reference earlier land transactions, sometimes bridging gaps in extant records. The earliest dated survey in James City County's first plat book was recorded in January 1899. The replacement of James City County's post-1865 real estate tax assessment records with microform copies, to which access was restricted by equipment shortages, made land ownership research considerably more difficult.

Throughout this report, an attempt has been made to relate the region's old roadways with their counterparts in the modern highway system. It should be noted that during the 1970s, when Interstate 64 was constructed, the right-of-way then occupied by Route 607 was redesignated Route 602/Cokes Lane and Route 607's right-of-way was shifted to its present location. Thus, within this report, whenever reference is made to the right-of-way of old Route 607, it is identified as Route 602/Cokes Lane. Route 758 (Norge and Maxton Lanes), which physically delimits the study area's northernmost bounds, formerly was an important thoroughfare that led toward the York River.

The report that follows opens with some general background information on that portion of James City County in which the St. Olaf's Church property lies. This information has been provided so that the study area's history can be placed within an appropriate temporal context. Next follows the history of the St. Olaf's tract.

HISTORICAL OVERVIEW

Early Development

The study area lies within James City County, one of

Virginia's eight original shires, which were created by law in 1634. Virginia planters, having become firmly established along both sides of the James River, moved into the York River drainage and pressed westward into the colony's interior. This intrusion into native lands sparked an Indian uprising that occurred in the colony in April 1644, claimed an estimated 400 settlers' lives. In October 1646, a few months after the Natives' paramount chief was captured and slain, a treaty was signed with the Indians whereby they ceded to the English the James-York peninsula inland to the fall line. Forts were established at several strategic locations, securing the ceded territory to the colonists' use. This opened the way for settlement to expand inland (Hening 1809-1823:I:323-329; McCartney 1985:57-63).

A map prepared by Augustine Herrmann (1673) in 1670 indicates that plantations were then scattered along the banks of the colony's four major rivers and across the Chesapeake Bay, on the Eastern Shore (Figure 1). Although Herrmann's rendering undoubtedly was somewhat schematic, the settlement pattern he depicted accurately reflects the manner in which Virginia colonists claimed and seated new land (Lamb 1676).

Settlement in the Interior

Although Jamestown had served as a center of government, commerce and trade ever since the colony was first established, the spread of settlement inland gradually led to its decline. Ultimately, Jamestown's fate was sealed in 1699 when political pressure culminated in the colony's capital being shifted inland to Middle Plantation, which was laid out into a town called Williamsburg (Reps 1972:141).

During the eighteenth century, the interior of James City County was sparsely populated and large plantations were interspersed with small and middling farmsteads. Land along the banks of the James and York Rivers continued to be considered prime real estate, thanks to its direct access to commercial shipping, the colony's lifeblood. By the mid-eighteenth century a major thoroughfare (the forerunner of Route 60) ran up the James-York peninsula and lesser roads (such as the forerunners of Route



Figure 1: Virginia and Maryland, 1670 (Herrmann 1673).

602/Cokes Lane, Route 758/Norge and Maxton Lanes, and Route 614/Centerville Road) extended toward the York and James Rivers, following the track of well established pathways. Taverns or ordinaries were scattered a few miles apart along major roadways and ferries transported both man and beast across the colony's waterways (Henry 1770; Fry and Jefferson 1755; Jefferson 1787) (Figure 2). A highly sensitive map, prepared by a French military cartographer during the American Revolution, reveals that the countryside beyond the limits of Williamsburg was served by a number of small, winding roads over which its inhabitants could commute to governmental and commercial centers (Berthier 1781) (Figure 3). During that period, buildings were scattered at irregular intervals along the forerunner of Route 60 and the lesser roads that fed into it.

The Revolutionary War and its Aftermath

During the American Revolution the men of the opposing armies moved through the countryside of the James-York peninsula. Maps prepared by military cartographers during 1780s and journals kept by some of the war's participants demonstrate that large bodies of troops trekked over the forerunner of Route 60, encamping at sites along the way (Rice and Brown 1972:168).

Subsequent to the close of the American Revolution, eastern Virginia recovered slowly from the effects of war. The relocation of Virginia's capital from Williamsburg to Richmond accelerated the peninsula's decline as emphasis shifted inland toward the Piedmont. Tidewater's wealth diminished along with its loss of political influence, but the local economy remained viable (Colonial Williamsburg Foundation 1985:Section XII). Between 1790 and 1890, the population of the James-York peninsula declined and then stabilized. Throughout this period, James City County was almost exclusively rural in character. Although land and personal property tax records demonstrate that as time went on, the ranks of the middle class declined and the number of small farmers increased, during this period the position of the large landowner became more secure (James City County Land Tax Records 1782-1861; Colonial Williamsburg Foundation 1985:Section XII).



Figure 3: Untitled map of York and Gloucester (Berthier 1781).

Maps prepared by Christopher Colles (1789), Bishop James Madison (1807) and Herman Boye (1826) reveal that during the early nineteenth century, the forerunners of Route 60, Route 758/Norge and Maxton Lanes, and Route 602/Cokes Lane were relatively important thoroughfares (Figures 4 and 5). By 1862, a complex network of roads extended through the countryside (Anonymous 1862) (Figure 6).

During the mid-nineteenth century, improved agricultural techniques and crop diversification led to a revitalization of the region's agricultural economy. Whereas the cultivation of tobacco had once played a vital role, emphasis shifted to the production of grain crops. By the time of the Civil War, Tidewater's agricultural economy had evolved into a mixed crop system. Beef production and other forms of animal husbandry also were on the ascent. More sophisticated farming methods became common, such as the use of marl to restore soil that had been acidified by long term tobacco production and erosion (Colonial Williamsburg Foundation 1985:Section XII).

The Civil War and Reconstruction

Soon after the Civil War began, the Hampton Roads area was engulfed in armed conflict. Union leaders were convinced that if they could move up the James-York peninsula from their stronghold at Fort Monroe, they could capture Richmond and bring the war to a timely end. The Confederates, meanwhile, erected fortifications at strategic locations across the peninsula and along the James and York Rivers, in a determined effort to retard the progress of their adversaries. As the Union Army swept up the peninsula in May 1862, James City County fell under its control. Major William G. McCandless of the 5th Pennsylvania Cavalry reported that on January 10, 1863 he divided his men into two parties, sending one group up the York River, with orders to halt at the Six Mile Ordinary (Lightfoot), while the others were to proceed up Jamestown Road toward the Chickahominy River, going by way of Centerville. According to his plan, the two groups were to join forces at the Six Mile Ordinary, then proceed toward Burnt Ordinary (Toano). Union and Confederate troops clashed along the

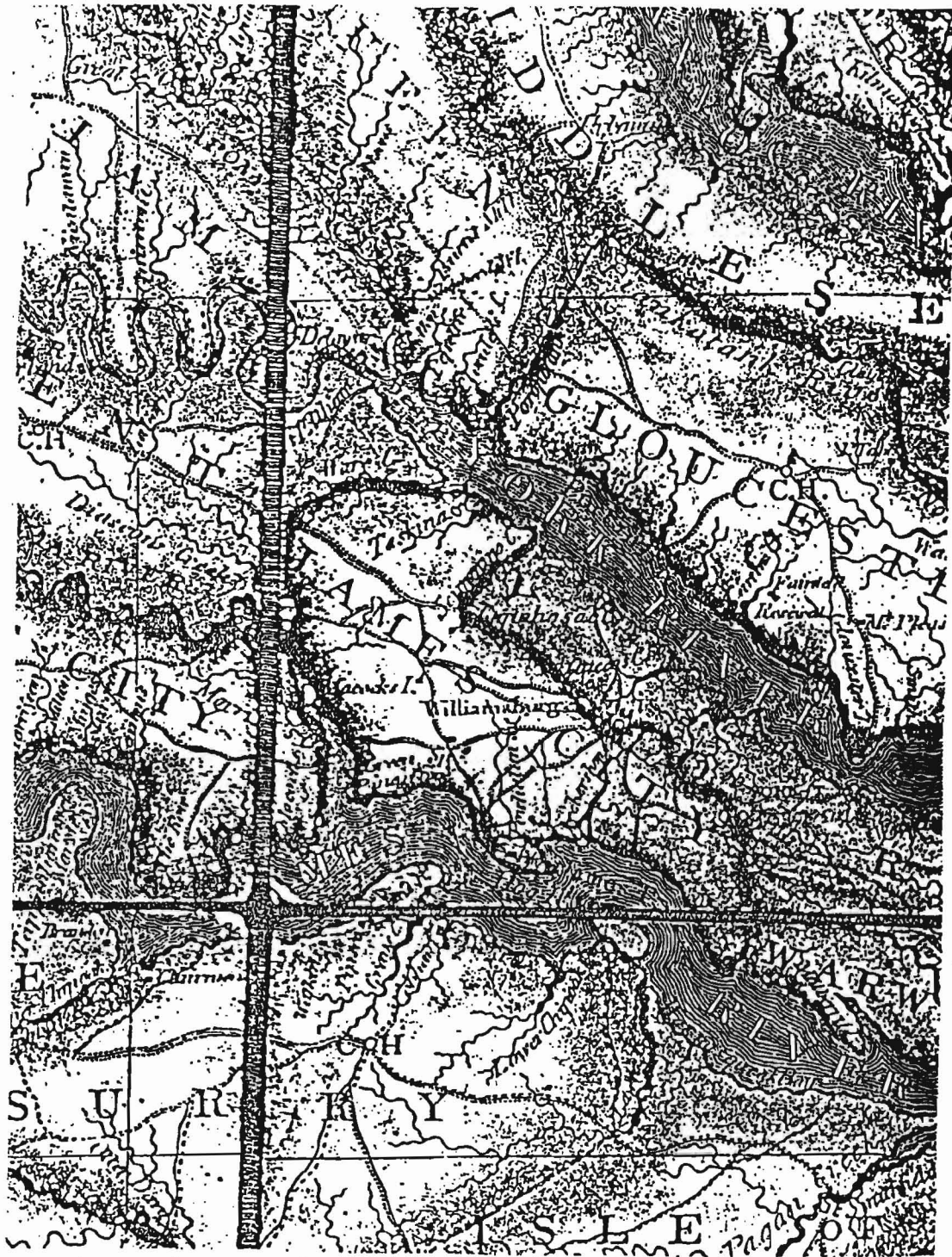


Figure 4: Map of Virginia (Madison 1807).



Figure 5: Map of the State of Virginia (Boye 1826).

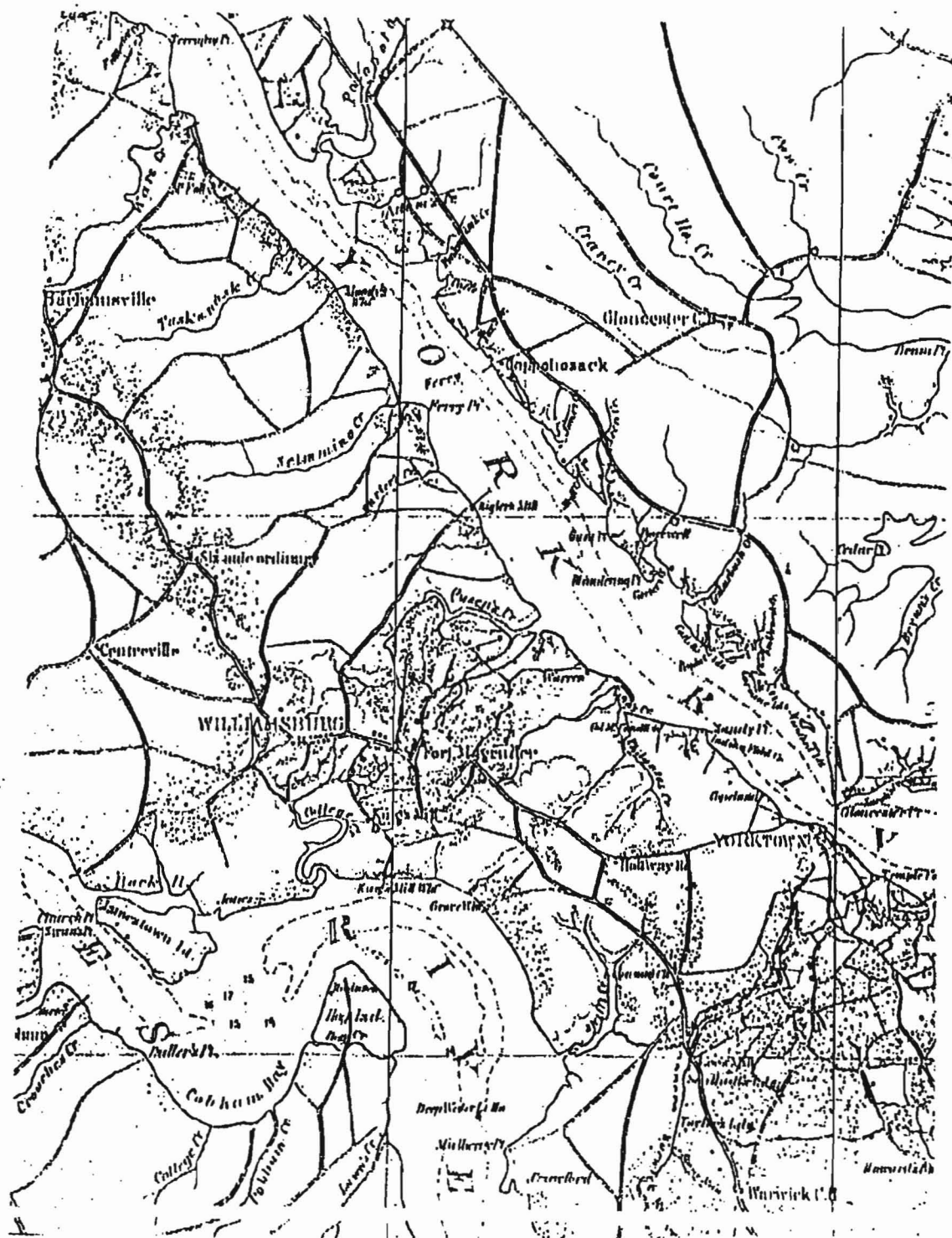


Figure 6: Map of Part of Southeastern Virginia
(Anonymous 1862).

old Stage Road (Route 60) in the vicinity of Six Mile Ordinary; near "the brick church" (Olive Branch Christian Church in Norge); and at Burnt Ordinary during December 1862 and January 1863. Gradually, the Confederates were obliged to withdraw toward Richmond (Long 1985:298,312; U. S. War Department 1891:I:XVIII:130-131; Hare 1862) (Figure 7). No data have come to light suggesting that military activity during the Civil War era directly impacted the study area (Gilmer 1863, 1864).

Carl Bergh, a land agent for the Chesapeake and Ohio Railroad, in 1896 poignantly described the conditions that had prevailed in James City County after the Civil War.

The farms lay idle, the slaves had their freedom and the white people had either died in battle and many had moved never to return. The few whites who were left had lost all. Their former wealth and standing was at once blown away. Their cattle, sheep, hogs and chickens were eaten by the soldiers, their horses and mules were stolen, their hoard of confederate money was not worth the paper it was printed on. . . in truth a hard time. Several years went on until the land was sowed again and, in the meantime it had grown up in weeds and brush and young pine trees. The people were not used to do the necessary work required which the Negroes had formerly done, so it was difficult for them. Taxes were unpaid and everything was destroyed [Bradshaw and Hamilton 1989:20-21]. Eventually, however, the local economy made a slow but steady recovery, thanks to the immense changes that occurred in Virginia's agricultural system.

Throughout Tidewater, rural families shifted to less labor intensive modes of agriculture. Many farms were operated by white landowners who struggled to survive and by black sharecroppers who chose to stay on in their old neighborhoods after the war was over. During this period, Tidewater's agricultural productivity dropped by more than half and farm size decreased as larger parcels were subdivided and sold. In James City County the actual number of farms increased by 300 percent, a figure which remained relatively constant thereafter. The coming of the railroad during

the late 1860s significantly stimulated the region's economy (Colonial Williamsburg Foundation 1985:Section XII).

The Modern Era

In 1896, land promoter Carl Bergh purchased a farm midway between Lightfoot and Toano. As a Norwegian immigrant himself, he quickly perceived that the area's cheap land prices, temperate climate and good soil would appeal to Scandinavians and other Europeans who had settled in the Midwest but suffered greatly from that region's harsh winters. Bergh prepared multi-lingual promotional pamphlets in which he encouraged Norwegian, Danish, Swedish and German immigrants to relocate from the Midwest to Virginia. Between 1898 and 1902, a total of 61 families moved into the area and established homes, forming the nucleus of the community that became known as Norge (Bradshaw and Hamilton 1989:8-9). The study area lies at the periphery of the village of Norge, to which its inhabitants would have been linked socially and commercially during the late nineteenth and early twentieth centuries.

