

**A G E N D A**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**June 12, 2018**  
**5:00 PM**

---

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. Pledge Leader - Eagle Scouts

**E. PUBLIC COMMENT**

**F. PRESENTATIONS**

1. Eagle Scout Recognition

**G. CONSENT CALENDAR**

1. Minutes Adoption
2. Zero Tolerance for Litter Resolution and Policy Guidelines

**H. PUBLIC HEARING(S)**

1. Amendment to County Code Section 3-20, Dogs Running at Large
2. HW-0001-2018. Busch Gardens Ireland Expansion
3. ZO-0003-2017 and SO-0001-2017. Zoning Ordinance and Subdivision Ordinance Amendments for Streetscapes
4. ZO-0004-2018 and SO-0004-2018. Zoning Ordinance and Subdivision Ordinance Amendments to Delete References to Fees which are Set Forth in the County Code Appendix A – Fee Schedule for Development Related Permits. An ordinance to amend and reordain JCC Code, Chapter 4, Building Regulations; An ordinance to amend and reordain JCC Code, Chapter 8, Erosion and Sediment Control.
5. Building E Lease Termination

**I. BOARD CONSIDERATION(S)**

**J. BOARD REQUESTS AND DIRECTIVES**

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

1. County Administrator's Report

**L. CLOSED SESSION**

1. Appointments - Historical Commission
2. Appointments - Stormwater Program Advisory Committee
3. Appointments - Williamsburg Area Arts Commission

4. Appointments - Economic Development Authority
5. Appointment - Colonial Group Home Commission
6. Appointments - Colonial Behavioral Health Board
7. Appointment - Peninsula Alcohol Safety Action Program
8. Appointments - Williamsburg Regional Library Board of Directors

**M. ADJOURNMENT**

1. Adjourn until 4 p.m. on June 26, 2018 for the Work Session

**ITEM SUMMARY**

DATE: 6/12/2018  
TO: The Board of Supervisors  
FROM: Teresa J. Fellows, Deputy Clerk  
SUBJECT: Pledge Leader - Eagle Scouts

---

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/31/2018 - 8:43 AM

**ITEM SUMMARY**

DATE: 6/12/2018  
TO: The Board of Supervisors  
FROM: Teresa J. Fellows, Deputy Clerk  
SUBJECT: Eagle Scout Recognition

---

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/31/2018 - 8:42 AM

**ITEM SUMMARY**

DATE: 6/12/2018  
TO: The Board of Supervisors  
FROM: Teresa J. Fellows, Deputy Clerk  
SUBJECT: Minutes Adoption

---

- Regular Meeting, May 8, 2018
- Special Work Session, May 15, 2018
- Joint Work Session with Planning Commission, May 22, 2018

**ATTACHMENTS:**

	Description	Type
☐	050818 Minutes	Minutes
☐	051518 Minutes	Minutes
☐	052218 Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/31/2018 - 9:18 AM

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**May 8, 2018**  
**5:00 PM**

---

**A. CALL TO ORDER**

**B. ROLL CALL**

Michael J. Hipple, Powhatan District  
P. Sue Sadler, Stonehouse District  
James O. Icenhour, Jr., Vice Chairman, Jamestown District  
John J. McGlennon, Roberts District  
Ruth M. Larson, Chairman, Berkeley District

William C. Porter, Interim County Administrator  
Adam R. Kinsman, County Attorney

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. Pledge Leader - Fenix Aguilar, a 6th-grade student at Berkeley Middle School, and a resident of the Berkeley District

**E. PUBLIC COMMENT**

1. Mr. Jay Everson, 103 Branscome Boulevard, addressed four points with the Board: 1) the issue of tax equalization between cities and counties and the tax authorization in relation to responsibility of the roads, 2) state funding regarding the Car Tax and its repeal, 3) Purchase of Development Rights (PDR) and the transference of property to large landowners and 4) page A-11 of the budget and the power of fiscal responsibility in regards to the Strategic Plan. Ms. Larson noted that tax bills for the County are due June 5 and December 5 as a point of clarification.
2. Ms. Linda Rice, 2394 Forge Road, spoke to the Board regarding funding and PDRs. She addressed several points which all focused on money. She noted the PDR program was a voluntary program. She referenced several options to garner revenue for reinstatement of the PDR program. She also cited the beauty of Forge Road and

options to assist those local landowners. She noted streamlining the PDR process.

3. Ms. Peg Boarman, 17 Settlers Lane, noted the Spring Clean-Up was a big success. She stated the volunteers cleaned the roads, but in a short time, the trash was back. She noted there are laws regarding trash, but community involvement from everyone was needed. She further noted she would address the Board at a later date on some suggestions/recommendations to address the continual trash issues. She also expressed kudos to students at Norge Elementary School for an outstanding Earth Day presentation and the invitation to attend. She listed some upcoming County events.
4. Mr. Scott Parkinson, 9045 Marmont Lane, addressed the Board regarding fertilizer. He noted he was a Board member of the Ware Creek Homeowners Association (HOA) and referenced property at 8780 Croaker Road regarding a possible chicken coop on that property. He cited the HOA concerns for the proposed coop citing the environmental impact, the Resource Protection Area, infrastructure concerns with traffic and property values. He posed several questions regarding the zoning, commercial business establishment and impact on adjoining neighborhoods. Ms. Larson noted that a staff representative would likely come over to address Mr. Parkinson's questions after his comments.
5. Ms. Barbara Henry, 141 Devon Road, spoke to the Board on its decision regarding the 1% sales tax increase and not returning it to the County's citizens. She cited two recent tax increases, but noted County spending has not alleviated taxpayer burden. She noted the PDR program and cited "government overreach". She further noted "she did not want her tax dollars spent in that fashion; government has no place in this". She requested the recording and posting of the Board members' voting records for future reference at voting time.
6. Mr. Joseph Swanenburg, 3026 The Point Drive, addressed the Board and asked if 5 p.m. could be the standard starting time across the County for Board meetings. He noted that government will do what government will do. He cited concerns regarding funding, taxes and returning money to County citizens. He commented on the PDR program. He stressed leadership and developing new and creative ways to manage the County's growth.
7. Mr. Stephen Clement, 2477 Forge Road, noted he was a recipient of a PDR. He stressed the need to maintain the rural character of land. He encouraged the Board to readdress the PDR program promptly and identify

the right types of property to consider.

## **F. PRESENTATIONS**

1. Presentation of Safe Boating Week Proclamation

Ms. Larson made the presentation to members of the U.S. Coast Guard proclaiming May 19-25, 2018, as Safe Boating Week. She thanked the representatives for their safety classes and hard work to ensure safe boating.

## **G. CONSENT CALENDAR**

A motion to Approve was made by James Icenhour Jr, the motion result was Other.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Icenhour noted he had a comment on Item No. 3 on the Consent Calendar. He gave an update on regional cooperation on the veterans housing vouchers.

1. Minutes Adoption
2. Dedication of the Streets in Phase 2 of the Marywood Subdivision
3. Veterans Affairs Supportive Housing Vouchers

## **H. PUBLIC HEARING(S)**

1. SUP-0002-2018. 234 Peach Street Tourist Home

A motion to Approve was made by James Icenhour Jr, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Ms. Larson welcomed Mr. Frank Polster, Planning Commission representative, to the meeting. She also welcomed Ms. Roberta Sulouff, Senior Planner, to the meeting.

Ms. Sulouff gave staff's evaluation regarding 234 Peach Street, highlighting any necessary limitations, and noted staff's approval for the application.

Ms. Sadler asked Ms. Sulouff if additional letters had been received on this application.

Ms. Sulouff noted none other than the support letters received from the applicants' surrounding neighbors.

Mr. Polster noted there had been no comments or discussion on this application at the Planning Commission Public Hearing. He further noted the Planning Commission voted 7-0 to recommend approval to the Board.



Ms. Larson opened the Public Hearing.

As there were no registered speakers, Ms. Larson closed the Public Hearing.

2. Proposed Fiscal Year 2019-2024 Secondary Six-Year Plan

A motion to Approve was made by John McGlennon, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Ms. Larson welcomed Ms. Tammy Rosario, Principal Planner, to address the Board.

Ms. Rosario noted the Virginia Department of Transportation and the James City County Board of Supervisors work together to develop a list of project priorities for the Secondary Six-Year Plan. She gave an update on proposed allocations and listed the priorities as Phase I widening of the Longhill Road, Croaker Road widening, Phases II and III Longhill Road widening. She noted staff recommended Board adoption of the resolution in the Agenda Packet which endorses the secondary road list as presented.

Ms. Larson opened the Public Hearing.

As there were no registered speakers, Ms. Larson closed the Public Hearing.

**I. BOARD CONSIDERATION(S)**

1. FY 2019-2020 Budget Adoption & Resolution of Appropriation

A motion to Approve was made by John McGlennon, the motion result was Passed.

AYES: 4 NAYS: 1 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Nays: Sadler

A motion to Return to the County Administrator's budget and reduce the real estate tax by one cent was made by Sue Sadler, the motion result was Denied.

AYES: 1 NAYS: 4 ABSTAIN: 0 ABSENT: 0

Ayes: Sadler Nays: McGlennon, Icenhour, Hipple, Larson

Ms. Sue Mellen, Director, Financial and Management Services, addressed the Board, referencing recommendation materials in the Agenda Packet. She noted changes to specific funds based on Senate Bill 942 (SB 942). She noted Ms. Sharon Day, Assistant Director, Financial and Management Services, was in attendance also.

Ms. Larson thanked Ms. Mellen, Ms. Day and staff for all the hard work. She also thanked Mr. Porter and staff.

The Board had no questions for Ms. Mellen, but commented on several items.

Ms. Sadler thanked staff for their hard work and motioned to amend the proposed budget by reducing the machinery and tools tax by 25%.

Mr. McGlennon questioned Ms. Sadler about the relation between the machinery and tool tax and the sales tax.