THE ST. OLAF'S TRACT

During the course of archival research a 1901 deed was discovered which indicates that the bulk of the St. Olaf's Church tract was part of a farm traditionally known as Foster's and that the northernmost part of the church property (2 acres that abut directly upon Route 758) was part of a plantation that by the mid-eighteenth century had become known as the Drinking Spring. Therefore, in the discussion that follows, the histories of the Foster's and the Drinking Spring properties will be discussed separately and then collectively, after portions of the two tracts are merged into a single entity. It should be noted that the principal dwelling associated with the Foster's tract is still extant and is owned by Mr. and Mrs. A. G. Bradshaw.

Foster's

The earliest identifiable owner of the farm that eventually became known as Foster's was Major W. Mahone, who in 1796 was in

possession of 110 acres in that vicinity. By 1798 Mahone was deceased and his property had descended to his sons, Daniel and Major W. Mahone, Jr. Daniel Mahone received 49 acres which in 1820 contained structural improvements worth \$50 and Major W. Mahone, Jr. received the residual acreage, which was vacant. In 1823 Daniel Mahone deeded his land (which was described as 50 acres, rather than 49) to William Spencer Mahone. The following year, the county tax assessor noted that the tract was devoid of buildings; thus, the structure that had stood there earlier on had been razed, moved or destroyed. By 1827 William S. Mahone had begun acquiring more land. He purchased several small parcels (all of which were vacant and had been part of the late Wayne Walker's estate) and by 1833 had accumulated an aggregate of 151 1/2 acres. In 1840 the tax assessor noted that a building worth \$50 had been added to the original 50 acres that William S. Mahone had acquired from Daniel Mahone in 1823 (James City County Land Tax Lists 1781-1840). This sum suggests that the newly constructed improvements on Mahone's property were of a relatively modest value.

In 1841 William S. Mahone sold his land in its entirety to a woman named Frances Foster, about whom very little is known and whose possession of the property was fleeting. The first year the tax assessor credited Foster with the Mahone tract, he noted that it consisted of 168 9/16 acres rather than the 151 1/2 acres, as had previously been supposed. Frances Foster died sometime prior to the tax assessor's visit in 1842 and her property commenced being attributed to her estate. It is uncertain who (if anyone) made use of Foster's land and its improvements immediately after her death. In 1845 Nathaniel Piggott, who owned a considerable amount of land in James City County, purchased the late Frances Foster's estate from Gersham Stiffen. The tract's improvements continued to be valued at \$50 through 1850. In 1851 Nathaniel Piggott significantly enhanced the value of the structural improvements on what had been Frances Foster's farm, for he added new buildings that were worth \$300. By 1852 buildings that had an aggregate value of \$600 had been erected upon the Foster tract, a

relatively large sum that usually indicates the presence of upper middle class housing (James City County Land Tax Lists 1841-1861). It was likely around this time that the brick dwelling known as Foster's (the oldest building in Norge) was erected.

Maps made by Confederate cartographers during the mid-1860s indicate that someone named Taylor then resided in the vicinity of the standing structure traditionally known as Foster's. Meanwhile, Nathaniel Piggott personally occupied Farmville, a dwelling on the lower side of the old stage road (Route 60), which Civil War era map makers attributed to Mrs. Mary Piggott (Gilmer 1863, 1864) (Figures 8 and 9). Nathaniel Piggott, who was an active member of the Olive Branch Church, not only owned land that straddled both sides of Route 60 in the area that later became Norge, he also was in possession of acreage that fronted upon the James River, near Jamestown Island, and he had a mill on Skimino Creek, the ruins of which are still standing. After Nathaniel Piggott's decease, his property was partitioned and subdivided among his heirs, part of which formed the nucleus of the St. Olaf's tract (see ahead).

The Drinking Spring Plantation

The earliest known owner of the Drinking Spring plantation was Julius Allen, who on September 22, 1768 advertised in the Virginia Gazette that he had available "to be rented: 250 acres of land, more or less, lying in James City County, well known by the name of Drinking Spring." Also for rent were five valuable black slaves who were described as being "used to plantation business" (Rind, September 22, 1768). Allen, whom public records describe as a gentleman, was a resident of James City County who in 1783 owned 475 acres of land (James City County Land Tax Lists 1783-1789). His wife, Susanna, was the daughter of Colonel James Shields (a well-to-do planter) and the granddaughter of Williamsburg tavern-owner James Shields. Julius Allen was a supporter of the American Revolution who in February 1776 was paid for undescribed "necessaries" that he furnished to American troops stationed in Williamsburg. In 1786 he was among the group of gentlemen who were responsible for seeing that the navigation of

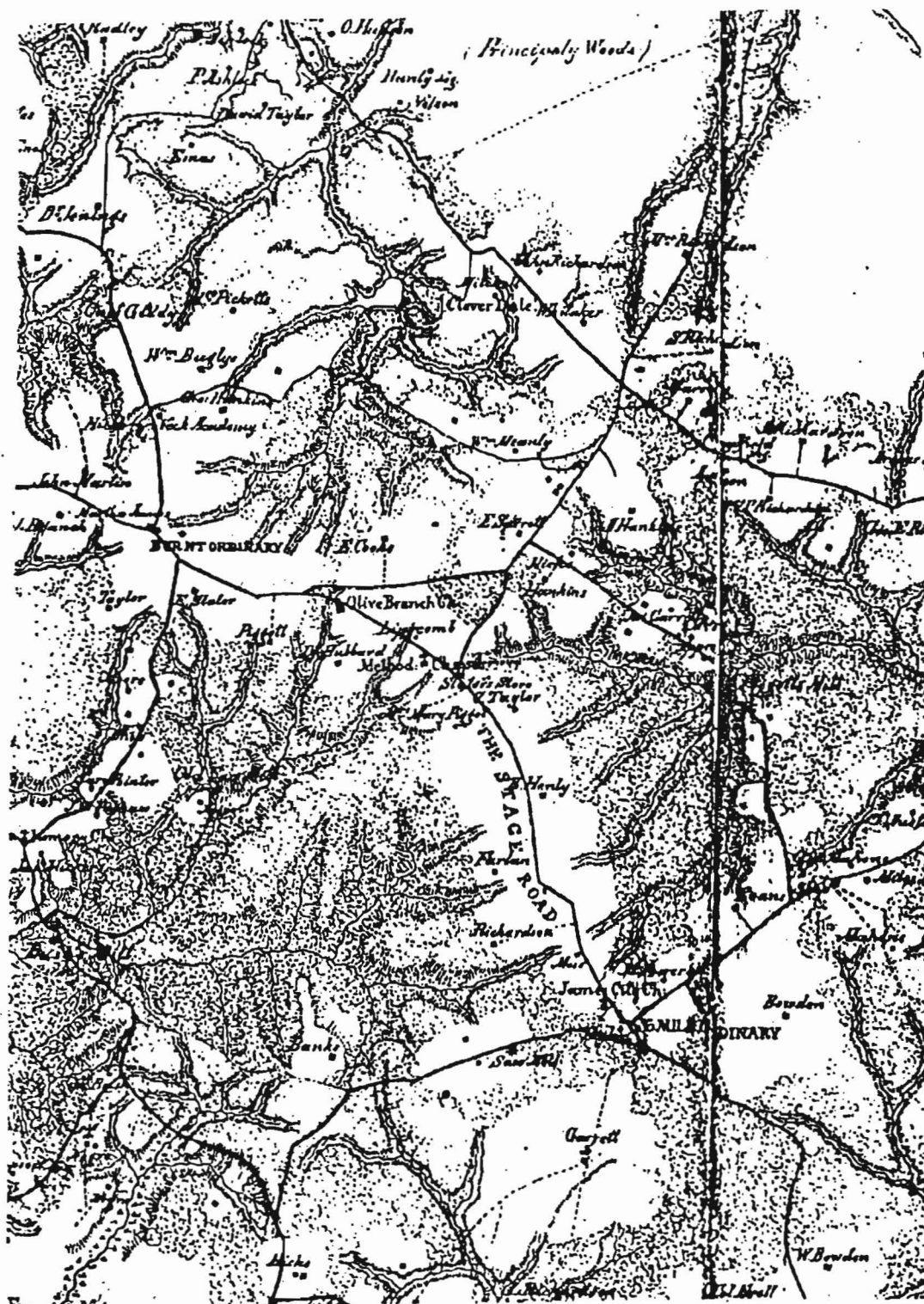


Figure 8: Map of New Kent, James City, Charles City and York Counties (Gilmer 1863).

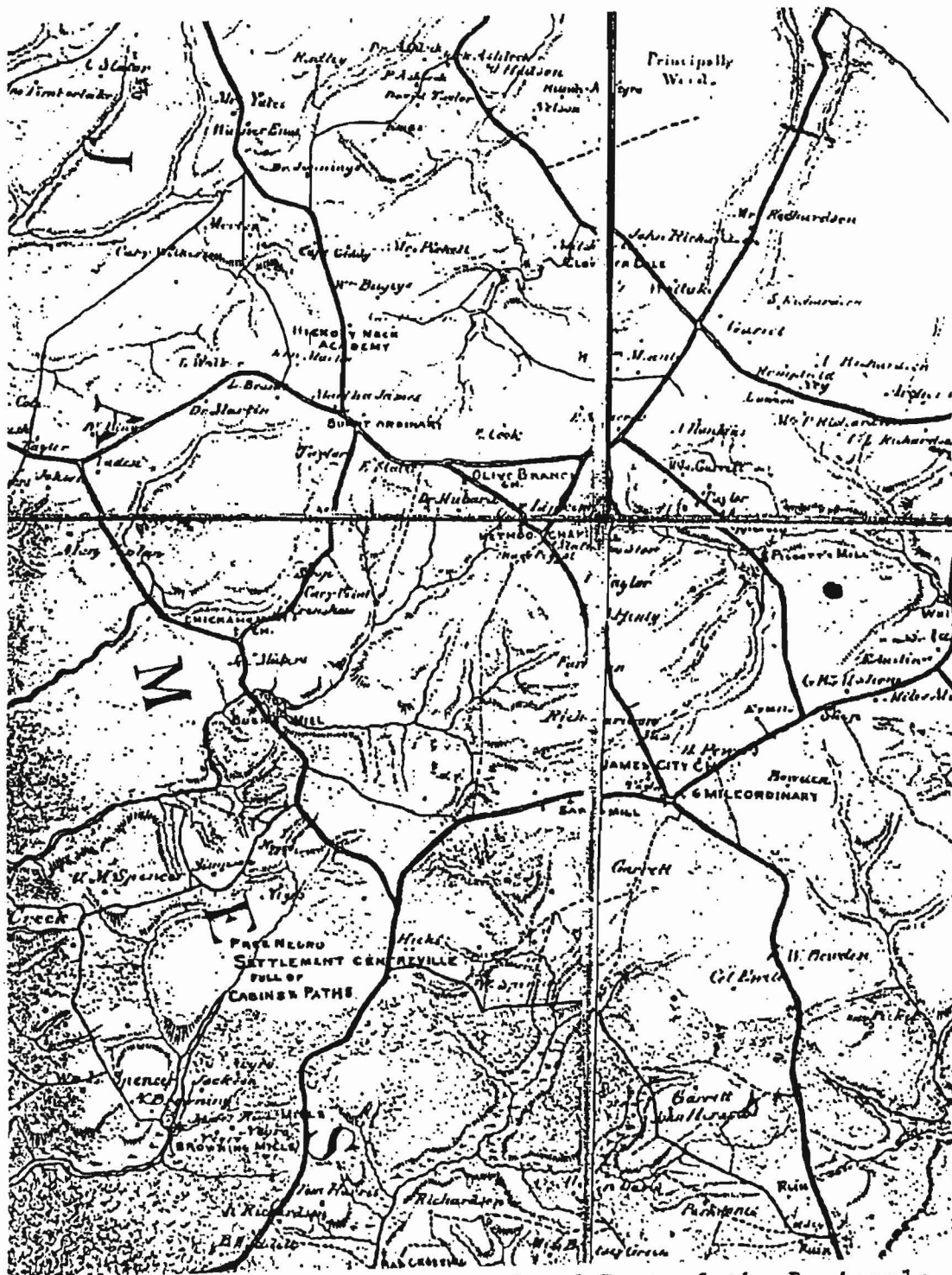


Figure 9: Vicinity of Richmond and Part of the Peninsula (Gilmer 1864).

the Chickahominy River was cleared of obstructions and in 1795, when his father-in-law's estate was settled at court, Allen represented his wife's interests (Stanard 1919:342; Henning 1809-1823:XII:383; Palmer 1875-1893:VI:543; Tyler 1912:36-38). It is not known precisely when or how the Drinking Spring plantation came into or passed out of Julius Allen's hands.

In 1781-1782, when the men of Rochambeau's Army marched to and from Yorktown, where they participated in the battle that signaled the end of the American Revolution, they stopped to refresh themselves at the Drinking Spring plantation, encamping in its immediate vicinity. Their camp site was occupied in succession by the army's four divisions, from July 1 through July 4, 1782. The plantation and camp site were identified prominently on a watercolor map made in 1782 by Berthier, who also mentioned the Drinking Spring in his journal (Rice and Brown 1972:I:159; II:174; Plate 109) (Figure 10). Although Rochambeau's men do not appear to have encamped or parked their artillery pieces within the confines of the St. Olaf's tract, the Rochambeau map indicates that a relatively large domestic complex that consisted of several structures then stood on the north side of the forerunner of Route 758/Norge and Maxton Lanes. As subsequent property transfers reveal that the Drinking Spring plantation encompassed virtually all of the triangular land mass that was delimited by the forerunners of Route 60, Route 602/Cokes Lane, and Route 758/Norge and Maxton Lanes, it is likely that this domestic complex was the principal residence of the Drinking Spring plantation's occupants. A small cluster of buildings also stood on the northwest corner of the intersection formed by the forerunners of Routes 60 and 758. These structures, which appear to have been situated within the southwestern corner of the St. Olaf's tract, may have been obliterated by twentieth century highway improvements or when Route 758 was straightened and realigned during the late nineteenth/early twentieth century. In 1789, when Christopher Colles (1789) sketched the itinerary he traveled from Annapolis, Maryland, to Williamsburg, he depicted the forerunner of Route 60 and the intersections it formed with the forerunners of the

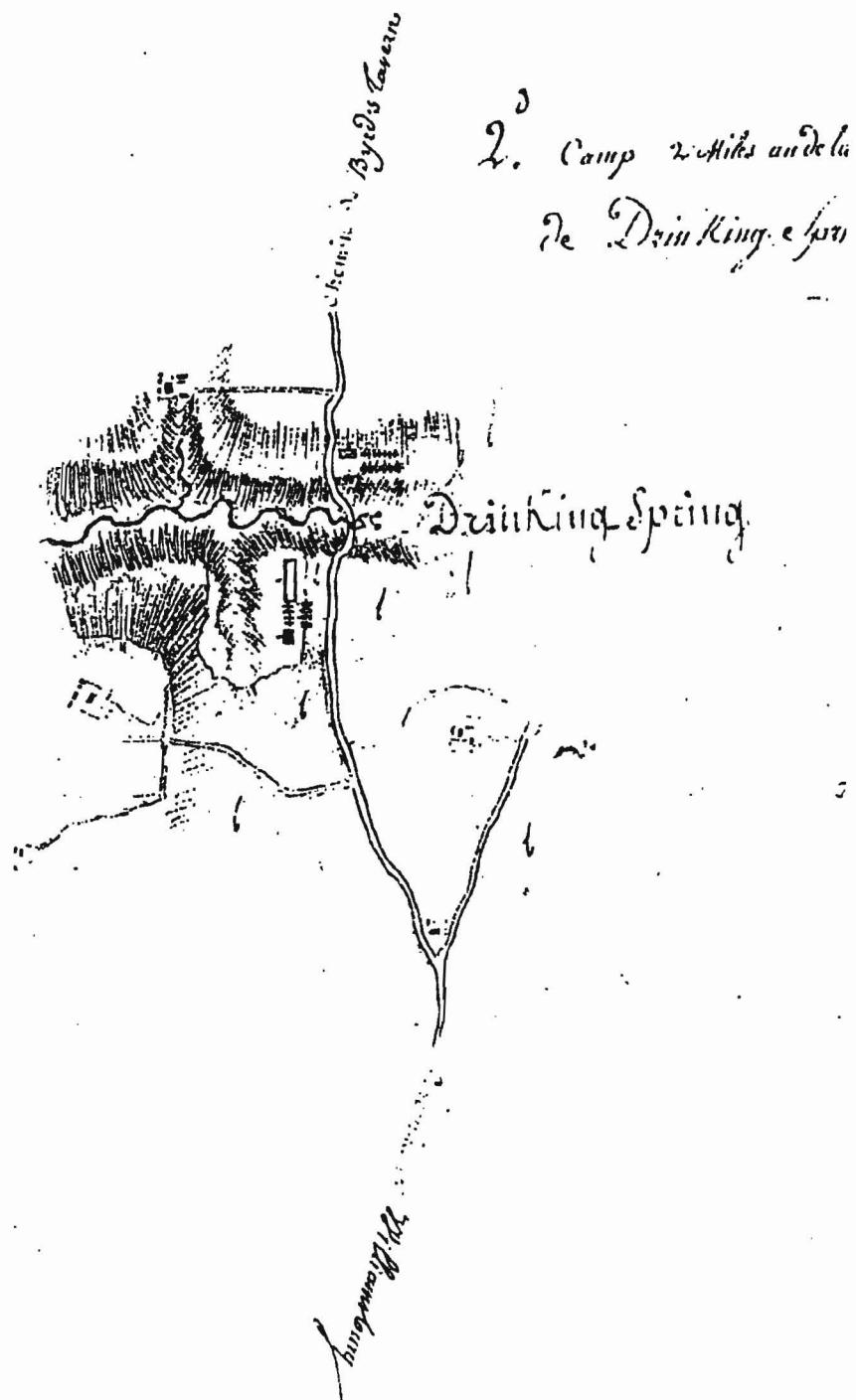


Figure 10: First Camp at Drinking Spring [in Virginia], 1782 (Berthier 1782 in Rice and Brown 1972:II:Plate 109).

previously mentioned roads. He failed to indicate that a building was still located at the intersection of Routes 60 and 758, thereby raising the possibility that it no longer was in existence (Figure 11).