Ms. Sadler noted she wanted any surplus to return to the community. She further noted this was an opportunity to give back to the community.

Mr. Icenhour asked if Ms. Sadler wanted to discuss each point of change or review them collectively.

Ms. Sadler stated she would prefer discussion on individual amendments.

Mr. Hipple and Mr. McGlennon asked about the funding and where cuts in the budget would be made.

Ms. Sadler noted the office space study was a starting point in addressing the budget cuts.

Mr. Hipple noted budget cuts are fine, but a definite plan for where and how must be in place.

Discussion ensued on this matter.

Ms. Sadler withdrew her amendment motion on the machinery and tool tax amendment. She stressed the return of money back to citizens. She made a motion to return to the County Administrator's budget and reduce the real estate tax by one cent.

Ms. Larson asked for direction from the Board moving forward.

Mr. Kinsman noted Ms. Sadler's second motion was still on the floor.

Mr. Icenhour noted the dilemma of returning the money back to where it originated.

Mr. McGlennon addressed the need to save the money for future projects and emphasized caution in use of those funds.

Discussion ensued on this matter.

Mr. McGlennon made a motion to Approve the resolution noting the unique nature of this year's budget and referenced the Dillon Rule, which restricts the power of state localities. He further noted the localities want the ability to raise their revenues and how, but not to have the revenues raised for the localities with expectations on its use. He stressed the strengths of the budget, but noted careful prioritization for future projects.

Mr. Icenhour thanked staff and Mr. Porter for their work. He noted the final product satisfied him.

Ms. Larson thanked staff and all department heads in their work addressing the efficient and conservative budget, but requested a follow-up on the machine tool tax information from the Work Session. She referenced the monitoring of revenue in relation to SB 942. She noted that funding be evaluated in the next budget cycle.

2. An Ordinance to amend and reordain The Code of James City County by adding Appendix A - Fee Schedule for Development Related Permits and by adding a five percent fee to defray the costs incurred by the County for additional resources and technology to administrate each program

A motion to Approve was made by John McGlennon, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Paul Holt, Director, Community Development, addressed the Board citing the Five Percent Fee Ordinance as included in the Agenda Packet.

3. Contract Award - Firefighting Turnout Gear - \$191,853

A motion to Approve was made by Michael Hipple, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Ms. Larson thanked Fire Chief Ryan Ashe, staff and the Police Department for all their hard work.

Chief Ashe addressed the Board regarding the resolution for additional gear for firefighters. He noted the additional number of this year's turnout gear request warranted Board approval on the contract.

4. Contract Award-Administration of Group Medical, Stop Loss and Prescription Drug Coverage

A motion to Approve was made by John McGlennon, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Patrick Teague, Director, Human Resources, addressed the Board regarding the Contract Award for group medical coverage with Cigna.

5. Contract Award - Asphalt Pavement Repairs, Sealcoating, and Line Striping at Various County Facilities - \$133,312.64

A motion to Approve was made by Michael Hipple, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Rick Koehl, Capital Projects Coordinator, addressed the Board regarding the nine sites throughout the County for asphalt repairs as stated in the Agenda Packet. He noted staff recommended approval of the Resolution.

Ms. Larson noted that many of these areas were in need of these repairs.

At approximately 6:22 p.m., Ms. Larson closed the Board of Supervisors meeting for the James City Service Authority Board of Directors meeting.

At approximately 6:26 p.m., Ms. Larson re-opened the Board of Supervisors meeting.

## **J. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon clarified floor comments regarding the Car Tax and its impact on localities from state legislative action. He echoed the strong endorsement for staff's hard work regarding the budget as well as staff response from public safety departments. He mentioned his upcoming Town Hall meeting with Senator Monty Mason and Delegate Mike Mullin and General Assembly legislation. He extended an invitation to the public to attend and noted he would be there to address questions or issues relating to the County.

Mr. Icenhour noted he attended a ribbon-cutting Habitat for Humanity ceremony, highlighting six ribbons were cut. He noted the new business ribbon-cutting of Sola Salon he attended in New Town. He spoke of his radio interview on WMBG, which focused on the budget and County Administrator search. He added he had attended the Teacher of the Year Award Ceremony with several other Board members at the College of William & Mary School of Education.

Ms. Sadler noted her attendance at the Community Action Agency Board of Directors meeting. She further noted the upcoming Economic Development Authority meeting. She addressed the upcoming Kingsmill activity with the Ladies Professional Golf Association (LPGA) in town.

Mr. Hipple noted the Purchase of Development Rights Committee. He stated he was on the Committee when it was put on hold, but with renewed interest and support as shown in the evening's meeting, it warranted monitoring it moving forward. He noted comments from the floor referencing higher taxes and clarification on that point. He acknowledged the need for the fire gear request and a balanced budget, which he emphasized demonstrated the best use of County funds.

Ms. Larson noted her attendance at a chiropractor ribbon-cutting event at 4511 John Tyler Highway. She noted it was in the shopping center with the former Farm Fresh location and commented on the new businesses coming into that area. She said she and Mr. Hipple attended a tourism capital meeting with surrounding localities. She noted a repeal decision from the City of Williamsburg could necessitate a budget amendment for the County. She stated it was a public meeting addressing tourism and measuring it.

Mr. Hipple noted the breakdown of spending allowed for accountability that citizens could view.

Mr. McGlennon asked about the transition from Williamsburg Area Destination Marketing Committee (WADMC) to this new tourism committee.

Discussion ensued on this matter.

## **K. REPORTS OF THE COUNTY ADMINISTRATOR**

### **1. Monthly Report**

Mr. Porter noted the Kingsmill Championship is returning next week with a junior LPGA event. He listed other upcoming events throughout the County. He noted an Agenda change for the Board to adjourn until 12 p.m., May 15, 2018, for a Closed Session for discussion of individual County Administrator applications.

## **L. CLOSED SESSION**

A motion to Enter a Close Session was made by James Icenhour Jr, the motion result was Other.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

1. Discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3) of the Code of Virginia
2. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia and pertaining to the Economic Development Authority

At approximately 6:45 p.m., the Board entered a Closed Session.

At approximately 7:25 p.m., the Board ended the Closed Session.

1. Certification of a Closed Session

A motion to Certify the Closed Session was made by John McGlennon, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Icenhour Jr, Hipple, Larson, Sadler

#### **M. ADJOURNMENT**

A motion to Adjourn was made by John McGlennon, the motion result was Other.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

At approximately 7:26 p.m., Ms. Larson adjourned the Board.

1. Adjourn until 4 p.m. on May 22, 2018 for the Work Session

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**WORK SESSION**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**May 15, 2018**  
**12:00 PM**

---

**A. CALL TO ORDER**

**B. ROLL CALL**

Michael J. Hipple, Powhatan District  
P. Sue Sadler, Stonehouse District  
James O. Icenhour, Jr., Vice Chairman, Jamestown District  
John J. McGlennon, Roberts District  
Ruth M. Larson, Chairman, Berkeley District

William C. Porter, Interim County Administrator  
Adam R. Kinsman, County Attorney

**C. BOARD DISCUSSIONS**

**D. CLOSED SESSION**

A motion to Enter a Closed Session was made by Michael Hipple and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, McGlennon, Sadler, Icenhour Jr, Larson

At 12:01 p.m., the Board entered Closed Session.

1. Discussion concerning the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in expanding its facilities in the community, pursuant to Section 2.2-3711(A)(5) of the Code of Virginia
2. Discussion and/or consideration of prospective candidates for the position of County Administrator pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

At 1:38 p.m., the Board reentered Open Session.

3. Certification

A motion to Certify the Closed Session was made by John McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, McGlennon, Sadler, Icenhour Jr, Larson

**E. ADJOURNMENT**

1. Adjourn until 4 p.m. on May 22, 2018 for the Work Session

A motion to Adjourn was made by Ruth Larson and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, McGlennon, Sadler, Icenhour Jr, Larson

At 1:39 p.m., Ms. Larson adjourned the Board.

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**WORK SESSION**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**May 22, 2018**  
**4:00 PM**

---

**A. CALL TO ORDER**

**B. ROLL CALL**

*Board of Supervisors*

Michael J. Hipple, Powhatan District  
P. Sue Sadler, Stonehouse District  
James O. Icenhour, Jr., Vice Chairman, Jamestown District  
John J. McGlennon, Roberts District  
Ruth M. Larson, Chairman, Berkeley District

William C. Porter, Interim County Administrator

*Planning Commission*

Paul D. Holt, III, Director, Community Development and Planning  
Julia Leverenz, Planning Commission Member, At-Large  
Frank Polster, Planning Commission Member, Jamestown District  
Jack Halderman, Planning Commission Member, Berkeley District  
Danny Schmidt, Planning Commission Vice Chair, Roberts District  
Tim O'Connor, Planning Commission Member, At-Large  
Richard Krapf, Planning Commission Member, Powhatan District  
Heath Richardson, Planning Commission Chair, Stonehouse District

Ms. Larson opened the Board of Supervisors meeting and noted the Planning Commission was in attendance.

Upon completion of the Board of Supervisors Roll Call, Mr. Heath Richardson, Planning Commission Chair, opened the Planning Commission meeting with Roll Call.

**C. BOARD DISCUSSIONS**

1. Joint Board of Supervisors and Planning Commission Work Session

Ms. Larson introduced Ms. Ellen Cook, Principal Planner, to discuss the Fort Eustis Joint Land Use Study (JLUS).

Ms. Cook cited the 16-month JLUS, noting the collaborative efforts of Fort Eustis and its three surrounding localities of the City of Newport News, James City County and York County, as well as community input. She introduced Mr. Ray Greer, Project Manager with Stantec, a consulting firm.



Mr. Greer highlighted the JLUS and its collaborative approach through a PowerPoint presentation. He noted the direct impact to James City County and its role in the study. He highlighted the public involvement factor of the JLUS, Fort Eustis' impact on each locality and recommendations. He emphasized compatibility issues and long-term resolution to the groups involved in the JLUS. He cited the James City County recommendations and further noted this was the first JLUS for Fort Eustis. He noted recommendations included communication, education, policy and study with locality-specific implementation plans.

Mr. McGlennon noted he had served on the Policy Committee for the JLUS and complimented all the work that had gone into the project. He further noted these recommendations posed opportunities for future Comprehensive Plans regarding military overlay. He cited Skiffes Creek as a potential conservation easement.

Mr. Greer noted James City County's involvement at the various meetings and committees with staff and Board representation. He thanked the group for its support at every meeting.

Mr. Porter asked how the JLUS related to the Base Realignment and Closure (BRAC) program.

Mr. Greer said the BRAC committee had a checklist that included JLUS and local government. He noted it showed communication and coordination between the involved parties.

Mr. Porter also asked about opposition to off-shore drilling and the power line impact.

Mr. Greer noted the study showed it and there was no impact.

Discussion ensued.

Ms. Larson asked if there were additional questions from the Board.

With no additional questions, the Board thanked Mr. Greer for his presentation.

Ms. Larson addressed Mr. Holt regarding Item No. 2.

## 2. Potential Ordinance Amendments to Address Formerly Proffered Policies

### a. Transportation and Traffic Impact Analysis

Mr. Holt referenced the February 27, 2018, Board of Supervisors' Work Session and the request for Board input regarding Ordinance amendments that were formerly proffered as they moved into the next level of discussion. He noted the Policy Committee had options, as requested by the Board, and welcomed discussion on those items. He noted the first item was the Traffic Impact Analysis Submittal Requirement Policy. He cited the requirements and the history of that policy as approved by the Board. He noted the Agenda Packet contained the detailed information and further noted two options: 1) accept the draft as noted in the packet and the ensuing steps regarding the acceptance of the draft to finality; 2) should the Board require additional feedback or changes, the Board would contact the Policy Committee and revisions would ensue until approval.

Mr. Haldeman asked the Board if there were any questions.

Mr. McGlennon asked for clarification on several items.

Discussion ensued on this matter.

Ms. Tammy Rosario, Principal Planner, noted the Hampton Roads Transportation Planning Organization (HRTPO) conducts a study every four years with James City County's projected and existing land use data with updates provided to HRTPO and growth projections allocated to zones. She noted this information became incorporated in the Traffic Impact Analysis.

Mr. Holt noted the impact of the Comprehensive Plan and traffic planning. He commented that "proactive" planning of roads was in coordination with County land use and development.

Discussion ensued on this matter.

Mr. Icenhour noted that Option 1 with the caveat to increase the upper limit to every five years to review with both the Planning Commission and Policy Committee was acceptable.

Other Board members concurred with this course of action.

b. Archaeology Policy and Natural Resources Policy

Mr. Holt noted that Option No. 4 had been chosen at the February 27, 2018 Board meeting to add an Initial Species Inventory in respect to natural heritage as a submittal requirement for site plans and subdivisions. He detailed the changes to the Ordinance and noted the Agenda Packet contained full details. He further noted two options were before the Board: 1) accept the proposed Ordinance language, inclusive of the waiver and exemption criteria; 2) have the Board provide the Policy Committee with additional feedback or policy changes.

Mr. Haldeman recommended, on behalf of the Policy Committee, that Option No. 1 be adopted.

Mr. McGlennon asked about the exception regarding land previously disturbed and endangered species returning to said land.

Mr. Holt noted, as proposed, there was no exception in the Ordinance. He further noted an upper limit could be added to encompass changes within the past five years.

Discussion ensued on the matter.

Mr. Holt acknowledged the Board's consent to proceed with Option No. 1 with the caveat to include the five-year limit.

c. Zoning - Pedestrian and Bicycle Accommodations

Mr. Holt noted that language changes in pedestrian and bicycle Ordinances, as recommended by the Policy Committee, prompted a review by the Board. He noted two options: 1) accept the Ordinance with the language changes as noted in the Agenda Packet; 2) have the Board provide the Policy Committee with additional feedback or policy changes.

Mr. Haldeman noted the Policy Committee recommended Option No. 1.

Mr. Hipple noted the need to include bike paths and encouraged safety for cyclists.

Mr. Holt noted the endorsement of Option No. 1 as stated by the Board.

### 3. Pocahontas Trail Corridor Study

Ms. Rosario noted that over the past 10 months, the Planning Division, the Virginia Department of Transportation, and its consultant, RK&K, as well as the community, had met to reassess transportation needs, desired improvements and priorities for the Pocahontas Trail Corridor. She further noted final consideration of the Corridor Study was put on the June 6 and July 10 meeting agendas for the Board.

Mr. Jeff Kuttesch, RK&K, addressed the Board with an update on the Study Corridor. He noted the key element of community involvement. He presented a PowerPoint highlighting the Study and options with projected cost estimates. He noted the Corridor had been separated into six key areas with the cost breakdown and highest need per area.

Mr. McGlennon asked about cost impact on the underground utilities if the improvements are done as sections, as well as stormwater impact. He stressed the underground utilities and benefits from local utility cooperation on this project. He thanked committee members and the community for input.

Discussion ensued on this matter.

Mr. Hipple asked about involvement from Dominion Energy and have a representative involved in meetings. He highlighted the use of underground utilities when road improvements are made.

Discussion ensued on this matter.

Mr. Holt noted the importance of timing, particularly regarding the Smart Cycle 2018 Funding Application deadline as the program runs on a two-year cycle.

Mr. Hipple noted that transportation plans are based on six-year increments and how that affects the traffic needs for

the area.

The Board thanked Mr. Kuttesch for the presentation.

#### 4. Legislative Case Deferral Policy

Mr. Porter referenced the 2012 Legislative Deferred Case Policy that the Board had adopted. He noted the Planning Commission might want to develop a similar policy for deferment regarding land use.

Mr. Richardson noted that recommendation for a deferral policy was currently under discussion by the Policy Committee.

Mr. McGlennon referenced a past application for a gas station adjacent to a water supply and noted County Ordinances had no restrictions on buffering requirements. He requested preliminary exploration on adding such restrictions on County Ordinances, citing potential water supply contamination.

Discussion ensued on this matter.

Mr. Icenhour requested staff review the proposal for land bay number movement in Ford's Colony. He noted the community's concern about this issue. He cited some recent changes regarding the Master Plan. He further noted changes to the Master Plan and amendments to it. He asked for consensus regarding land movement and amendment to Master Plans reviewed by the Board and change the process similar to the zoning amendment process. He also requested discussion of Purchase of Development Rights be placed on the June work session agenda.

Mr. Richardson thanked the Board for its time and input.

Ms. Larson echoed the sentiment and staff's hard work.

Mr. Icenhour asked for a summary of planning projects for the Board.

Mr. Holt acknowledged he would send the summary with a district breakdown and site details to the Board members.

#### **D. CLOSED SESSION**

None.

#### **E. ADJOURNMENT**

A motion to Adjourn the Planning Commission was made by Jack Haldeman, the motion result was Passed.

At approximately 6 p.m., Mr. Richardson adjourned the Planning Commission meeting.

As there was no further business or discussion, Ms. Larson asked for adjournment of the Board of Supervisors meeting.

1. Adjourn until 5 p.m. on June 12, 2018 for the Regular Meeting

A motion to Adjourn was made by Michael Hipple and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

At approximately 6:02 p.m., Ms. Larson adjourned the Work Session.

**ITEM SUMMARY**

DATE: 6/12/2018

TO: The Board of Supervisors

FROM: Dawn Oleksy, Environmental Coordinator

SUBJECT: Zero Tolerance for Litter Resolution and Policy Guidelines

---

**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Guidelines	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
General Services	Boone, Grace	Approved	5/25/2018 - 4:29 PM
Publication Management	Daniel, Martha	Approved	5/25/2018 - 4:38 PM
Legal Review	Kinsman, Adam	Approved	5/29/2018 - 8:10 AM
Board Secretary	Fellows, Teresa	Approved	5/29/2018 - 8:49 AM
Board Secretary	Purse, Jason	Approved	6/5/2018 - 1:30 PM
Board Secretary	Fellows, Teresa	Approved	6/5/2018 - 2:42 PM

## MEMORANDUM

DATE: June 12, 2018  
TO: The Board of Supervisors  
FROM: Dawn Oleksy, Environmental Coordinator  
SUBJECT: Zero Tolerance for Litter

---

The James City Clean County Commission has worked hard for over 40 years to improve the aesthetic quality and environmental health of our shared community. Unfortunately, litter continues to accumulate throughout the County, which is a detriment to our economic and environmental health.

Through our recent affiliation with Keep America Beautiful, Keep James City County Beautiful presents new opportunities for citizen volunteers to collaborate with all County departments on new strategies to address the litter problem.

The attached Zero Tolerance for Litter resolution and the Policy Guideline directly support multiple goals and operational initiatives outlined in the 2035 Strategic Plan.

Staff recommends adoption of the attached Resolution and Policy Guideline.

DO/nb  
ZeroToLtr-mem

Attachments

**RESOLUTION**

**ZERO TOLERANCE FOR LITTER**

WHEREAS, litter leaves a blighted stain on our quality of life and is destructive to wildlife and the natural environment; and

WHEREAS, littering is a crime and attracts additional criminal behavior; and

WHEREAS, littering influences others to litter; and

WHEREAS, James City County continues to have a litter problem and spends tax dollars to pick up litter along our roadsides and in our public spaces; and

WHEREAS, littering creates a negative impression for tourists and visitors; and

WHEREAS, James City County will increase enforcement of this crime, raise awareness about the act of littering, reduce the overall amount of litter, and will not tolerate this crime through a policy of Zero Tolerance for Litter; and

WHEREAS, special attention will be given to vehicles hauling unsecured loads, acts of illegal dumping and motorist or pedestrians improperly tossing away items including cigarette butts. Other items of focus will be improperly containerized household garbage, commercial dumpsters and construction debris; and

WHEREAS, James City County is a leader in litter prevention and takes a proactive stance each day through litter education in the schools and partnering opportunities with neighborhoods and civic organizations as well as regional, state and national organizations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim a policy of Zero Tolerance For Litter and encourages all citizens to work together, stand firm against the act of littering, and to act responsibly throughout the year for a cleaner community to preserve the natural beauty, quality of life and health of our community.