By 1799, Henley Taylor owned the 179 1/4 acre Drinking Spring tract, plus several other parcels. In 1820, when the tax assessor commenced noting the presence of buildings on the properties he visited, Taylor's land (an aggregate of parcels totalling 313 1/2 acres) had buildings that collectively were worth \$350, a value suggesting that he was a middling planter. In 1827, when Henley Taylor died, his son, Richard E. Taylor, I, inherited the 179 1/4 acre Drinking Spring tract, it was devoid of taxable structural improvements. But by the time the assessor visited in 1828, Richard E. Taylor, I, had erected a building worth \$400 upon his 179 1/4 acres and he had acquired two small parcels that were contiguous: 10 acres that he had inherited (which contained a building worth \$50) and 9 acres (purchased from the Garretts) that were vacant. By 1842, Richard E. Taylor, I, was dead. The value of the improvements on his 179 1/4 acres was still listed at \$400. Between 1842 and 1849 the Drinking Spring tract and its improvements were attributed to Taylor's estate (James City County Land Tax Lists 1799-1842).

In 1850 the tax assessor noted that Richard E. Taylor, II, son of the deceased Richard E. Taylor, I, had inherited 198 1/2 acres called the Drinking Spring. The property consisted of three separate but contiguous tracts that the assessor listed as an aggregate: the 179 1/4 acres that had been owned by Taylor's father since 1827 (upon which \$400 in improvements were erected in 1828), plus the 10 acre parcel that had a building worth \$50 and the 9 acre parcel that was vacant. The collective worth of improvements on Richard E. Taylor, II's 198 1/2 acres remained constant, at \$450, from 1850 through 1855. In 1856, their value increased to \$600, at which time the assessor noted that \$150 worth of new buildings had been added to the Drinking Spring tract. In 1857 the collective value of Taylor's improvements was \$650, a sum they sustained until after the Civil War (James City

County Land Tax Lists 1850-1863).

In 1863 and 1864, when Confederate cartographers mapped the area, they indicated that someone named Lipscomb was then occupying a building that was on the Drinking Spring tract, a structure that was located on the northwest side of Route 607. The rest of Richard E. Taylor, II's Drinking Spring tract was then devoid of improvements. The northern part of the farm was wooded whereas the southern portion, which bordered Route 60's forerunner (the Old Stage Road) was cleared. There was no evidence of the sizeable domestic complex that in 1782 had been located on the Drinking Spring tract at a site near Route 758/Norge and Maxton Lanes. To the east of the Drinking Spring property, someone named Taylor was living in the dwelling on the Foster's tract, which from 1844 to 1875 was owned by the Piggott family but leased to tenants. This raises the possibility that during the war years, Richard E. Taylor, II, let his home farm to a tenant or sharecropper named Lipscomb, while he and his family resided elsewhere. This hypothesis is supported by the fact that the Drinking Spring tract was the only improved land that Taylor then possessed and that no one named Lipscomb owned real estate in James City County during the early to mid-1860s. The possibility exists, however, that the Confederate cartographers who mapped part of James City County in 1863-1864 simply overlooked other buildings that were present on the Taylor farm. During the 1860s, a mercantile establishment called Slater's Store was located at a site corresponding to the village of Norge and the Olive Branch Church was shown as a prominent local landmark (Bradshaw and Hamilton 1989:6; James City County Land Tax Lists 1850-1863; Gilmer 1863, 1864) (Figures 8 and 9).

During the Reconstruction period, Richard E. Taylor, II, like many other rural Southerners, appears to have been faced with insuperable financial difficulties. In 1871 he went bankrupt and his creditors took over the title to his property. At that time, the Drinking Spring farm was sold to Richard E. Taylor, III, who occupied the tract until his death in 1917; his widow resided there until her decease in 1928. The Taylors appear to have lived

in the same dwelling that in 1863-1864 had been attributed to Lipscomb (James City County Deed Book 4:162,167; Will Book 3:58-59,427-428; Plat Book 8:8). In 1898 Mr. and Mrs. Taylor sold off 2 acres that lay in the extreme southwestern corner of their property, land that became part of the St. Olaf's tract (see ahead).

St. Olaf's

It was thanks to a series of land acquisitions that occurred during between 1875 and 1885 that portions of the Foster's and Drinking Spring tracts were unified under a common ownership, which also included a 3 acre plot known as Crowfoot. In 1875 Martha L. Whitaker purchased 3 acres of land from the trustees of James M. Slater, who found himself overwhelmed with indebtedness. That small parcel (called Crowfoot) abutted Nathaniel D. Piggott's land known as Foster's and the old Stage Road and appears to have originally been part of Foster's. The Slater-Whitaker deed indicates that James M. Slater was the owner of a store in which he sold drygoods and groceries; its location corresponds with the site that Confederate cartographers labeled "Slater's Store" on their 1863 and 1864 maps. So large were Mr. Slater's debts that he was obliged to mortgage his inventory and the 3 acres of land upon which his store stood (James City County Deed Book 2:397;3:430; Gilmer 1863,1864).

In 1884, when a legal dispute was settled in the suit of Vaiden vs. Nathaniel Piggott's heirs, special commissioners were appointed to sell the tract of land known as Foster's, at which it was acquired by Richard L. Henley. He immediately conveyed one portion of the property to William Vaiden (that which contained the Foster's tract's domestic complex)¹, but retained the remainder, which he gave to his two sisters, Martha Louise Whitaker and S. Kate Henley (a single woman). Martha was given 2 acres whereas Kate received 13. But Richard L. Henley died before he had formally deeded the parcels to his sisters. Although S.

¹During the 1870s Francis Ward Hammond reportedly operated a school for girls in the dwelling known as Foster's (Bradshaw and Hamilton 1989:30).

Kate Henley eventually sold her 13 acres to her sister, Martha L. Whitaker, it wasn't until May 1901 that Norvell S. Henley (executor of the late R. L. Henley) formally deeded the entire 15 acres to Martha (James City County Deed Book 4:699;7:594).

On August 22, 1898 Martha L. Whitaker purchased 2 acres of land from Richard E. Taylor and his wife, acreage that was described as "the extreme southern portion of the Drinking Spring farm." These two acres abutted north upon the remainder of Mr. Taylor's farm, west upon the Stage Road and east and south upon land that Martha L. Whitaker already owned (James City County Deed Book 6:531). This final purchase gave Martha L. Whitaker an aggregate of 20 acres, which consisted of three contiguous parcels: part of the Foster's and Drinking Spring tracts and 3 acres known as Crowfoot (also part of Foster's).

In early December 1902 Martha L. Whitaker sold her 20 acre tract in its entirety to Elling Strand. The property was bound east upon the Chesapeake and Ohio Railroad's tracks and land that formerly had belonged to C. W. Taylor, south upon Foster's (the William B. Vaiden estate, which contained the Foster dwelling), west upon the stage road, and north upon the road that ran toward the York River. Reference was made to the fact that the later road had been moved and straightened slightly within the last five years. Elling Strand, when purchasing Mrs. Whitaker's 20 acres, assumed a debt she owed to the James City County School Board: a \$500 bond that she had secured with her land (James City County Deed Book 7:610; 8:447-448).

Elling Strand retained the Whitaker tract until January 19, 1904, at which time he conveyed it in its entirety to Carl and Carrie B. Bergh, who (like Strand himself) assumed the debt against the property. But the Berghs defaulted upon their loan and sold their interest in the property to Neils (Niles) Olesen (Olsen) and Ole Neilson only two weeks before their note became due. Olesen and his wife, Emma, who were residents of James City County, and Neilson and his wife, Mary, who lived in Racine, Wisconsin, retained their 20 acre tract for slightly more than a year. On May 27, 1907 they deeded it to Carl and Augusta

Rasmussen, formerly of Racine, Wisconsin, but more recently of James City County. The 20 acre tract was described as abutting north upon the road to the York River (now Route 758), west upon the main stage road, east upon the Chesapeake and Ohio Railroad, and south upon the residue of the Foster's tract, then owned by H. J. Kinde (James City County Deed Book 9:202; 10:338,617).

The Rasmussen couple in January 1910 sold 19 of their 20 acres to Oney and Carrie Swenson and conveyed the residual 1 acre (which abutted the stage road and comprised the southwest corner of the entire tract) to Neils Olsen. The Swensons retained their property until 1918, by which time they had relocated to South Dakota. On May 22, 1918 Oney and Carrie Swenson deeded to Arthur G. and Rachel W. Smith the 19 acres they had bought from the Rasmussens. The Smiths were obliged to use the land as collateral when borrowing the money to make their purchase. They refinanced their loan in August 1920 (James City County Deed Book 12:147;17:459-460;18:585). In 1917 when a topographic quadrangle sheet was made that included the Norge area, a solitary structure stood near the intersection of Routes 60 and 758 and a row of buildings abutted Route 60 (U.S.G.S. 1917) (Figure 12).

Arthur G. and Rachel W. Smith played an important role in the life of the Norge community. Mr. Smith drove a school bus for many years, transporting children from Norge and Lightfoot to Toano. The lunch room and ice cream parlor that he and his wife owned and operated was extremely popular and attracted loyal customers from as far away as Richmond and Newport News. During part of the early twentieth century the post office that served Norge was located on the enclosed front porch of the Smiths' ice cream parlor. ~~Mr. and Mrs. Smith did not construct a home upon~~ their 20 acres. Instead, they lived next door in what was known as the Charles Lee home, which according to local historians, was built in ca. 1904. It was while they were in residence in the Lee house that they operated their dairy farm and ice cream parlor (Bradshaw and Hamilton 1989:12-13,28-30,44-45).²

² The Lee home was not located on the tract of land currently
Continued on following page



Figure 12: Toano (U. S. G. S. 1917).

In December 1921 Arthur G. Smith and his wife deeded the bulk of their 19 acres to the Peninsula Barrel Corporation's trustees, noting that their own trustees held the residual interest in the tract. In February 1933 C. B. Durer et al., directors of the Peninsula Barrel Corporation, sold their land to W. H. Porter and his wife, Nora. In 1937, when the Porters disposed of the property, conveying it back to Arthur G. and Rachel W. Smith, it was noted that the barrel company was then defunct (James City County Deed Book 20:269-271;27:103-104;29:493).

Rachel W. Smith, who inherited her late husband's interest in the property they owned jointly, subdivided her property, creating a row of lots that abutted Route 758. In October 1961 she sold a lot to Curtis W. and Thelma O. Lee, to whom she sold an adjoining lot in May 1965. The Lees in 1971 conveyed their two lots (#13 and #14) to James W. and Barbara Smith, land which eventually was added onto what is now known as the St. Olaf's tract. During February 1964 Mrs. Smith sold a 0.96 acre lot to George Earman and his wife, a parcel (lot #10) that comprised the northeast corner of her acreage and abutted the C & O's tracks. In May Mrs. Smith conveyed the lot that lay west of the Earmans' to John H. and Alvis Jenson. In October 1965 Mrs. Smith deeded a 15 foot right-of-way to her neighbors, John W. Woodward and his wife, a narrow lane that led to the property of the Norge Saddle Club. Later, Bruce and Doris Wildenberger acquired Mrs. Smith's westernmost lot, #15, and the Virginia Department of Highways and Transportation widened its right-of-way slightly (James City County Deed Book 83:256-258;94:558;95:703;102:226-229;103:248,630;133:128; Will Book 6:144).

Mrs. Rachel W. Smith, when making her will, bequeathed all that remained of her real and personal property to the Christian Broadcasting Network, which offered it for sale. On September 11, 1970 Sacalis-Pappas-Baganakis, Inc. purchased Mrs. Smith's estate from the Christian Broadcasting Network (James City County Deed

Continued from previous page
owned by St. Olaf's (Bradshaw and Hamilton 1989:12-13,28-30,44-45).

Book 128:106; Plat Book 28:2). In May 1989 Sacalis-Pappas-Baganakis, Inc. sold Parcel A (8.46 acres) of the late Rachel W. Smith's land to the Catholic Diocese of Richmond's official representative, the Most Rev. Walter F. Sullivan (James City County Deed Book 434:118-120). Included were portions of the Foster's and Drinking Spring tracts.

BIBLIOGRAPHY

theast Virginia. Facsimile: Colonial
rg Foundation Research Archives, Williamsburg.

ap of York and Gloucester. Facsimile: Colonial
rg Foundation Research Archives,
rg.

at Drinking Spring [in Virginia], 1782.
Colonial Williamsburg Foundation Research
Williamsburg.

John E. Selby and Thad W. Tate
Virginia: A History. KTO Press, White Plains.

State of Virginia. Facsimile: Virginia State
Richmond.

nd Frances H. Hamilton
til Norge. Privately published, no place of
n listed.

ael
n Virginie du Major General Mis. de La
u se trouvent les Camps et Marches. Facsimile
Virginia Division of Historic Landmarks,

Book of Blisland (Blissland) Parish. Virginia
ary, Richmond.

es, Diocese of Southern Virginia. Virginia
ary, Richmond.

olis to Williamsburg. Facsimile: Virginia
f Historic Landmarks, Richmond.

g Foundation
rotection Process for James City, York County,
rg and Poquoson, Virginia, Draft Report II. On
rginia Division of Historic Landmarks,

ern Colonies in the Seventeenth Century 1607-
siana State University Press, Baton Rouge.

Fry, Joshua and Peter Jefferson
1755 A Map of the Most Inhabited Part of Virginia. Facsimile:
Virginia Division of Historic Landmarks, Richmond.

Gardner, Virginia D.
n.d. Index to Wills and Estate Settlements Commencing 1608,
Williamsburg, James City, York County, Virginia.
Privately published, no location indicated.

Gilmer, J.F.
1863 Map of New Kent, James City, Charles City and York
Counties. Facsimile: Colonial Williamsburg Foundation
Research Archives, Williamsburg.

1864 Vicinity of Richmond and Part of the Peninsula.
Facsimile: Virginia Division of Historic Landmarks,
Richmond.

Hare, I. Knowles
1862 Hare's Map of the Vicinity of Richmond and the Peninsula
Campaign. Colonial Williamsburg Foundation Research
Archives, Williamsburg.

Hening, William W., ed.
1809-1823 The Statutes At Large: Being a Collection of All the Laws
of Virginia. 13 vols. Samuel Pleasants, Richmond.

Henry, John
1770 Virginia. Facsimile: Virginia Division of Historic
Landmarks, Richmond.

Herrmann, Augustine
1673 Virginia and Maryland, 1670. Facsimile: Virginia
Division of Historic Landmarks, Richmond.

Howe, Henry
1845 Historical Recollections of Virginia. E. Peters,
Charleston.

James City County
1782-1993 Land tax lists, personal property tax lists, plat books,
deeds, wills. Originals and microfilms on file at James
City County Courthouse, Williamsburg, and Virginia State
Library, Richmond.

James City County Government
1984 Where America Began: James City County 1634-1984. James
City County Board of Supervisors, Williamsburg.

Jefferson, Thomas
1787 A Map of the Country between Albemarle Sound and Lake
Erie. Facsimile: Colonial Williamsburg Foundation
Research Archives, Williamsburg.

- Johnson, Robert U. and C. C. Buel, eds.
1956 Battles and Leaders of the Civil War: The Way to Appomattox. 4 vols. Castle Books, New York.
- Lamb, F.
1676 Virginia and Maryland. Facsimile: Virginia Division of Historic Landmarks, Richmond.
- Long, E. B.
1987 The Civil War Day By Day, An Almanac. Da Capo Press, Inc., New York, N.Y.
- Madison, James
1807 Map of Virginia. Facsimile: Virginia Division of Historic Landmarks, Richmond.
- McCartney, Martha W.
1985 Seventeenth Century Apartheid: The Suppression and Containment of Indians in Colonial Virginia. Journal of Middle Atlantic Archaeology 1:51-80.
- Morgan, Edmund S.
1975 American Slavery, American Freedom: The Ordeal of Colonial Virginia. W. W. Norton, New York.
- Nugent, Nell M.
1969-1979 Cavaliers and Pioneers: Abstracts of Virginia Land Patents and Grants. 3 vols. Dietz Press, Richmond and Genealogical Publishing Company, Baltimore.
- Palmer, William P., eds.
1875-1893 Calendar of Virginia State Papers and Other Manuscripts Preserved in the Capitol At Richmond. Virginia State Library, Richmond.
- Reps, John
1972 Tidewater Towns: City Planning in Colonial Virginia and Maryland. University of Virginia Press, Charlottesville.
- Rice, Howard C. and Ann S. K. Brown
1972 The American Campaigns of Rochambeau's Army. 2 vols. Princeton University Press, Princeton.
- Rind, Clementina
1768 Virginia Gazette, September 22, 1768. Photostat on file at Colonial Williamsburg Foundation Research Archives, Williamsburg.
- Stanard, William G., ed.
1919 Virginia State Troops in the Revolution. Virginia Magazine of History and Biography XXVII:345-350.

1928 Notes from Virginia Records. Virginia Magazine of History and Biography 37:323-326.

Tyler, Lyon G., ed
1907 Williamsburg-The Old Colonial Capital. William and Mary Quarterly XVI (series 1).

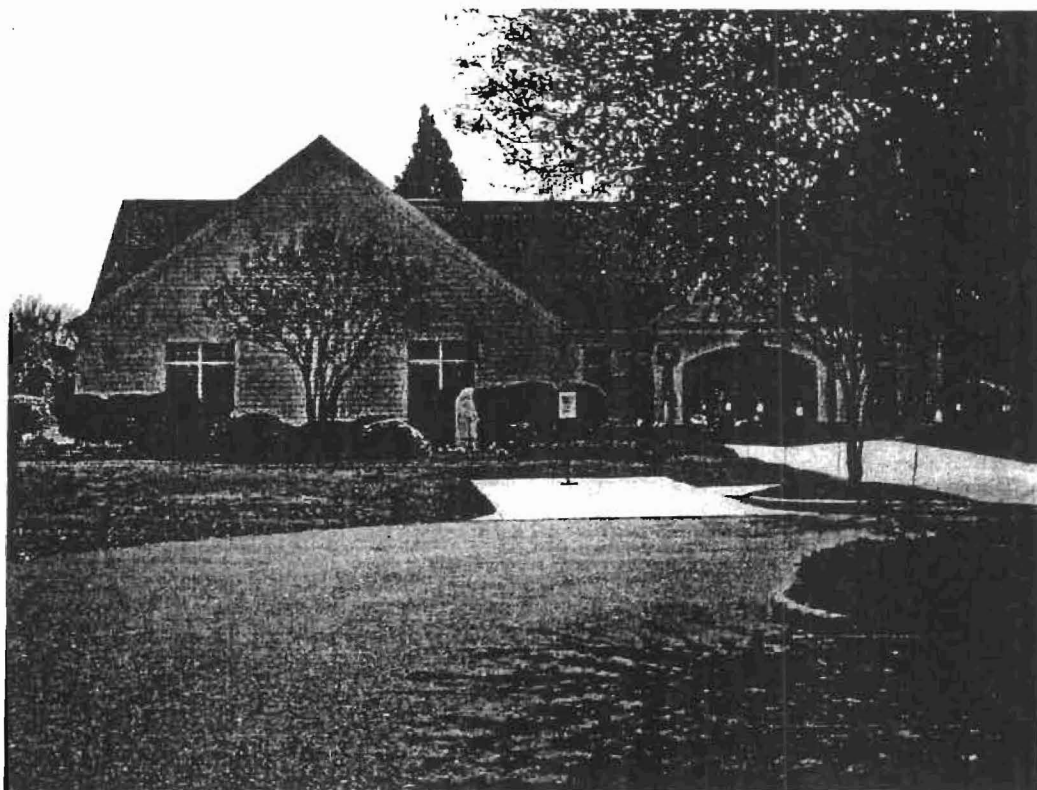
1912 Will of Col. James Shields of James City County. William and Mary Quarterly XX (1st Ser.):36-38).

United States Geological Survey (U.S.G.S.)
1917 Toano quadrangle. Facsimile: Colonial Williamsburg Foundation Research Archives, Williamsburg.

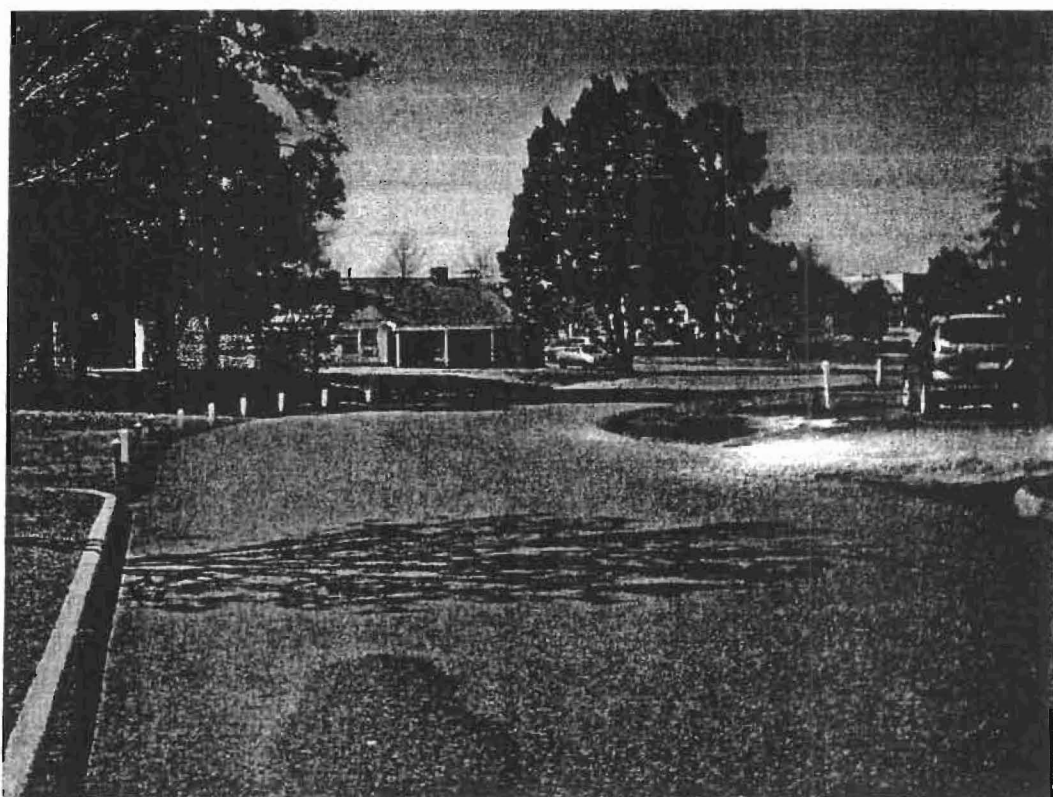
United States War Department (U.S.W.D.)
1891 The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies. Prepared by Lt. Col. Robert N. Scott and compiled by George B. Davies, Leslie J. Perry and Joseph W. Kirkley. Series I, Vol. XVIII. U. S. Government Printing Office, Washington, D. C.

Virginia State Library
1965 A Hornbook of Virginia History. Virginia State Library, Richmond.

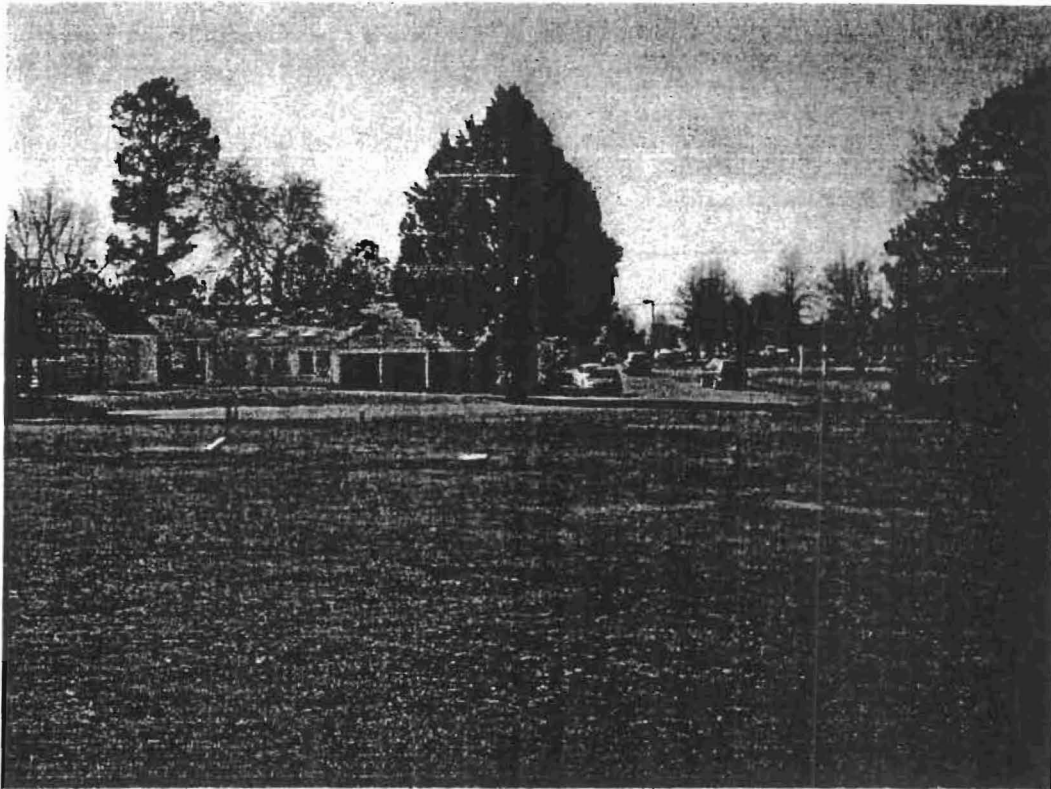
APPENDIX B: SITE PHOTOS



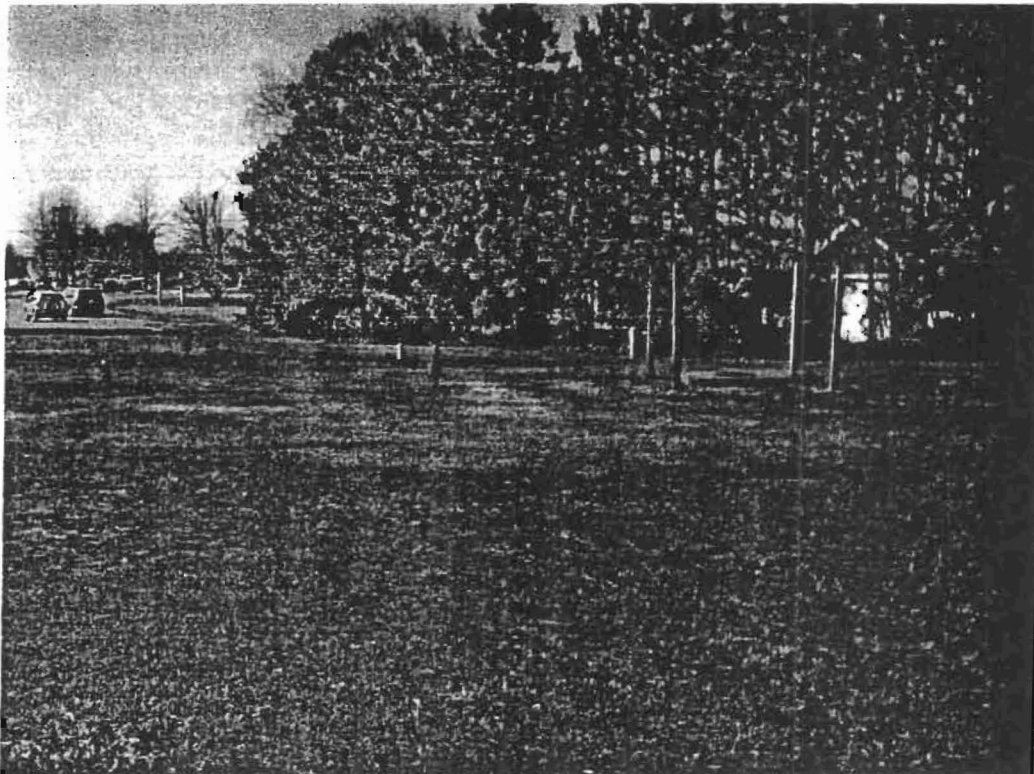
View of St. Olaf's Church, looking southwest.



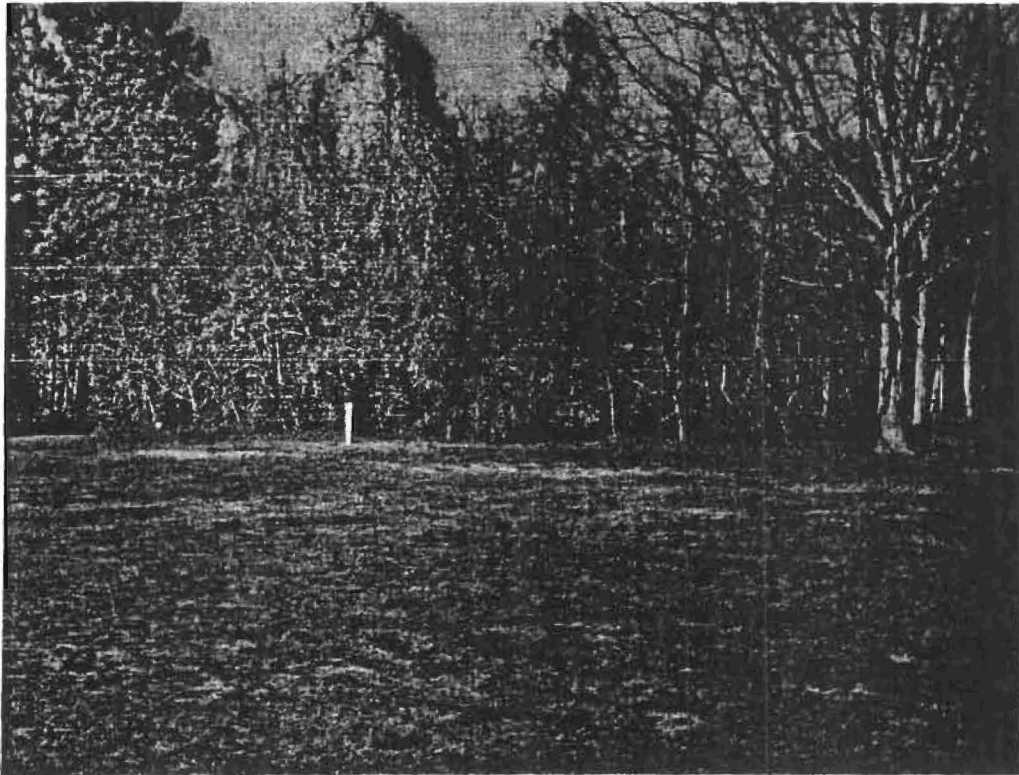
View of entrance into St. Olaf's Church, looking west.



View of proposed project area, looking west.