\_\_\_\_\_  
Ruth M. Larson  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Fellows  
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of June, 2018.



**JAMES CITY COUNTY, VA**  
**ZERO TOLERANCE FOR LITTER**  
**POLICY GUIDELINES**

1. Decrease litter and related expenses by increasing enforcement through penalties and public service by offenders.
2. Establish a partnership with VDOT to clarify responsibilities and goals related to roadside litter, improve roadside appearance, maintain clean entrance and exit ramps, put out additional litter prevention signage, and prevent allocation of additional JCC budget expenditures related to littering.
3. Organize and implement a program for ‘Catch a Litterbug’ so that citizens may report roadside debris, dumping and other offensive littering actions.
4. Enforcement of the litter law and public education regarding requirements for covered loads to prevent truck debris will decrease roadside litter, improve public safety, minimize the attraction of additional litter and reduce crime.
5. Create stronger partnerships with law enforcement, VDOT, askHRgreen.org, Keep America Beautiful, and other national, state and local organizations to educate the community and prevent litter.
6. Partner with businesses on cigarette litter prevention to address problem areas near entrances, curbing, dumpsters and parking lots as well as bus stops and other transition sites.
7. Receptacles at construction sites for recycling and litter/cigarette disposal should be made available in addition to construction debris containers and dumpsters to minimize litter that accumulates as a result of contractors and transient workers.
8. Partner with churches, HOAs, school groups, and community organizations to establish community partnerships and partnerships through neighborhoods.
9. Educate building and construction contractors, developers, landscape companies, and property managers on the importance of litter prevention and James City County’s zero tolerance for litter. Enforce litter control measures through inspections upon site permitting and approvals.
10. Work with all citizens to “Team Up to Clean Up”, organize litter cleanups, and distribute bags and educational materials to groups and businesses.
11. Identify illegal littering and dump sites so that police enforcement can be increased in those problem areas through additional monitoring measures.
12. Partner with youth offenders to deter future criminal behavior, instill basic job skills, and offer education on the nuisance of litter and impact on the environment.

The U.S. Department of Education, National Center for Education Statistics, defined zero tolerance as “a policy that mandates predetermined consequences or punishments for specified offenses” (NCES, 1998).

**Penalties:**

- i. Section 10-7 of the County Code states that any person convicted of a violation of the Garbage and Refuse Ordinance shall be subject to a civil penalty. Continued violations could lead to \$3,000 in civil penalties in a 12-month period.
- ii. Section 33.1-346 of the Code of Virginia makes littering or dumping trash a Class 1 misdemeanor, punishable by up to 12 months in jail and/or a fine of up to \$2,500.
- iii. Section 10.1-1143 of the Forestry Code makes it unlawful to throw “any lighted smoking material” from a vehicle. This is a Class 2 misdemeanor violation, punishable by up to 6 months in jail and/or a fine of up to \$1,000.

**ITEM SUMMARY**

DATE: 6/12/2018

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Amendment to County Code Section 3-20, Dogs Running at Large

---

**ATTACHMENTS:**

	Description	Type
☐	Memo	Cover Memo
☐	Ordinance	Ordinance
☐	Map	Exhibit
☐	Ordinance (final)	Ordinance

**REVIEWERS:**

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	5/8/2018 - 3:21 PM
Publication Management	Burcham, Nan	Approved	5/8/2018 - 3:31 PM
Legal Review	Kinsman, Adam	Approved	5/24/2018 - 9:24 AM
Board Secretary	Fellows, Teresa	Approved	5/24/2018 - 2:48 PM
Board Secretary	Purse, Jason	Approved	6/5/2018 - 1:27 PM
Board Secretary	Fellows, Teresa	Approved	6/5/2018 - 2:38 PM

## MEMORANDUM

DATE: June 12, 2018

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Amendments to James City County Code 3-20(a)

---

### Background

At the April meeting of the Board of Supervisors, Ms. Sadler requested that I prepare an amendment to County Code Section 3-20(a) to restrict the ability to allow dogs to run at large on properties zoned A-1, General Agriculture, situated in the immediate vicinity of the Colonial Heritage neighborhood. A proposed amendment to accomplish this desire is attached to this memorandum.

Section 3.2-6538 of the *Code of Virginia*, 1950, as amended (the “Virginia Code”) gives the Board of Supervisors complete discretion to prohibit the running at large of dogs in all or any designated portion of the County during such months as the Board may designate. A dog that is “running at large” is defined by the Virginia Code as one that is “roaming, running, or self-hunting off the property of its owner or custodian and not under its owner’s or custodian’s immediate control.” The County Code grants an exception to this definition for dogs on a bona fide hunt during hunting season or certain dogs that are in training or are performing field trials.

### County Code Sections 3-20 and 3-21

Section 3-20(a) of the County Code prohibits dogs from running at large in any areas of the County except in those areas zoned A-1, General Agriculture. Even if the property is zoned A-1, General Agriculture, dogs may not run at large in platted subdivisions consisting of five or more lots, of which at least three have occupied dwellings or in manufactured home parks. Finally, County Code Section 3-21 states that no dogs may run at large on any property, regardless of its zoning designation, between April 15 and July 15.

### Proposed Amendment

Supervisor Sadler has indicated that she has received a number of complaints regarding dogs running at large in the vicinity of the Colonial Heritage neighborhood. James City County Animal Control Supervisor, Shirley Anderson, has confirmed that there were four such reports over the past year in that geographic area. The proposed amendment to Section 3-20(a) of the County Code prohibits dogs from running at large on any property zoned A-1, General Agriculture, and generally located north of Centerville Road, east of Jolly Pond Road, west of Liberty Crossing and Lightfoot Marketplace and south of Colonial Heritage. The restricted area is depicted on the attached map.

### Conclusion

If the Board of Supervisors desires to restrict dogs from running at large in the areas described above, I recommend that it adopt the attached Ordinance.

ARK/md  
AmendJCCC3-20(a)-mem

Attachment

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3 - ANIMAL LAWS, ARTICLE II - DOGS, DIVISION 1, IN GENERAL, SECTION 3-20, RUNNING AT LARGE PROHIBITED, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that the code of James City County, is hereby amended and reordained by amending Section 3-20(a), Running at large prohibited.

**Section 3-20. Running at large prohibited.**

- (a) Dogs shall not run at large in the county except in those areas zoned A-1, General Agricultural; provided, however, even within A-1 areas dogs shall not run at large in: *(1) platted subdivisions consisting of five or more lots, of which at least three lots have occupied dwellings or in manufactured home parks, or (2) in that geographic area generally bound to the north by the Colonial Heritage and Liberty Crossing neighborhoods, to the south by Centerville Road, to the west by Jolly Pond Road, and to the east by the Liberty Crossing neighborhood and the Lightfoot Marketplace shopping center located at 6401 Richmond Road, which area is more specifically designated on the map dated June 12, 2018 and titled "Restricted area in County Code 3-20(a)".*
- (b) For purposes of this section, "at large" shall mean roaming, running or self-hunting off the premises of the owner or custodian and not under the immediate control of the owner or his agent. However, a dog shall not be considered at large if during the hunting season it is on a bona fide hunt in the company of a licensed hunter or during field trials or training periods when accompanied by its owner.
- (c) Any dog observed or captured while unlawfully running at large shall be disposed of in accordance with sections 3-45 through 3-47.
- (d) For any dog identified as to ownership, if such dog is captured and confined by the animal control officer or other officer appointed under the provisions of this chapter, the owner shall be charged with the actual expenses incurred in keeping the animal impounded. Owners of dogs not impounded shall be issued a summons for violation of this provision. Each day thereafter that this section is not complied with shall be a separate offense.

BE IT FURTHER ORDAINED that this Ordinance shall be made effective on July 1, 2018.

\_\_\_\_\_  
 Ruth M. Larson  
 Chairman, Board of Supervisors

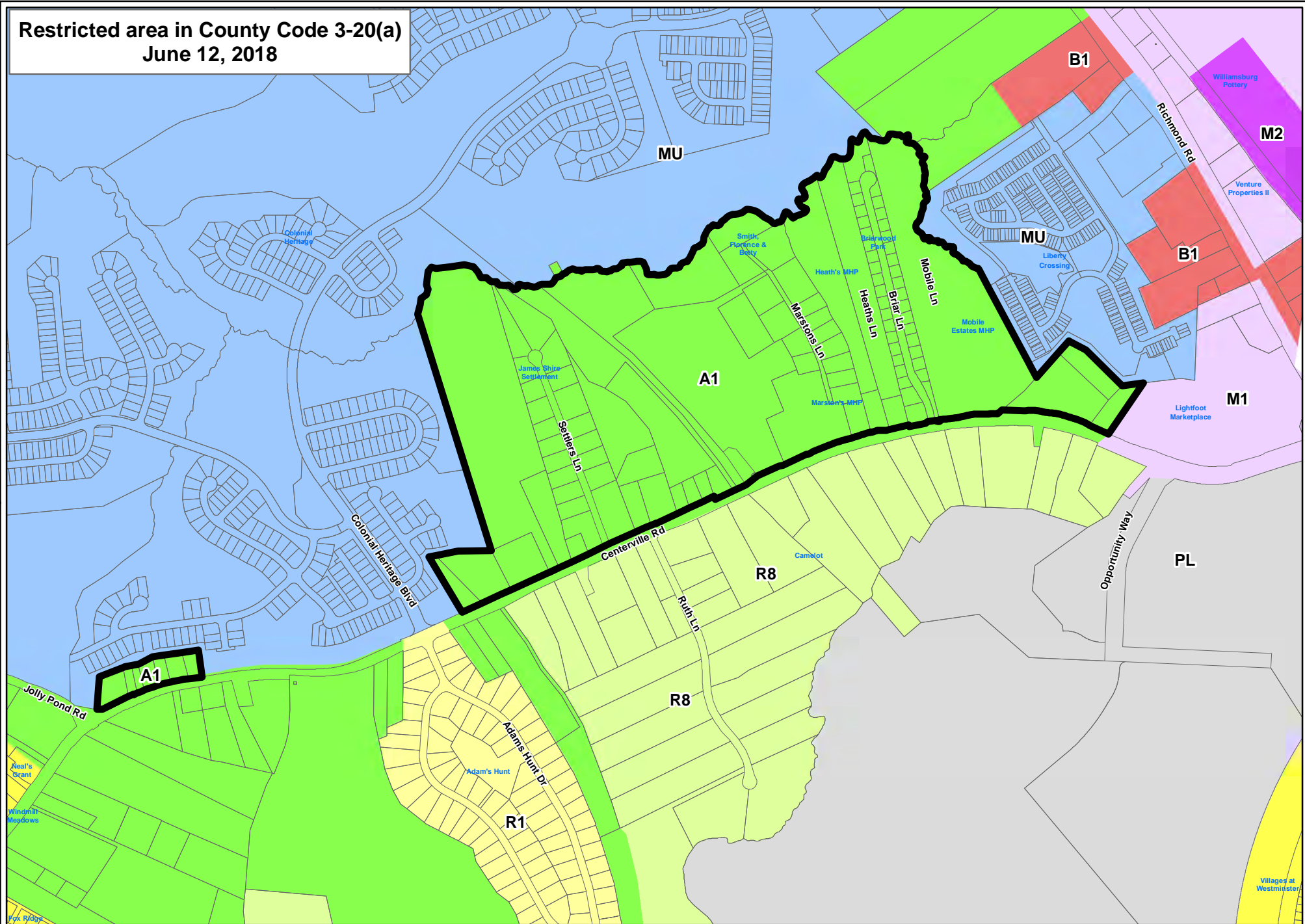
ATTEST:

\_\_\_\_\_  
 William Porter  
 Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of June, 2018.

**Restricted area in County Code 3-20(a)**  
**June 12, 2018**



1 inch = 850 feet  
0 425 850 Feet

# James City County



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.

Copyright James City County GIS Office  
M:\Departments\Admin\Adam\Centerville Rd\Centerville.mxd

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3 - ANIMAL LAWS, ARTICLE II - DOGS, DIVISION 1, IN GENERAL, SECTION 3-20, RUNNING AT LARGE PROHIBITED, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that the Code of James City County, is hereby amended and reordained by amending Section 3-20(a), Running at large prohibited.

**Section 3-20. Running at large prohibited.**

- (a) Dogs shall not run at large in the county except in those areas zoned A-1, General Agricultural; provided, however, even within A-1 areas dogs shall not run at large in: (1) platted subdivisions consisting of five or more lots, of which at least three lots have occupied dwellings or in manufactured home parks, or (2) in that geographic area generally bound to the north by the Colonial Heritage and Liberty Crossing neighborhoods, to the south by Centerville Road, to the west by Jolly Pond Road, and to the east by the Liberty Crossing neighborhood and the Lightfoot Marketplace shopping center located at 6401 Richmond Road, which area is more specifically designated on the map dated June 12, 2018 and titled "Restricted area in County Code 3-20(a)".
- (b) For purposes of this section, "at large" shall mean roaming, running or self-hunting off the premises of the owner or custodian and not under the immediate control of the owner or his agent. However, a dog shall not be considered at large if during the hunting season it is on a bona fide hunt in the company of a licensed hunter or during field trials or training periods when accompanied by its owner.
- (c) Any dog observed or captured while unlawfully running at large shall be disposed of in accordance with sections 3-45 through 3-47.
- (d) For any dog identified as to ownership, if such dog is captured and confined by the animal control officer or other officer appointed under the provisions of this chapter, the owner shall be charged with the actual expenses incurred in keeping the animal impounded. Owners of dogs not impounded shall be issued a summons for violation of this provision. Each day thereafter that this section is not complied with shall be a separate offense.

BE IT FURTHER ORDAINED that this Ordinance shall be made effective on July 1, 2018.

**ITEM SUMMARY**

DATE: 6/12/2018

TO: The Board of Supervisors

FROM: Savannah Pietrowski, Senior Planner

SUBJECT: HW-0001-2018. Busch Gardens Ireland Expansion

---

**ATTACHMENTS:**

	Description	Type
☐	staff report	Staff Report
☐	Attachment 1. Resolution	Resolution
☐	Attachment 2. Location Map	Backup Material
☐	Attachment 3. Busch Gardens Ireland Expansion - Site Location Maps	Backup Material
☐	Attachment 4. Height Simulation	Backup Material
☐	Attachment 5. Height Waiver Table	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/25/2018 - 12:39 PM
Development Management	Holt, Paul	Approved	5/25/2018 - 12:39 PM
Publication Management	Burcham, Nan	Approved	5/25/2018 - 1:44 PM
Legal Review	Kinsman, Adam	Approved	5/29/2018 - 8:09 AM
Board Secretary	Fellows, Teresa	Approved	5/29/2018 - 8:48 AM
Board Secretary	Purse, Jason	Approved	6/5/2018 - 1:30 PM
Board Secretary	Fellows, Teresa	Approved	6/5/2018 - 2:40 PM



**HEIGHT LIMITATION WAIVER CASE NO. 0001-2018. Busch Gardens Ireland Expansion**

**Staff Report for the June 12, 2018, Board of Supervisors Public Hearing**

**SUMMARY FACTS**

Applicant: Mr. Anthony Loubier, Vanasse Hangen Brustlin, Inc.

Land Owner: SeaWorld Parks and Entertainment, LLC

Proposal: A height limitation waiver to permit the construction of an attraction not to exceed a height of ± 115 feet above finished grade, or ± 155 feet above sea level.

Location: 7851 Pocahontas Trail

Tax Map/Parcel No.: 5140100009

Project Acreage: ± 383.07 acres

Zoning: M-1, Limited Business/Industrial

Comprehensive Plan: Limited Industry

Primary Service Area: Inside

Staff Contact: Savannah Pietrowski, Senior Planner

**PUBLIC HEARING DATE**

Board of Supervisors: June 12, 2018, 5:00 p.m.

**FACTORS FAVORABLE**

1. The proposal is compatible with surrounding zoning and development.

2. Service industry uses are recommended uses for areas designated Limited Industry by the adopted Comprehensive Plan. Amusement parks are service industry uses, albeit not traditional ones. Additionally, staff finds the proposed attraction would not create dust or odor and additional noise impacts on adjacent residential properties will be minimal given the attraction’s location. The proposal is consistent with the adopted Comprehensive Plan.
3. The proposed structure is located interior to the park in an area with a lower base elevation, which assists in mitigating visual and noise impacts in areas outside of the park.
4. Staff finds that the proposed application satisfies the criteria for height waivers found in Section 24-418(c) of the Zoning Ordinance.

**FACTORS UNFAVORABLE**

With the attached proposed conditions for the application, staff finds no unfavorable factors.

**SUMMARY STAFF RECOMMENDATION**

Staff recommends the Board of Supervisors approve this Height Limitation Waiver, subject to the attached conditions.

**PROJECT DESCRIPTION**

Mr. Anthony Loubier of Vanasse Hangen Brustlin, Inc. has applied on behalf of SeaWorld Parks and Entertainment, LLC for a Height Limitation Waiver to permit the installation of a new attraction in Busch Gardens. The attraction is proposed to reach a height of

---

*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.*

## **HEIGHT LIMITATION WAIVER CASE NO. 0001-2018. Busch Gardens Ireland Expansion**

### **Staff Report for the June 12, 2018, Board of Supervisors Public Hearing**

approximately 115 feet above finished grade (or 155 feet above sea level).

The attached height simulation (Attachment No. 3) provides a simulation of the maximum height in relation to the existing tree line. Based on this simulation, and given the site's interior location within Busch Gardens, staff does not anticipate that the attraction will be visible from surrounding developments or roadways.

#### **PLANNING AND ZONING HISTORY**

The attached table (Attachment No. 4) provides a comparison of the current application with past Height Limitation Waivers that the Board of Supervisors has approved for Busch Gardens.

#### **SURROUNDING ZONING AND DEVELOPMENT**

The park is generally bounded by Route 60 to the east, The Woods Golf Course (Kingsmill), zoned M-1, Limited Business/Industrial to the south, the Anheuser-Busch Brewery, zoned M-2, General Industrial to the north, and the Kingsmill residential community and Carter's Grove Country Road, both zoned R-4, Residential Planned Community, to the west and southwest.

#### **COMPREHENSIVE PLAN**

- The property is designated as Limited Industry on the adopted Comprehensive Plan Land Use Map.
- Land designated Limited Industry is generally located within the Primary Service Area and used for warehousing, office and service industries. Parcels ordinarily require access to arterial roads or major collector streets, public water and sewer, nearby police and fire protection and other site characteristics suitable for

intense development with adequate buffers to residential developments. The Comprehensive Plan also specifies that the following characteristics should be considered during evaluation of a proposed land use: open space, protection of environmental and historical and archaeological resources, preservation of rural and scenic vistas and generation of noise, dust or odor.