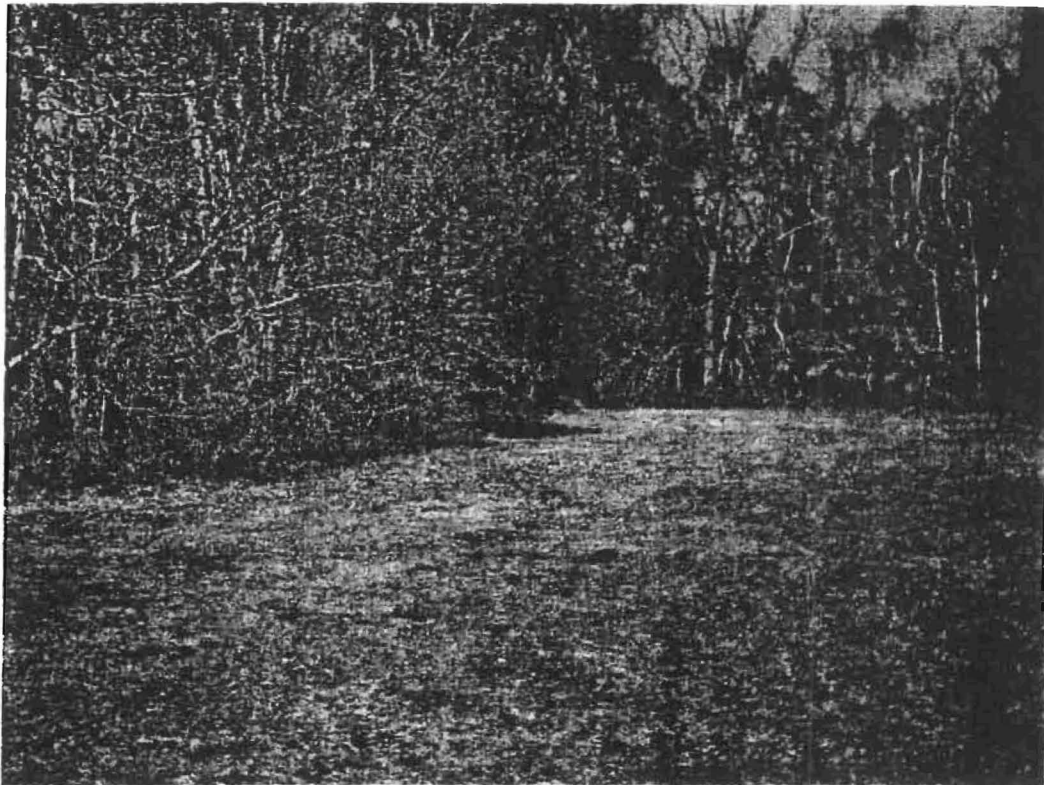
View of proposed project area, looking west.



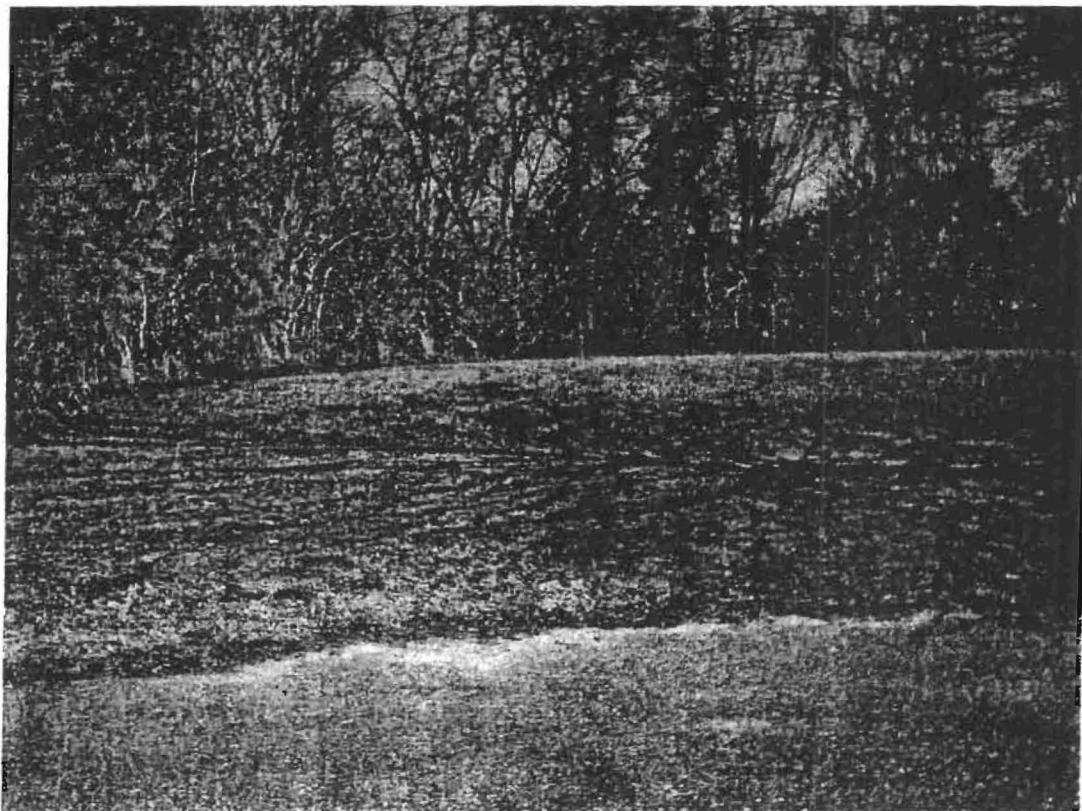
View of proposed project area, looking northeast.



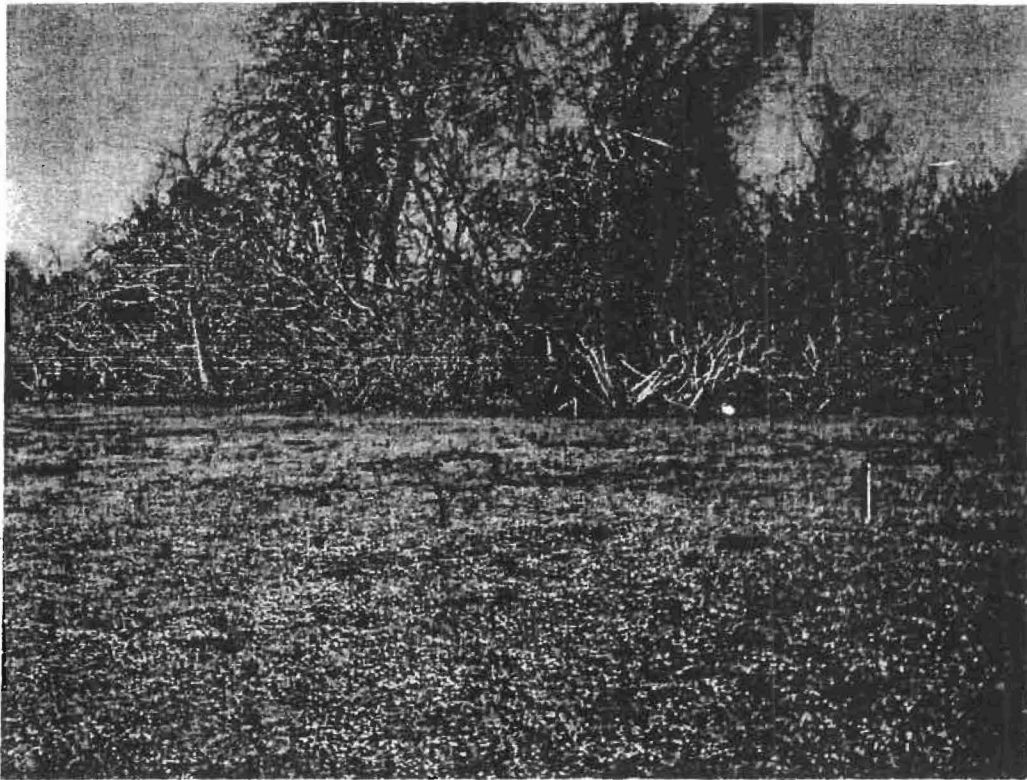
View of proposed project area, looking northeast.



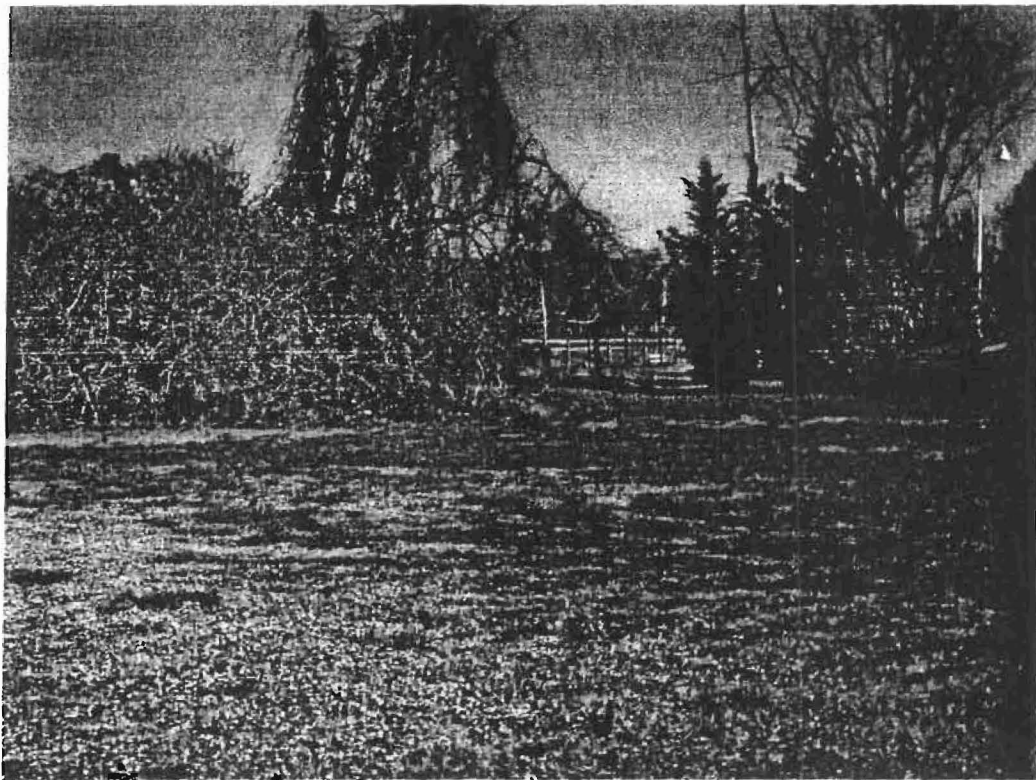
View of proposed project area, looking east.



View of proposed project area, looking east.



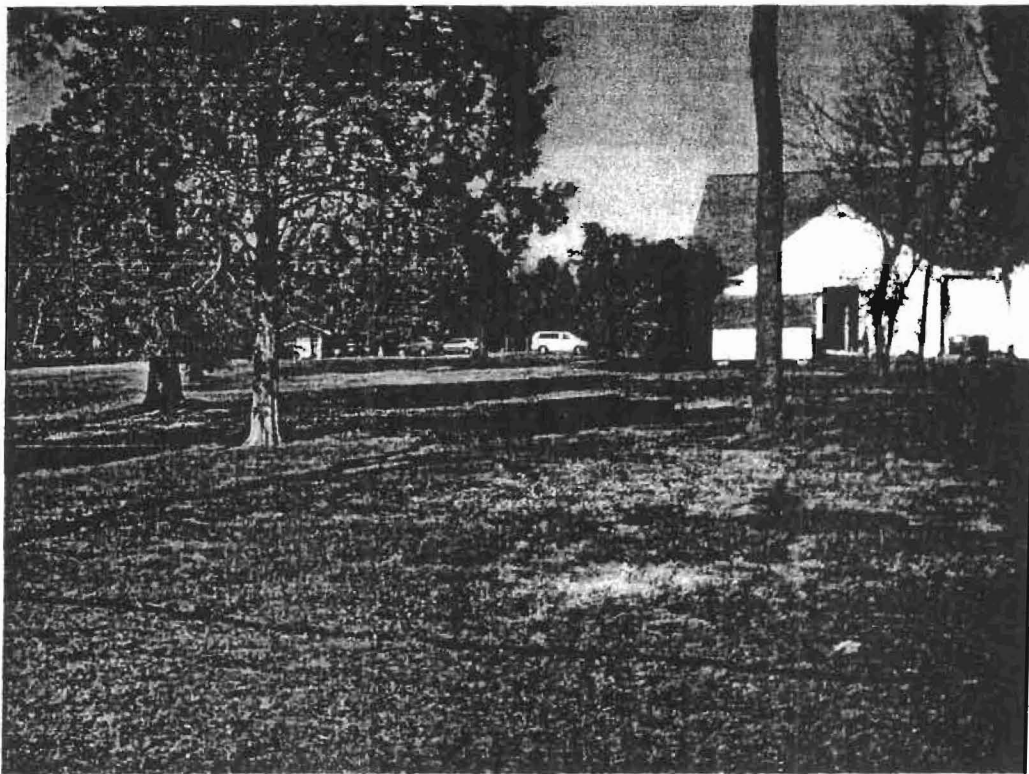
View of proposed project area, adjacent to historic district, looking southeast.



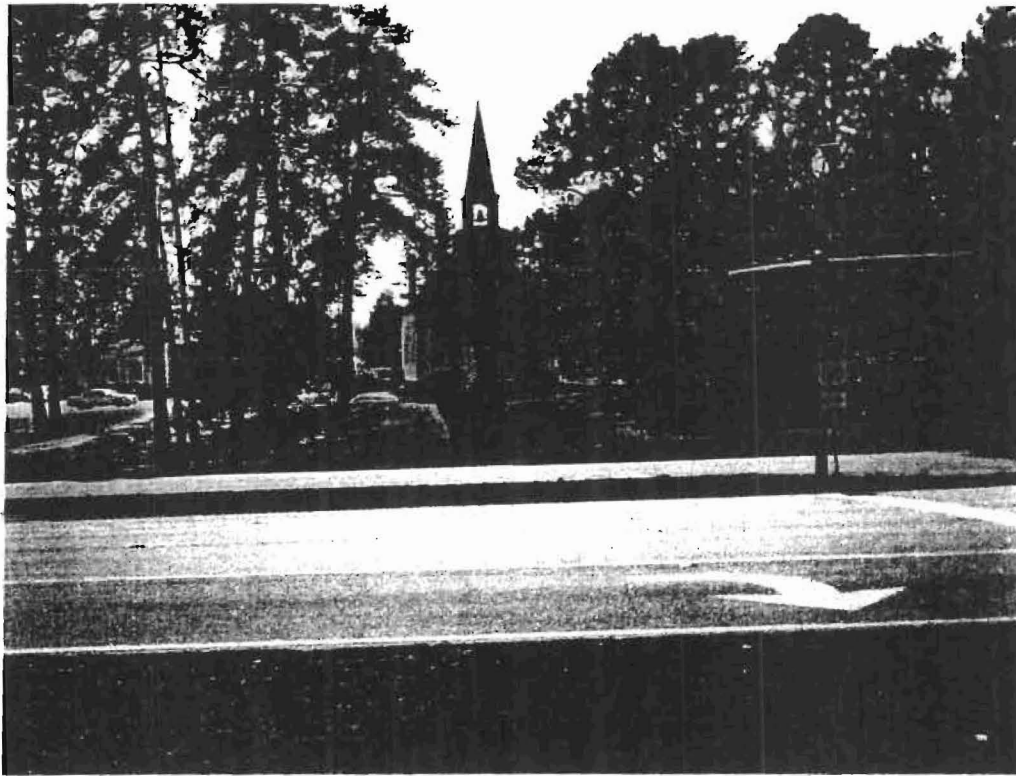
View of proposed project area, looking southeast.



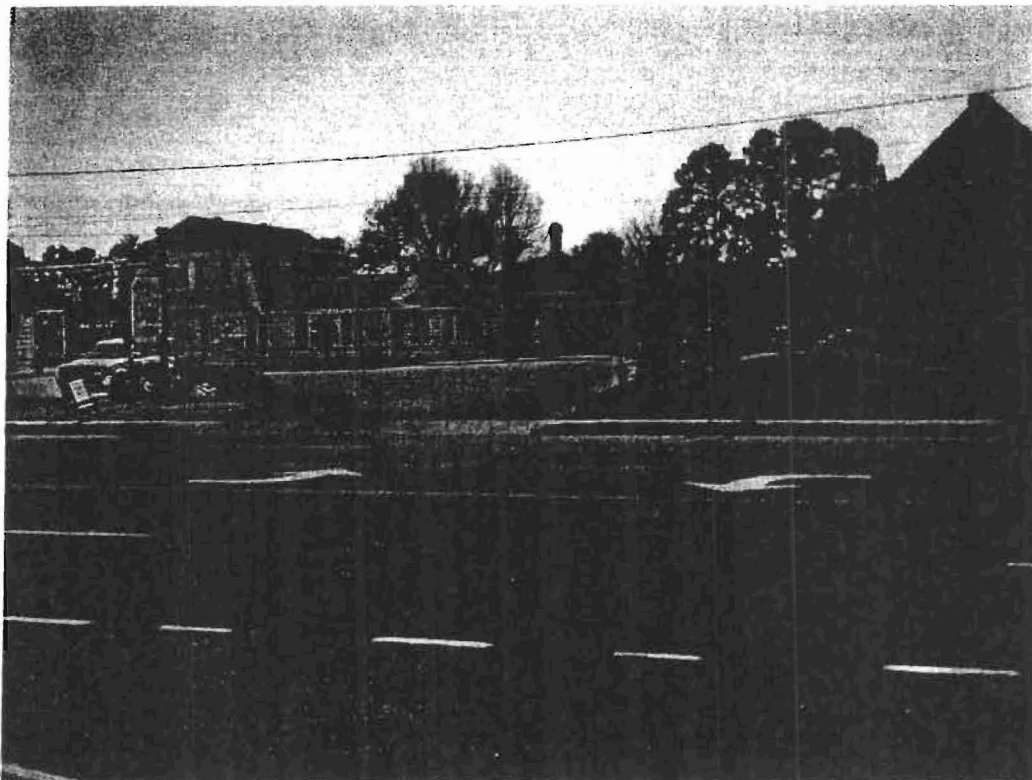
View of church property from Richmond Road, with shopping center, looking north.