- In past applications, amusement parks have been interpreted as service industry uses, albeit not traditional ones. Additionally, staff finds the proposed attraction would not create dust or odor, and additional noise impacts on adjacent residential properties will be minimal, given the attraction's location.

#### **HEIGHT LIMITATION WAIVER ANALYSIS**

- Section 24-418(c) 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 upon finding that the following criteria are met:

1. Additional setbacks have been provided as required by Section 24-439 and Section 24-440 of the Zoning Ordinance; however, the Board may waive additional setbacks for structures in excess of 60 feet.

*Staff Comment: The proposed attraction is located more than 900 feet from the nearest property line; therefore, the setbacks are well in excess of those required by the Zoning Ordinance.*

2. Such structure will not obstruct light from adjacent property.

*Staff Comment: Given that the attraction will not extend far above the existing tree line and that it is not in close proximity*

---

*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.*

**HEIGHT LIMITATION WAIVER CASE NO. 0001-2018. Busch Gardens Ireland Expansion**

**Staff Report for the June 12, 2018, Board of Supervisors Public Hearing**

*to adjacent properties, staff finds that the proposed structure will not obstruct light from adjacent property.*

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

*Staff Comment: Given that the proposed attraction is not expected to have visual impacts on adjacent development beyond those of existing attractions within the park, staff finds that the proposed structure will not impair the enjoyment of historic attractions or areas of historic interest.*

4. Such structure will not impair property values in the area.

*Staff Comment: It is the opinion of the Director of Real Estate Assessments that the proposed 115-foot attraction will not impair property values in the area.*

5. 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 County Fire Chief finds that the attraction is well located relative to fire stations and appropriate equipment to offer adequate protection to life and property. The Fire Department will want to consult with the design team to address questions concerning Fire Department access and rescue during the development plan stage.*

6. Such structure will not be contrary to public health, safety and welfare.

*Staff Comment: Staff finds that the structure is not contrary to public health, safety and welfare.*

**PUBLIC IMPACTS**

- The proposed attraction will have minimal impact on the environment, utility service or traffic generation. The attraction is located interior to Busch Gardens, which is already significantly developed, and is not anticipated to produce an increased demand for utilities or public facilities.

**PROPOSED CONDITIONS**

- The full text of the proposed conditions are attached within the proposed resolution.

**STAFF RECOMMENDATION**

Staff recommends the Board of Supervisors approve this Height Limitation Waiver application subject to the attached conditions.

SP/md

HW1-18BGIreldExp

Attachments:

1. Resolution
2. Location Map
3. Busch Gardens Ireland Expansion - Site Location Map
4. Height Simulation
5. Height Waiver Table

---

*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.*

## RESOLUTION

CASE NO. HW-0001-2018. BUSCH GARDENS IRELAND EXPANSION

### HEIGHT LIMITATION WAIVER

WHEREAS, the Board of Supervisors of James City County has adopted by Ordinance specific land uses that shall be subjected to a Height Limitation Waiver process; and

WHEREAS, Mr. Anthony Loubier of Vanasse Hangen Brustlin, Inc., has applied on behalf of SeaWorld Parks and Entertainment, LLC for a Height Limitation Waiver to allow for the installation of an attraction that is approximately 115 feet above finished grade at its highest point (the “Attraction”); and

WHEREAS, the location of the highest point of the Attraction is depicted on the plan prepared by Vanasse Hangen Brustlin, Inc., entitled “Busch Gardens Ireland Expansion - Site Location Map”; and

WHEREAS, the Attraction will be constructed in its entirety on property zoned M-1, Limited Business/Industrial, located at 7851 Pocahontas Trail and further identified as James City County Real Estate Tax Map No. 5140100009, commonly known as “Busch Gardens”; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. HW-0001-2018; and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-418(c) of the James City County Zoning Ordinance have been satisfied in order to grant a Height Limitation Waiver to allow for the erection of structures in excess of 60 feet in height for the construction of the Attraction.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Height Limitation Waiver HW-0001-2018 to grant a 55-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of an attraction up to 115 feet tall from finished grade as described herein (the “Attraction”), pursuant to the following conditions:

1. Plan: This Height Waiver shall be valid for the Attraction, as generally shown on the plan prepared by Vanasse Hangen Brustlin, Inc., entitled “Busch Gardens Ireland Expansion - Site Location Map”. For the purposes of this Height Limitation Waiver, “finished grade” is defined as 40 feet above sea level.
2. Lighting: All lighting locations and specifications shall be shown on future development plans. Unless otherwise required by the Federal Aviation Authority or necessary for safety purposes, installation of any lights on the Attraction at points above 60 feet in height or installation of lights which direct light upward to illuminate any part of the Attraction or surrounding theme park areas shall be prohibited, with

the sole exception being that landscape-shielded “wall-washer” type fixtures may be installed to illuminate vertical (solid) wall surfaces related to the Attraction.

3. Color Scheme: The color of the Attraction at any point at or above 60 feet above finished grade shall be muted and designed to minimize visual impacts from Community Character Corridors and Community Character Areas, as defined in the Comprehensive Plan. A color scheme plan and color samples shall be submitted to, and approved by, the Director of Planning for consistency with this condition prior to the issuance of a Building Permit for the Attraction.
4. Commencement of Construction: Permits for the construction of foundations and/or footings for the Attraction shall be obtained within 36 months from the date of approval of this Height Limitation Waiver or this Height Limitation Waiver shall be void.
5. Severance Clause: This Height Limitation Waiver is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

---

Ruth M. Larson  
 Chairman, Board of Supervisors

ATTEST:

---

Teresa J. Fellows  
 Deputy Clerk to the Board

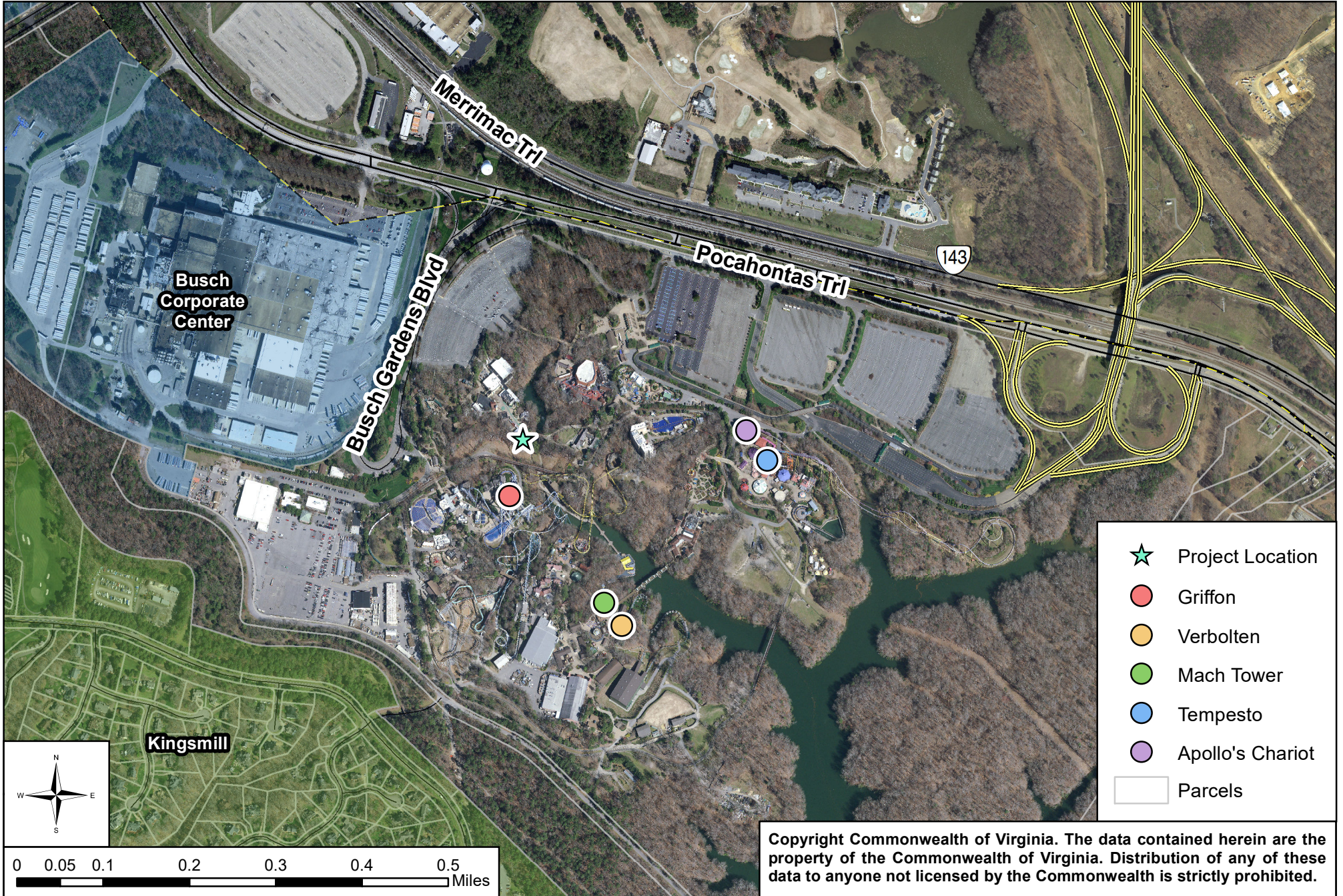
	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of June, 2018.