View of church from Richmond Road, looking northeast.



View of Our Saviours Lutheran Church, from St. Olaf's, looking west.



View of Music Makers, from edge of St. Olaf's property, looking southwest.



View of new commercial development adjacent to St. Olaf's, looking north.



View of edge of St. Olaf's property from Richmond Road, looking north.

000658

PROFFERS

THESE PROFFERS are made this 29th day of August, 1994 by the Catholic Diocese of Richmond (the "Owner").

RECITALS

A. Owner is the owner of a certain tracts or parcels of land (the "Property") containing approximately 9.406 acres located in James City county, Virginia and shown and set out on the Tax Map Number 23-2 [Parcels No. 1-13 (.50 acre), 1-14 (.448 acre), and 1-16 (8.458 acres)].

B. Owner has applied for a rezoning of parcels 1-13 and 1-14 from A-1 General Agricultural District to R-8, Rural Residential District, with proffers, and a rezoning of Parcel 1-16 from B-1 General Business District to R-8, Rural Residential District.

C. Owner desires to offer to James City county (the "County") certain conditions on the development of the Property not generally applicable to land zoned R-8, Rural Residential District.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. Use. The following uses normally permitted in the R-8 Zoning District shall be prohibited:

- Agriculture, dairying, forestry, general farming and specialized farming.
- Communication towers up to a height of 35 feet.
- Horse and pony farms.
- Petroleum storage on a farm as an accessory use.
- Riding stables.
- Slaughter of animals for personal use.
- Storage and repair of heavy equipment as accessory use to a farm.

2. Entrances. There shall be no entrances to the site from

Richmond Road. The Norge Lane entrance to the site shall line up with the entrance currently under construction to the Norge Shopping Center, which is near parcels 1-13 and 1-14.

3. Positioning of Structure. The structure shall be located between Richmond Road and the main parking area.

WITNESS the following signatures.

CATHOLIC DIOCESE OF RICHMOND

BY: Walter F. Sullivan
Bishop Walter F. Sullivan

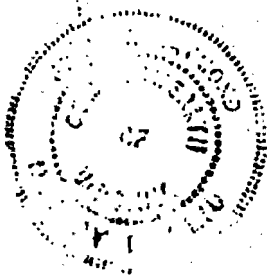
STATE OF VIRGINIA
CITY/COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this
29th day of August, 1994, by Bishop Walter F. Sullivan.

John W. Raymond
NOTARY PUBLIC

My commission expires:

December 31, 1994.



VIRGINIA: City of Williamsburg and County of James City, to-wit:

In the Clerk's office of the Circuit Court of the City of Williamsburg and County of James City, the

17 day of Jan, 1995. This Instrument was presented with certificate annexed and admitted to record at 9:44 o'clock

Teste: Helene S. Ward, Clerk

by Helene S. Ward
Deputy Clerk

GEDDY, HARRIS, FRANCK & HICKMAN, LLP

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD

WILLIAMSBURG, VIRGINIA 23185

TELEPHONE: (757) 220-6500

FAX: (757) 229-5342

VERNON M. GEDDY, JR. 8928-8008
STEPHEN D. HARRIS
SHELDON M. FRANCK
VERNON M. GEDDY, III
SUSANNA B. HICKMAN
RICHARD H. REK
ANDREW M. FRANCK

MAILING ADDRESS:
POST OFFICE BOX 379
WILLIAMSBURG, VIRGINIA 23187-0379

email: vgeddy@ghfhllaw.com

May 14, 2008

Ms. Ellen Cook
James City County Planning Department
101-A Mounts Bay Road
Williamsburg, Virginia 23185

Re: St. Olaf's Catholic Church Expansion - Z-0001-2008/SUP-0006-2008

Dear Ellen:

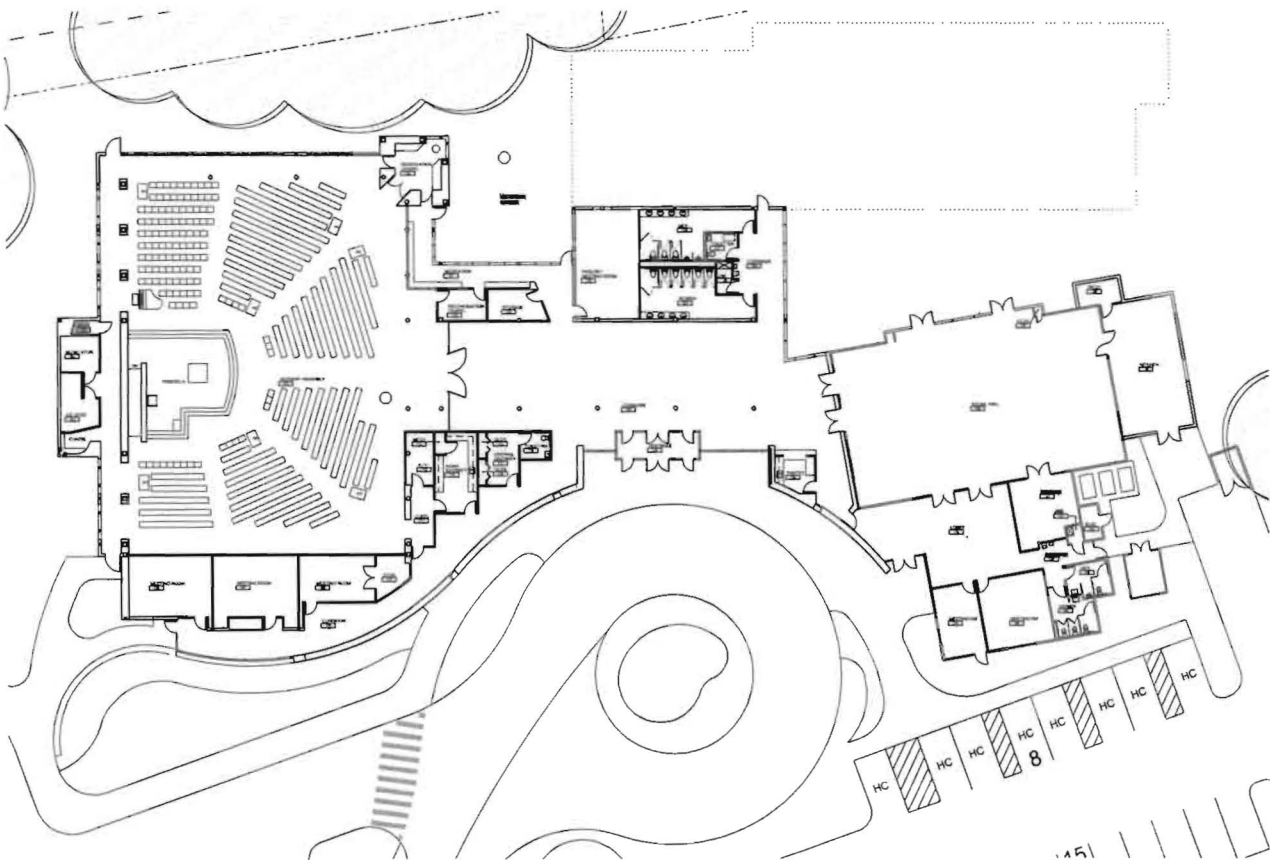
I am writing on behalf of our client, St. Olaf's Catholic Church, to confirm our discussion of proffered conditions related to this application. St. Olaf's property is currently zoned R-8, is subject to an existing SUP and is currently subject to Proffers dated August 29, 1994 recorded in James City Deed Book 722 at page 556 ("Existing Proffers"). Our request in this application is that the Existing Proffers be repealed in their entirety. We believe all the necessary protections for the County are more appropriately set out in the new SUP conditions to be adopted in this case. All the conditions relate to the specially permitted church use. If St. Olaf's ever stopped using this property as a church, it would retain its R-8 zoning which seems appropriate. We do not think it appropriate for conditions related to the specially permitted use to continue to run with the land indefinitely.

We look forward to working with you to finalize the appropriate SUP conditions.

Sincerely,

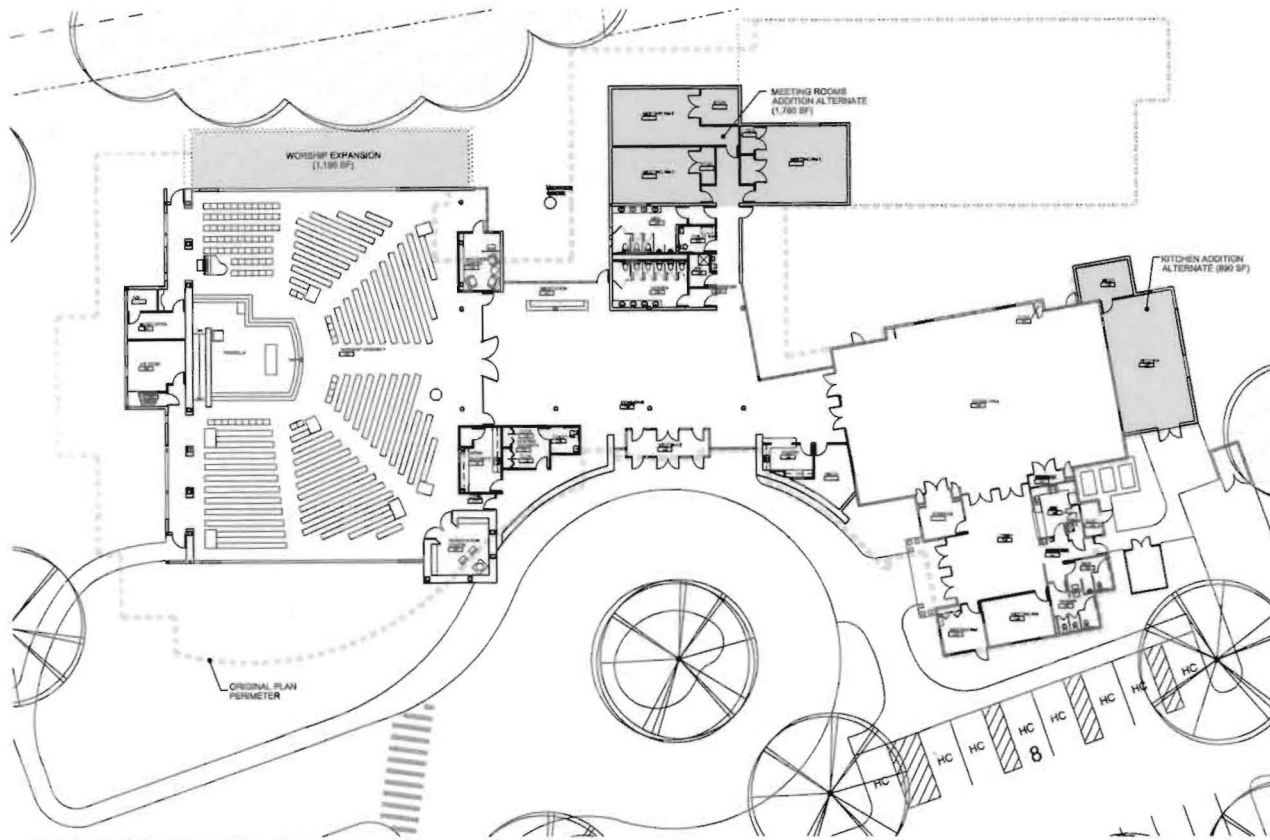


Vernon M. Geddy, III



ORIGINAL PLAN

SCALE: 1/32" = 1'-0"

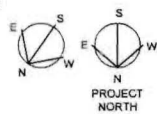


REVISED PLAN

SCALE: 1/32" = 1'-0"

Brawer & Hauptman
Architects

777 Appleton Street Philadelphia, PA 19106

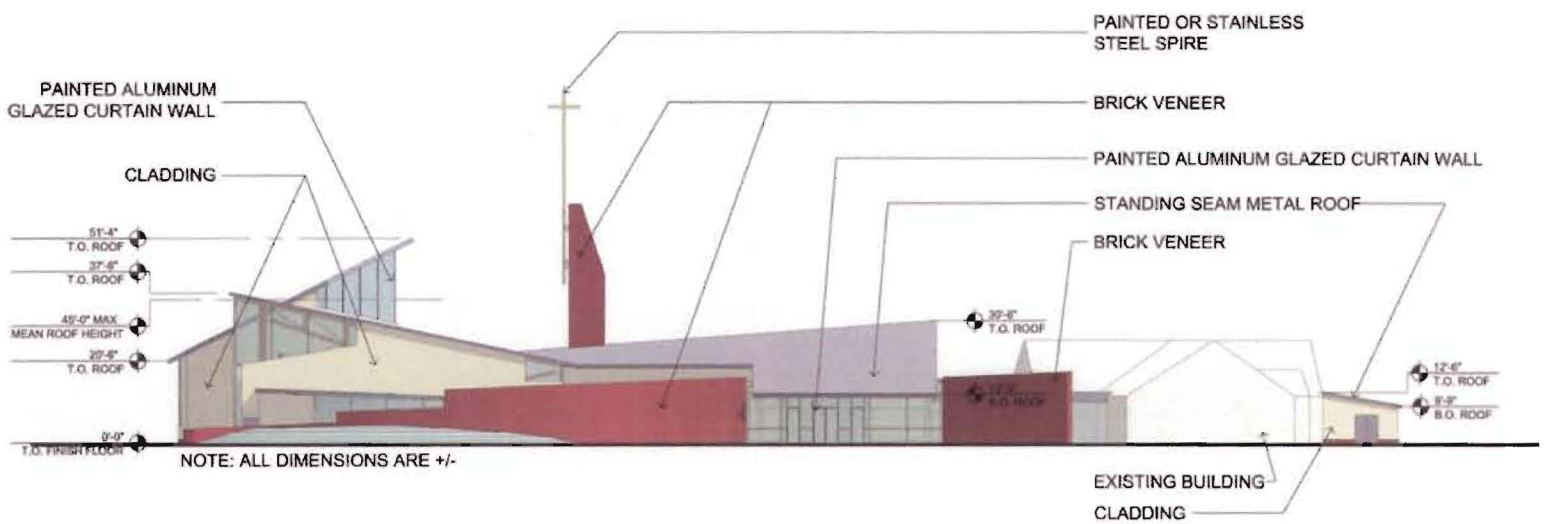


Tel (215) 829-0064 Fax (215) 829-9695 info@brawerhauptman.com

SQUARE FOOTAGE REDUCTIONS:

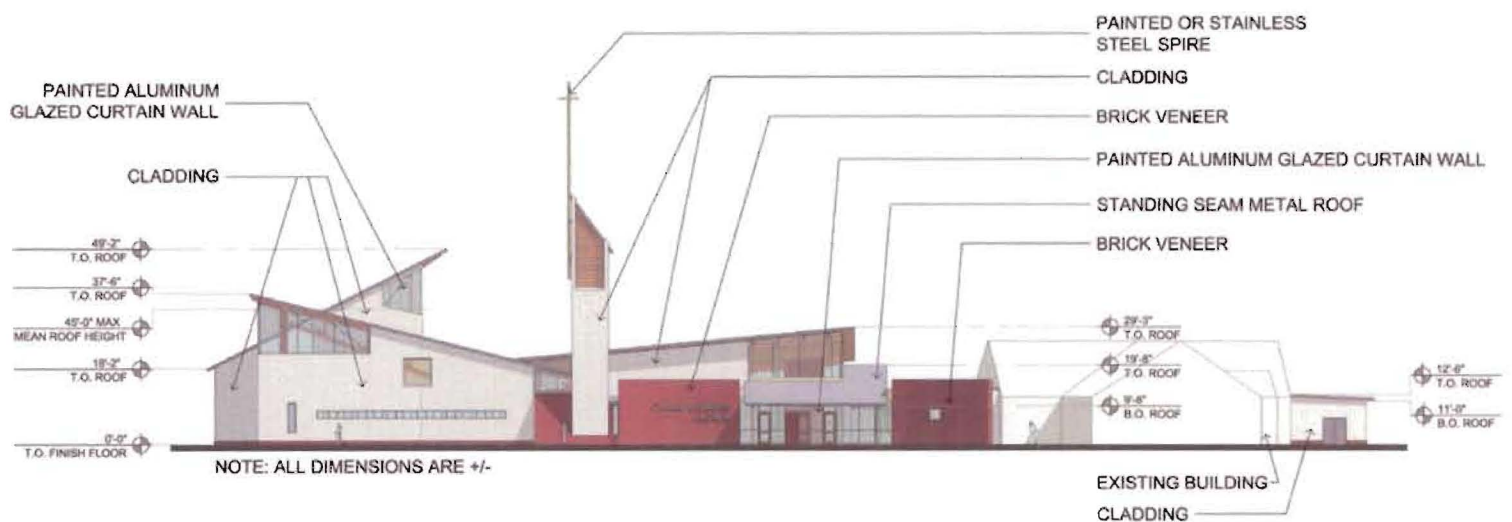
PARLOR ELIMINATED	550 SF
COMMONS / CIRCULATION REDUCED	2,968 SF
MEETING ROOMS CHANGED TO SEPARATE PHASE 1C	1,760 SF
TOTAL REDUCTION	5,178 SF