HW1-18BGIreldExp-res

# JCC HW-0001-2018

## Busch Gardens Williamsburg Ireland Expansion









Maximum Vertical Extents Not to Exceed Elevation 155'0"

Tree Elevation 151'0"



Bridge Elevation 65'5"



Busch Gardens Ireland Expansion

**Previously Granted Height Waiver Comparison Chart**

<b>Case</b>	<b>Max Height Above Finished Grade (feet)*</b>	<b>Max Elevation Above Sea Level (feet)*</b>
HW-0004-2010 (Verbolten)	95	150
HW-0002-2013 (Tempesto)	156	242
HW-0001-1997 (Apollo's Chariot)	170	255
HW-0001-2006 (Griffon)	210	280
HW-0002-2010 (Mach Tower)	260	340
HW-0003-2017 (Madrid)	315	387
HW-0001-2018 (Ireland Expansion)	115	155

*\*Maximum heights established by HW conditions, but the attractions may be constructed to be shorter than the maximum approved heights.*

**ITEM SUMMARY**

DATE: 6/12/2018

TO: The Board of Supervisors

FROM: W. Scott Whyte, Senior Landscape Planner II

SUBJECT: ZO-0003-2017 and SO-0001-2017. Zoning Ordinance and Subdivision Ordinance Amendments for Streetscapes

---

**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Attachment #1. Proposed Zoning Ordinance Amendments, strikethrough version	Ordinance
☐	Attachment #2. Proposed Subdivision Ordinance Amendments, strikethrough version	Ordinance
☐	Attachment #3. Proposed Zoning Ordinance Amendments, clean version	Exhibit
☐	Attachment #4. Proposed Subdivision Ordinance Amendments, clean version	Exhibit
☐	Attachment 5. Exhibit from the York County Subdivision Ordinance	Exhibit
☐	Attachment 6. Minutes from the September 14, 2017, Policy Committee meeting	Minutes
☐	Attachment 7. Minutes from the December 14, 2017, Policy Committee meeting	Minutes
☐	Attachment 8. Minutes from the February 7, 2018, Planning Commission meeting	Minutes
☐	Attachment 9. Pictures of existing streetscape applications	Cover Memo
☐	Attachment 10. Existing BOS Adopted Streetscape Policy	Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/29/2018 - 9:00 AM
Development Management	Holt, Paul	Approved	5/29/2018 - 9:00 AM
Publication Management	Burcham, Nan	Approved	5/29/2018 - 9:26 AM
Legal Review	Kinsman, Adam	Approved	5/29/2018 - 10:32 AM
Board Secretary	Fellows, Teresa	Approved	5/29/2018 - 2:13 PM

Board Secretary  
Board Secretary

Purse, Jason  
Fellows, Teresa

Approved  
Approved

6/5/2018 - 1:33 PM  
6/5/2018 - 2:42 PM

## **MEMORANDUM**

DATE: June 12, 2018

TO: The Board of Supervisors

FROM: W. Scott Whyte, Senior Landscape Planner II

SUBJECT: Case Nos. ZO-0003-2017 and SO-0001-2017. Zoning Ordinance and Subdivision Ordinance Amendments for Streetscapes

---

### **INTRODUCTION**

The County's Streetscape Guidelines Policy was first adopted by the Board of Supervisors in 1999 and was amended in 2004 and 2010. The Policy was first proposed as a result of the 1997 Comprehensive Plan recommendation and subsequent Zoning Ordinance revisions. The goal of the Policy was to establish or preserve a tree canopy along residential streets and to achieve a 20% canopy coverage within a 20-year period.

Since that time, the Streetscape Policy elements have been incorporated into the Community Appearance Guide, the Toano, Five Forks and New Town design guidelines and have been supported in all revisions of the Comprehensive Plan. Most major subdivisions since 1999 that were approved via either a Special Use Permit or proffered rezoning also implemented the Streetscape Policy. The Policy has worked very well since it was created, with slight revisions made in 2004 and 2010. Pictures included in Attachment 9 show examples of the Policy's implementation in several neighborhoods in the County.

At its 2016 Session, the Virginia General Assembly approved Senate Bill 549, which was signed into law by the Governor as Chapter 322. Chapter 322 created new Section 15.2-2303.4 to the Code of Virginia, 1950, as amended (the "Virginia Code") which fundamentally changed the conditional zoning system in the Commonwealth of Virginia. As a result, the County no longer accepts proffers for new residential rezoning applications or the residential component of multi-use rezoning applications. On September 14, 2017, the Policy Committee met to discuss initial planning for policies and ordinance amendments to address the topic. At the meeting, the Committee expressed interest in retaining the existing adopted Streetscape Guidelines Policy to serve as the guide for major subdivisions which have either proffered or conditioned streetscape improvements per the adopted Policy. At the meeting, the Committee also expressed interest in having staff create a draft of the Streetscape Policy as an ordinance requirement. This would enable staff to require street trees within all major subdivisions. The ordinance is modeled after York County's street tree ordinance which has been in existence for a long time and retains many elements of the existing Streetscape Guidelines Policy. At its work session on February 27, 2018, the Board of Supervisors indicated its concurrence with this approach.

Staff has worked to incorporate feedback from this meeting, as well as feedback from the County Attorney's Office, into draft regulations.

### **PROPOSED ORDINANCE LANGUAGE**

The proposed Subdivision Ordinance language, included as Attachment Nos. 2 and 4, accomplishes the following:

- Amends Section 19-27 (Preliminary Plan - submittal requirements):
  - Adds submission of a landscape plan to the list of preliminary plan submittal requirements.
  - Creates new Section 19-74 (Street Trees):
  - Creates a new section that lists the standards and specifications for street trees in major subdivisions.
  
- The proposed Zoning Ordinance language, included as Attachments 1 and 3, accomplishes the following:
  - Creates new section 24-102 (Street Trees)
  - Creates a new section that lists standards and specifications for street trees in multi-family and apartment developments, or areas of multi-family or apartment units within a larger development. The existing Streetscape Guidelines Policy would be retained to serve as the guide for past development cases which have either proffered or conditioned streetscape improvements per the adopted policy.

#### **CHANGES SINCE THE FEBRUARY 7, 2018, PLANNING COMMISSION MEETING**

None

#### **RECOMMENDATION**

On December 14, 2017, the Policy Committee met to review the draft regulations, and upon no further requested changes, directed staff to bring forward the regulations to the Planning Commission.

On February 7, 2018, the Planning Commission voted to recommend approval to the Board of Supervisors of both ZO-0003-2017 and SO-0001-2017 by a vote of 5-0.

Staff recommends the Board of Supervisors approve the attached Subdivision and Zoning Ordinance revisions.

WSW/md  
ZO3-17SO1-17StScapes-mem

#### Attachments:

1. Proposed Zoning Ordinance Amendments, strikethrough version
2. Proposed Subdivision Ordinance Amendments, strikethrough version
3. Proposed Zoning Ordinance Amendments, clean version
4. Proposed Subdivision Ordinance Amendments, clean version
5. Exhibit from the York County Subdivision Ordinance
6. Minutes from the September 14, 2017, Policy Committee Meeting
7. Minutes from the December 14, 2017, Policy Committee Meeting
8. Minutes from the February 7, 2018, Planning Commission Meeting
9. Pictures of existing streetscape applications
10. Existing BOS Adopted Streetscape Policy

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 4, LANDSCAPING, BY ADDING SECTION 24-102, STREET TREES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special regulations, Division 4, Landscaping, by adding Section 24-102, Street trees.

## **Chapter 24. Zoning**

### **Article II. Special Regulations**

#### **Division 4. Landscaping**

##### ***Section 24-102. Street trees.***

*In multi-family and independent living facilities and apartment developments, or areas of multi-family or apartment units containing two or more dwelling units, deciduous shade trees shall be planted as street trees along all rights-of-way. In instances where all or portions these developments are designed as parking lots rather than rights-of-way, then landscaping shall instead be provided in accordance with Section 24-99. Street trees shall meet the following requirements:*

- a) Deciduous shade trees shall be planted as street trees along all right-of-ways within the development. Such trees shall be located either within the right-of-way or within a five-foot landscape preservation easement contiguous to such right-of-way. Where located within an easement, the easement shall be dedicated, together with a maintenance easement, to the property owners' association or other entity approved by the county attorney.*
- b) The easement or right-of-way shall contain at a minimum, one tree planted approximately every 40 feet.*
- c) All trees planted to meet this requirement shall have a minimum caliper of one and one half inch (1½") and conform to the provisions of section 24-94 of the zoning ordinance. Existing trees within the landscape preservation easement that are protected and preserved in accordance with the standards contained in the zoning ordinance may be used to satisfy the planting requirement.*
- d) All street trees shall be deciduous shade trees that are native species or street trees commonly planted in James City County and adaptive to the soils and climate of James City County. If an applicant wishes to substitute the required shade trees with an evergreen or ornamental tree, a landscape modification request form referenced in section 24-91 of the zoning ordinance may be submitted for consideration by the planning director.*
- e) Installation. Unless otherwise approved by the planning director or his designee, plantings shall occur between September and February while the plant materials are dormant; however, temporary certificates of occupancy may be issued pursuant to section 24-8 (b).*

---

Ruth M. Larson  
Chairman, Board of Supervisors

ATTEST:

---

William C. Porter  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	___	___	___
HIPPLE	___	___	___
ICENHOUR	___	___	___
SADLER	___	___	___
LARSON	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of June,  
2018.

ZO-03-17StScapes-ord



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED, BY AMENDING SECTION 19-27, PRELIMINARY PLAN - SUBMITTAL REQUIREMENTS; AND BY AMENDING ARTICLE III - REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, BY ADDING SECTION 19-73.1, STREET TREES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article II, Procedures and Documents to be Filed, by amending Section 19-27, Preliminary plan - Submittal requirements; and amend Article III - Requirements for Design and Minimum Improvements by adding Section 19-73.1, Street trees.