ORIGINAL VS REVISED PLAN
26 JUNE 2008



ORIGINAL ELEVATION

1
82 CONCEPTUAL NORGE LANE ELEVATION
Scale: 1/16"=1'-0"



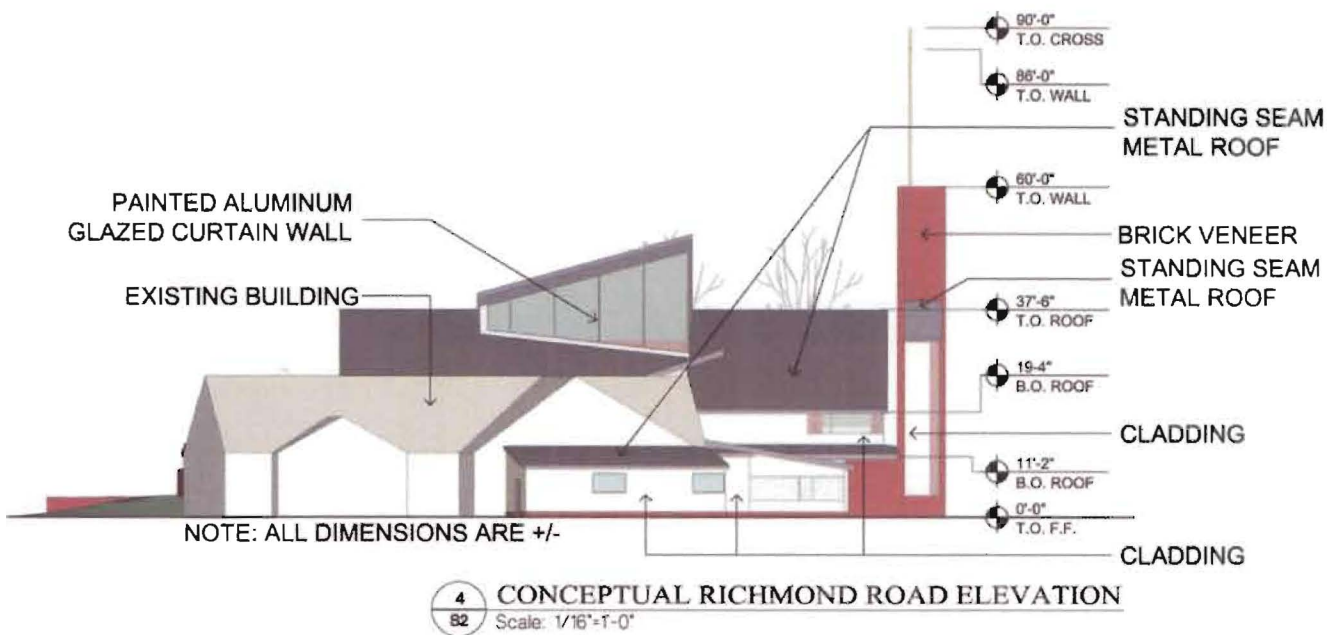
REVISED ELEVATION

1
82 CONCEPTUAL NORGE LANE ELEVATION
Scale: 1/16"=1'-0"

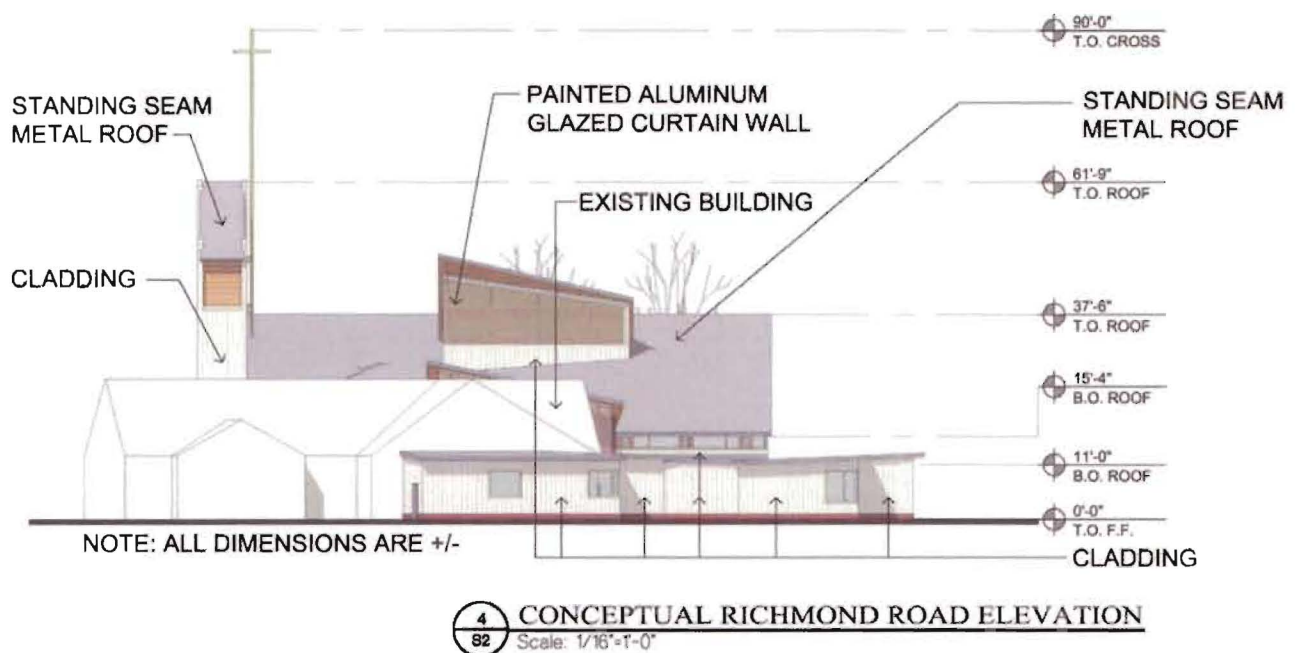
ST. OLAF CATHOLIC CHURCH

EXHIBIT 3

JUNE 25, 2008



ORIGINAL ELEVATION



REVISED ELEVATION

ST. OLAF CATHOLIC CHURCH

EXHIBIT 4

JUNE 25, 2008

MEMORANDUM

DATE: July 22, 2008

TO: The Board of Supervisors

FROM: Needham S. Cheely, III, Director of Parks and Recreation
Darryl E. Cook, County Engineer

SUBJECT: Right-of-Way Agreement - Dominion Virginia Power – Freedom Park

Dominion Virginia Power (Dominion) has requested a right-of-way and utility easement (Easement) across a portion of James City County Freedom Park (Park) in order to improve electrical service to customers in the Jolly Pond Road area. Dominion has conducted a reliability study of the Jolly Pond Road area of its power system and determined that the reliability of its service to those citizens could be significantly improved by connecting the two radial ends of the existing power lines serving that area, thereby creating a looped power system. The requested Easement is 30 feet in width directly adjacent to the Jolly Pond Road right-of-way extending roughly from the James City County transfer station/landfill property to the site of the new combined schools. The line will connect two existing overhead line segments.

County staff has reviewed and approved Dominion's proposed Easement location ensuring minimal impact on the Park amenities and Park users. Staff recommends approval of the attached resolution authorizing the County Administrator to execute the Easement documents with Dominion.


Needham S. Cheely, III

CONCUR:


Darryl E. Cook

NSC/gb
DVPRightWay_mem

Attachment

RESOLUTION

RIGHT-OF-WAY AGREEMENT - DOMINION VIRGINIA POWER -

FREEDOM PARK

WHEREAS, James City County (County) owns 675.64 acres located at 5537 Centerville Road, commonly known as Freedom Park (Park) and designated as Parcel No. 0100009 on James City County Real Estate Tax Map No. (30-1); and

WHEREAS, Dominion Virginia Power (Dominion) requires a right-of-way and utility easement of 30 feet in width across a portion of the Park in order to improve reliability to its customers on Jolly Pond Road by creating a looped system as part of Dominion's service reliability study; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to convey a right-of-way and utility easement to Dominion.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the right-of-way agreement and other such documents necessary to convey the utility easement to Dominion for improved reliability of electrical service to citizens on Jolly Pond Road.

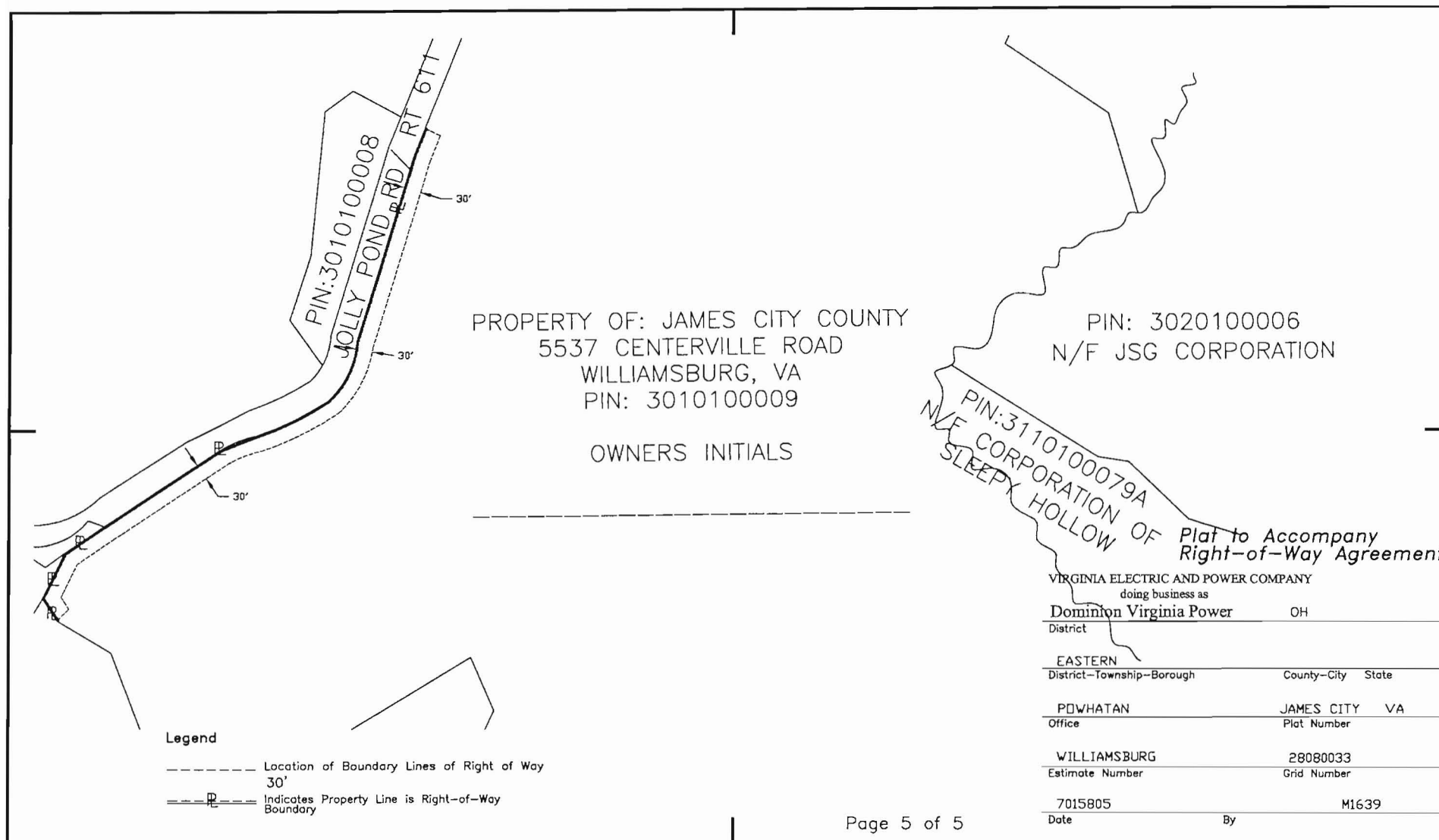
Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

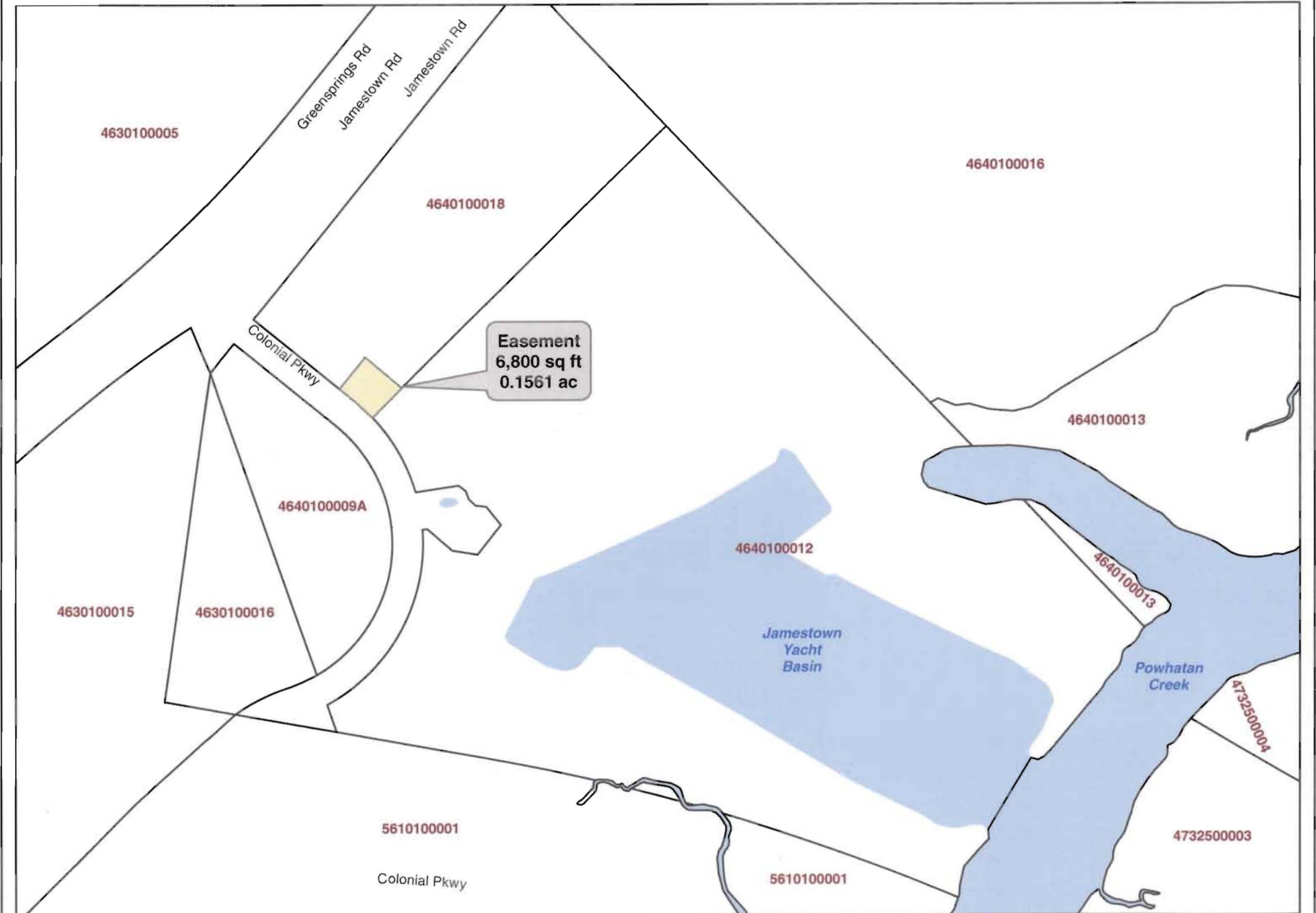
Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of July, 2008.

DVPRightWay_res



Proposed JCSA Utility Easement



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section.



MEMORANDUM

DATE: July 22, 2008

TO: The Board of Supervisors


FROM: Leo P. Rogers, County Attorney

SUBJECT: Conveyance of a Water/Sewer Easement to the James City Service Authority (JCSA)

The County owns certain property at the Jamestown Yacht Basin, ("Yacht Basin") commonly known as 2070 Jamestown Road and designated as Parcel No. 4640100018 on the James City County Real Estate Tax Map. On June 24, 2008, the Board approved the sale of 6.5 acres of the Yacht Basin property to the Jamestown-Yorktown Foundation ("JYF"). JYF plans to use the 6.5 acres for expansion of its existing facilities. The remainder of the Yacht Basin property will be held by the County.

The JCSA requires a 6,800-square-foot easement as shown on the attached map, in order to provide water and sewer service to both JYF's planned expansion and the any development of the remaining Yacht Basin property. In consideration of the JCSA extending water and sewer to the property at the request of the County, no cost will be assessed to the JCSA for the easement.

The conveyance of a water/sewer easement to the JCSA is in the best interest of James City County and JYF. After the required public hearing, I recommend that the Board adopt the attached resolution authorizing the County Administrator to convey a 6,800-square-foot water/sewer easement to the JCSA from the Yacht Basin property.


Leo P. Rogers

LPR/nb
JCSAWtrSwr_mem

Attachments

RESOLUTION

CONVEYANCE OF A WATER/SEWER EASEMENT TO THE

JAMES CITY SERVICE AUTHORITY (JCSA)

WHEREAS, James City County owns certain real estate property at the Jamestown Yacht Basin commonly known as 2070 Jamestown Road and designated as Parcel No. 4640100018 on the James City County Real Estate Tax Map; and

WHEREAS, the Jamestown-Yorktown Foundation ("JYF") will purchase 6.5 acres of the Yacht Basin property in order to expand its existing facilities and to further provide for its educational, historical, and museum purposes; and

WHEREAS, the JCSA requires a water/sewer easement in order to provide service to JYF's planned expansion and the County's development of the remaining Yacht Basin Property; and

WHEREAS, after holding a public hearing the Board of Supervisors is of the opinion that it is in the public interest to convey a 6,800-square-foot water/sewer easement to the JCSA.

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute all documents necessary to convey a 6,800-square-foot water/sewer easement to the JCSA from the Jamestown Yacht Basin property.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of July, 2008.

JCSAWtrSwr_res

M E M O R A N D U M

DATE: July 22, 2008

TO: The Board of Supervisors

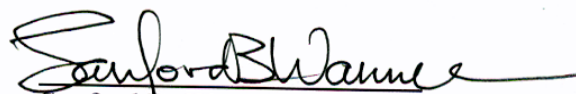
FROM: Sanford B. Wanner, County Administrator

SUBJECT: Support for the Sentara Williamsburg Regional Medical Center Certificate of Public Need (COPN)

The Board of Supervisors has expressed its desire to maintain competition for healthcare providers in the Williamsburg Area. It has endorsed Certificates of Public Need (COPN) in the past for expansion of medical facilities on May 10, 2005, July 11, 2006, and May 27, 2008, based on the desire for superior quality and choice in healthcare for James City County citizens.

Sentara Williamsburg Regional Medical Center, formerly Sentara Williamsburg Community Hospital and Williamsburg Community Hospital, has served as a healthcare provider for Greater Williamsburg area residents, including James City County, for over 40 years. The Sentara Williamsburg Regional Medical Center filed a Certificate of Public Need (COPN) on June 30, 2008, in order to provide additional beds to its facility.

At its meeting on July 8, 2008, the Board of Supervisors requested to defer this item to allow for more time to discuss the application. Staff recommends approval of the attached resolution endorsing the COPN application submitted in order to maintain a high level of competition in healthcare for the County and its citizens.


Sanford B. Wanner

SBW/nb
COPNSentara_mem

Attachment

RESOLUTION

SUPPORT FOR THE SENTARA WILLIAMSBURG REGIONAL MEDICAL CENTER

CERTIFICATE OF PUBLIC NEED (COPN)

- WHEREAS, Sentara Williamsburg Regional Medical Center is reapplying for a Certificate of Public Need (COPN) to add beds; and
- WHEREAS, Sentara Williamsburg Regional Medical Center, formerly Sentara Williamsburg Community Hospital and Williamsburg Community Hospital, has cared for Greater Williamsburg area residents, including James City County, for over 40 years; and
- WHEREAS, Sentara Williamsburg Regional Medical Center has always been the major hospital provider to James City County residents, caring for over 5,000 Greater Williamsburg residents who were admitted to the hospital in 2007; and
- WHEREAS, Sentara Williamsburg Regional Medical Center has continuously improved care by attracting new physicians to the area, providing needed services, such as outpatient diagnostic and surgical care, inpatient rehabilitation, emergency care, and other services, and demonstrably improving quality; and
- WHEREAS, Sentara services in James City County include physician offices and urgent care services in the New Town development; and
- WHEREAS, Sentara Williamsburg Regional Medical Center is involved in and supports local services and charities such as United Way of Greater Williamsburg, Olde Towne Medical Center, Williamsburg Community Health Foundation, and others; and
- WHEREAS, current growth and future projected growth in James City County are in the western part of the County, adjacent to the site of Sentara Williamsburg Regional Medical Center; and
- WHEREAS, Sentara Williamsburg Regional Medical Center provides accessible, available, and affordable care, without regard to ability to pay, to citizens of James City County.
- NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby supports the continued growth of Sentara Williamsburg Regional Medical Center and its COPN application for additional beds, was submitted on June 30, 2008.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of
July, 2008.

COPNSentara_res

MEMORANDUM

DATE: July 22, 2008

TO: The Board of Supervisors

FROM: Tamara A. M. Rosario, Acting Principal Planner

SUBJECT: 2008 Comprehensive Plan Review Steering Committee Appointment

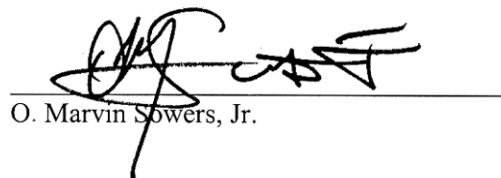
On April 4, 2007 and April 24, 2007, respectively, the Planning Commission and Board of Supervisors unanimously endorsed the 2008 Comprehensive Plan review methodology and timeline. As stated in the methodology, the Comprehensive Plan review process is divided roughly into two phases: public input/information gathering and policy development. The public input phase is led by the Community Participation Team (CPT), a 10-member team comprised of three Planning Commission members and seven citizens at large. The Board appointed this group in November 2007. Since then, the CPT and its proxies have been working diligently to organize public outreach efforts and create varied opportunities for citizen input. The CPT's work will be coming to a close in September with the completion of the second round of Community Conversations, and the process will be shifting to the policy development phase.

The bulk of the policy development phase of the update process is associated with the work of the Steering Committee (SC), a six-member group composed of the four Planning Commissioners not on the CPT, a citizen representative from the CPT, and a member of the Board of Supervisors. The Planning Commission members will be Jack Fraley, George Billups, Chris Henderson, and Joe Poole. The CPT member will be Vaughn Poller, who was elected by the CPT to be its representative.

Staff requests the Board of Supervisors appoint a member from the Board to serve as its liaison to the SC. The SC will begin meeting in mid-September.


Tammy Mayer Rosario

CONCUR:


O. Marvin Sowers, Jr.

TMR/gb
ComPlanSCAppt08_mem

Attachment:

1. 2008 Comprehensive Plan Methodology

2008 Comprehensive Plan Methodology

Introduction

Section 15.2-2230 of the Code of Virginia states, “[a]t least once every five years the comprehensive plan shall be reviewed by the local planning commission to determine whether it is advisable to amend the plan.” Accordingly, the Planning Commission will soon be undertaking this task to update the 2003 Plan. Additionally, as recommended by the Regional Issues Committee (RIC) and endorsed by the Planning Commissions of York County, the City of Williamsburg, and James City County, the three jurisdictions will sponsor a series of discussion forums throughout 2007. The forums will allow the Planning Commissions to exchange ideas and to hear from the public. They are also intended to identify any areas which require coordination and, potentially, joint decision making among the localities. After completion of the 2008 James City County Comprehensive Plan review all three jurisdictions will undertake a simultaneous comprehensive plan review process in 2010.

Groundwork

Much of the groundwork has already been laid for the upcoming Comprehensive Plan review. The previous Comprehensive Plans of 1991, 1997 and 2003 have enjoyed much success and provided important building blocks for the future. The following highlights provide a basic understanding of the processes used in the past:

- ☐ A timeline, extending less than two years and completed largely in-house by County staff.
- ☐ A heavy community participation effort led by a ten-member citizen Community Participation Team (CPT) comprised of three Planning Commission members and seven citizens at-large, and staff; multiple rounds of community meetings; a citizen survey; and Internet, newspaper, FYI Newsletter, television, and call-in input opportunities.
- ☐ Policy development, goals and actions approval, land use decisions, and drafts of plan considered first by a six-member Steering Committee (four Planning Commission members, a Board of Supervisors liaison, and an elected member of the CPT) and acted upon by the Planning Commission and Board of Supervisors.

Components

The Comprehensive Plan review process can be broken down into several components. Staff proposes that the 2008 Comprehensive Plan review process combine the most successful elements from past Comprehensive Plan methodologies with several new initiatives which are highlighted below.

Community Participation

Through its community participation efforts in the 1991, 1997 and 2003 Comprehensive Plan reviews, James City County was able to garner a significant amount of public support for the Comprehensive Plan. Consequently, the community as a whole places great value on the

document and built expectations about its role in the plan's development. For these reasons, staff proposes using many of the same elements of community participation for the 2008 review.

Community Participation Team

With guidance from the Board of Supervisors, the Planning Commission will appoint various leaders in the community to serve on this team which is comprised of three Planning Commission members and seven citizens. In their primary role as the Comprehensive Plan review "cheerleaders," working to mobilize residents and local business owners alike to become involved in the process, the members will encourage, publicize, facilitate, and report citizen participation.

Direct Public Input Opportunities

Public input is envisioned to remain the guiding force of the Comprehensive Plan. To this end, there will continue to be a wide range of opportunities for public input. The main input opportunities will be:

1. Facilitated Public Meetings, "Community Conversations"

Community Conversations will be utilized once again to receive specific feedback from the public. Location of meetings will vary throughout James City County with various start times to make participation easier and more convenient. In the past, a typical format included a staff presentation to start the meeting, followed by citizens breaking into small groups to answer questions and brainstorm on topics. Citizen volunteers were trained to serve as facilitators of the small groups. All input was then documented and made available at public locations. Additional meeting formats may be employed as well.

2. Stronger Internet Presence

A focus on Internet presence was one of the innovations during the last Comprehensive Plan review and staff is proposing to expand its use during this review. In addition to posting information and advertising the meetings, the Internet site will solicit public comment directly, poll citizens on particular topics, and may take applications for land use map changes.

3. Other Opportunities

A myriad of other opportunities for public data and input collection were utilized in the previous reviews and will undoubtedly be used during this review. They include newspaper mail-ins, calls to the office, letters to the office, a video call-in program, and public hearings, among others.

Communications

Planning, Neighborhood Connections, and Communications staff will establish an internal team to manage all aspects of communicating the Comprehensive Plan, from publicizing the process to making final documents available. Staff has already outlined a communications plan to include use of the FYI Newsletter, Neighborhood Connections monthly mailings, press releases, and the video center. Other avenues of publicity will be flyers, articles, editorials, direct mailings, and email subscription lists. Documents will be placed in centralized locations, such as the Planning office, the libraries, and the

County website. A carryover from the last review will be publication of the land use applications in the paper and/or on the Internet.

Staffing Innovations

Planning staff is responsible for ensuring that the methodology adopted by the Planning Commission is adhered to throughout the process. An innovation staff proposes this year allows staff in other County departments to volunteer to be involved in the process. We believe this new involvement will substantially improve the quality of our product by enabling designated staff members to maintain focus on particular issues throughout the process. Volunteers will benefit from this methodology, in that this represents a significant cross-training opportunity. It provides direct hands-on experience in developing the Comprehensive Plan and helps staff volunteers to build a new skill set that may be utilized in their current positions once the update effort has been completed.

Staff will ask the County Administration to identify 10 employee volunteers who will work on the Comprehensive Plan a maximum of not more than eight hours each week for the duration of the Comprehensive Plan update process. Planning staff will initially identify each volunteer "advocate" on a designated topic area which is considered to be a vital item to address during the update. Advocates will gather information on their assigned topics, attend most meetings related to the Comprehensive Plan, and report back as needed. An advocate will be assigned a strategic planning goal (e.g. affordable housing) and will be responsible for learning about how affordable housing is addressed in other jurisdictions, talking to local citizens and organizations involved in or seeking affordable housing opportunities, and working with others who generate provisions which might lead to creation of more affordable housing policy in the Comprehensive Plan.

Benefits of this proposal include increased interaction, coordination with other departments, and a better final product that all James City County staff can stand behind. It also allows for the opportunity for cross-training, and will provide skills that will readily translate to other projects.

Policy and Plan Development

Working hand in hand with the community participation component of the process is the development of policies and the creation of the actual plan. Each section of the Comprehensive Plan (e.g., Economic Development, Parks and Recreation, Land Use) has traditionally undergone a similar review process whereby staff gathers statistics, prepares a background report assessing current conditions and citizen comments, researches policy initiatives, recommends goals and objectives, processes land use changes, and revises the section's current language. The information is presented first to the Steering Committee, then to the Planning Commission, and finally to the Board of Supervisors for final approval. These steps are described in more detail below.

Steering Committee

The Steering Committee is composed of six members: a liaison from the Community Participation Team, four Planning Commissioners, and a Board member. Staff prepares

technical reports; a compilation of public comments; and goals, strategies, and actions for each topical area for the Steering Committee's consideration. The Steering Committee typically meets for an intensive period of time to revise each section of the plan. An opportunity for additional public input may exist during this period.

Gathering of Statistical Information

Staff is already in the process of gathering statistical information which will be compiled into a number of technical reports on demographics, economics, and housing. This statistical information is used in conjunction with the background reports to lend a more thorough understanding of the topic. Additionally, as recommended by RIC and envisioned by the Board of Supervisors and the Planning Commission, this year staff will begin coordinating the kinds and presentations of data it collects with the staffs of York County and Williamsburg with a goal of making all information directly compatible for the 2010 collective update.

Preparation of Background Reports

Background reports are prepared on each section to inform the Steering Committee of any history, current conditions, and public comment for that section. Trends are analyzed and comparisons are made to other jurisdictions in the region. In many instances, companion documents and technical analyses such as a Level of Service study, are included in the background reports.

Research and Development of Policy Recommendations

After examining statistical information and background reports, the Steering Committee holds policy discussions for certain sections. Staff researches and presents material, including any new initiatives, for these discussions, and makes only needed recommendations to the Committee.

Recommendation of Goals, Strategies and Actions

Staff develops a series of goals, strategies, and actions for each section based upon the public input and policy direction for the section. The Steering Committee reviews and approves these goals, strategies, and actions before they are incorporated into the plan text.

Land Use Application Process

An important part of the development of the land use section is the revision of the land use map. Although staff reviews the land use map and initiates some changes, the majority of requests come from landowners seeking to redesignate their properties. Landowners are requested to complete an application early in the process. These requests are then advertised, public comment is solicited, staff reviews the application, and recommendations are passed onto the Steering Committee. The Steering Committee evaluates each request, and passes the recommendations onto the Planning Commission and Board of Supervisors for final approval.

Revision of Plan Document Sections

The actual text of the Comprehensive Plan document is revised for each section. The text includes a brief history, important statistics and/or maps, pertinent policy

discussion, a summary of citizen input, and the goals, objectives, and strategies and actions. The land use map and other miscellaneous maps are physically revised as well. The draft plan document is approved first by the Steering Committee, and then presented in a public hearing to the Planning Commission and Board of Supervisors for final approval.

Publication of the Document

Once the Board has approved the draft document, the work effort then shifts to publishing the document. This involves collecting photographs, using publishing software, polishing the land use map, making final edits, and bidding the job to a printer. With the last revision, the document was also posted to the Internet and available on CD. Through these methods, far fewer "paper copies" are produced, making them cost-efficient and environmentally-friendly options.