### **Chapter 19. Subdivisions**

#### **Article II. Procedures and Documents to be Filed**

##### ***Section 19-27. Preliminary plan - Submittal requirements.***

*(q) For proposed major subdivisions and multifamily subdivisions, a landscape plan showing street trees per section 19-73.1, and any applicable requirements of article II, division 4 of the zoning ordinance.*

#### **Article III. Requirements for Design and Minimum Improvements**

##### ***Section 19-73.1. Street trees.***

*Street trees shall meet the following requirements:*

- a) In all major subdivisions, deciduous shade trees shall be planted as street trees along all rights-of-way within the subdivision. Such trees shall generally be located within a five-foot landscape preservation easement contiguous to such right-of-way. Where located within an easement, the subdividing landowner shall dedicate the easement together with a maintenance easement to the property owners' association or other entity approved by the agent and County attorney. Street trees may also be located within the right-of-way. When located within the right-of-way, the trees will need to meet any applicable Virginia Department of Transportation (VDOT) standards and maintenance provisions. Street trees should only be located within the right-of-way when topographic, utility or other constraints prohibit the landscape preservation easement from being located adjacent to the right-of-way.*
- b) The easement or right-of-way shall contain at a minimum, one tree planted approximately every 40 feet.*
- c) All trees planted to meet this requirement shall have a minimum caliper of one and one half inch (1½") and conform to the provisions of section 24-94 of the zoning ordinance. Existing trees within the landscape preservation easement that are protected and preserved in accordance with the standards contained in the zoning ordinance may be used to satisfy the planting requirement.*
- d) All street trees shall be deciduous shade trees that are native species or street trees commonly planted in James City County and adaptive to the soils and climate of James City County. If an applicant wishes to substitute the required shade trees with an evergreen or ornamental tree, a landscape modification request form referenced in section 24-91 of the zoning ordinance may be submitted for consideration by the planning director.*
- e) Installation. Unless otherwise approved by the director of planning or his designee plantings shall occur between September and February while the plant materials are dormant. Installation shall be guaranteed in accordance with article IV of this chapter.*

---

Ruth M. Larson  
Chairman, Board of Supervisors

ATTEST:

---

William C. Porter  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	___	___	___
HIPPLE	___	___	___
ICENHOUR	___	___	___
SADLER	___	___	___
LARSON	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of June,  
2018.

SO-01-17StScapes-ord

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 4, LANDSCAPING, BY ADDING SECTION 24-102, STREET TREES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special regulations, Division 4, Landscaping, by adding Section 24-102, Street trees.

### **Chapter 24. Zoning**

### **Article II. Special Regulations**

### **Division 4. Landscaping**

#### **Section 24-102. Street trees.**

In multi-family and independent living facilities and apartment developments, or areas of multi-family or apartment units containing two or more dwelling units, deciduous shade trees shall be planted as street trees along all rights-of-way. In instances where all or portions these developments are designed as parking lots rather than rights-of-way, then landscaping shall instead be provided in accordance with Section 24-99. Street trees shall meet the following requirements:

- a) Deciduous shade trees shall be planted as street trees along all right-of-ways within the development. Such trees shall be located either within the right-of-way or within a five-foot landscape preservation easement contiguous to such right-of-way. Where located within an easement, the easement shall be dedicated, together with a maintenance easement, to the property owners' association or other entity approved by the county attorney.
- b) The easement or right-of-way shall contain at a minimum, one tree planted approximately every 40 feet.
- c) All trees planted to meet this requirement shall have a minimum caliper of one and one half inch (1½") and conform to the provisions of section 24-94 of the zoning ordinance. Existing trees within the landscape preservation easement that are protected and preserved in accordance with the standards contained in the zoning ordinance may be used to satisfy the planting requirement.
- d) All street trees shall be deciduous shade trees that are native species or street trees commonly planted in James City County and adaptive to the soils and climate of James City County. If an applicant wishes to substitute the required shade trees with an evergreen or ornamental tree, a landscape modification request form referenced in section 24-91 of the zoning ordinance may be submitted for consideration by the planning director.
- e) Installation. Unless otherwise approved by the planning director or his designee, plantings shall occur between September and February while the plant materials are dormant; however, temporary certificates of occupancy may be issued pursuant to section 24-8 (b).

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED, BY AMENDING SECTION 19-27, PRELIMINARY PLAN - SUBMITTAL REQUIREMENTS; AND BY AMENDING ARTICLE III - REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, BY ADDING SECTION 19-73.1, STREET TREES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article II, Procedures and Documents to be Filed, by amending Section 19-27, Preliminary plan - Submittal requirements; and amend Article III - Requirements for Design and Minimum Improvements by adding Section 19-73.1, Street trees.

**Chapter 19. Subdivisions**

**Article II. Procedures and Documents to be Filed**

**Section 19-27. Preliminary plan - Submittal requirements.**

(q) For proposed major subdivisions and multifamily subdivisions, a landscape plan showing street trees per section 19-73.1, and any applicable requirements of article II, division 4 of the zoning ordinance.

**Article III. Requirements for Design and Minimum Improvements**

**Section 19-73.1. Street trees.**

Street trees shall meet the following requirements:

- a) In all major subdivisions, deciduous shade trees shall be planted as street trees along all rights-of-way within the subdivision. Such trees shall generally be located within a five-foot landscape preservation easement contiguous to such right-of-way. Where located within an easement, the subdividing landowner shall dedicate the easement together with a maintenance easement to the property owners' association or other entity approved by the agent and County attorney. Street trees may also be located within the right-of-way. When located within the right-of-way, the trees will need to meet any applicable Virginia Department of Transportation (VDOT) standards and maintenance provisions. Street trees should only be located within the right-of-way when topographic, utility or other constraints prohibit the landscape preservation easement from being located adjacent to the right-of-way.
- b) The easement or right-of-way shall contain at a minimum, one tree planted approximately every 40 feet.
- c) All trees planted to meet this requirement shall have a minimum caliper of one and one half inch (1½") and conform to the provisions of section 24-94 of the zoning ordinance. Existing trees within the landscape preservation easement that are protected and preserved in accordance with the standards contained in the zoning ordinance may be used to satisfy the planting requirement.
- d) All street trees shall be deciduous shade trees that are native species or street trees commonly planted in James City County and adaptive to the soils and climate of James City County. If an applicant wishes to substitute the required shade trees with an evergreen or ornamental tree, a landscape modification request form referenced in section 24-91 of the zoning ordinance may be submitted for consideration by the planning director.
- e) Installation. Unless otherwise approved by the director of planning or his designee plantings shall occur between September and February while the plant materials are dormant. Installation shall be guaranteed in accordance with article IV of this chapter.

BE IT FURTHER ORDAINED that this Ordinance shall be made effective on July 1, 2018.

# York County's Subdivision Ordinance

## ARTICLE VI. DESIGN STANDARDS

### DIVISION 1. GENERAL LAYOUT AND DESIGN

Sec. 20.5-84. Landscaping, buffers and screening.

(a) Landscaping.

(1) Entrances and common areas shall be landscaped by the subdivider with appropriate combinations of trees, shrubs, grass and groundcovers except where the existing mature trees have been preserved and protected in such areas. Unless the agent determines that such landscape treatment is unnecessary, impractical or in conflict with drainage, utilities, or other required features of the subdivision, the cleared portions of entrance and common areas in residential subdivisions shall be landscaped with a minimum of one (1) tree and one (1) shrub for each one thousand (1,000) square feet contained in such areas exclusive of roadways, sidewalks, recreational facilities, or other paved areas.

(2) All landscape treatments required by this chapter or the zoning ordinance shall be designed, arranged, installed and maintained in accordance with the landscaping standards contained in the zoning ordinance.

(b) Tree planting and replacement.

(1) In accordance with section 15.2-961, Code of Virginia, trees shall be preserved, planted or replaced on all residential lots, excluding recreation lots. Tree preservation/planting shall be accomplished such that, within twenty (20) years growing time, the minimum tree canopy or cover on residential lots shall be twenty percent (20).

(2) The required tree canopy or cover shall generally be evenly distributed across the lot with a preference for trees located in front of the principal building and along the rear property line.

(3) The calculation of tree canopies shall be based on the Manual of Woody Landscape Plants, 4th edition, 1990, by Michael A. Dirr (ISBN 0-87563-347-1) or Street Tree Factsheets, 1993, Municipal Tree Restoration Program, Pennsylvania State University (ISBN 1-883956-00-5) as they may from time to time be amended.

(4) Existing trees which are to be preserved and used to meet all or part of the canopy requirements shall be protected before, during, and after the development process in accordance with those standards contained in the zoning ordinance.

(5) Newly planted trees and shrubs shall be selected, installed and maintained in accordance with the standards contained in the zoning ordinance.

(6) In all subdivisions in nonindustrial zoning districts, deciduous shade or ornamental trees shall be planted as street trees along all rights-of-way within and abutting the subdivision. Such trees shall be located either within the right-of-way itself or within a ten-foot (10') landscape preservation easement contiguous to such right-of-way and shall contain, at a minimum, one (1) tree planted approximately every forty feet (40'). Where located within an easement, the subdivider shall dedicate the easement together with a maintenance easement to the property owners' association or other entity approved by the agent and county attorney. All trees planted to meet this requirement shall have a minimum caliper of two and one-half inches (2½") and conform with the relevant provisions of the zoning ordinance. Existing trees which are within twenty feet (20') of the edge of the right-of-way and which are protected and preserved in accordance with the standards contained in the zoning ordinance may be used to satisfy the planting requirement.

(7) The subdivider shall have the option to meet the requirements of this subsection through actual installation/retention, a postponed improvement agreement with surety, establishment of restrictive covenants, or some combination which achieves the same intent.

**Approved Minutes of the September 14, 2017  
Policy Committee Meeting**

**Potential Amendments to Address Formerly Proffered Policies and Impact Mitigation Items:  
Streetscape Policy - Stage I**

Ms. Bledsoe opened the floor for discussion.

Mr. Whyte stated that the streetscape policy has been in place since 1999. He stated that the policy was created based on the 1997 Comprehensive Plan recommendations. He stated that the policy was amended in 2004 and 2010. He stated that the goal was to preserve a tree canopy along residential streets and to achieve a 20% canopy coverage within a 20-year period. He stated that the policy has worked well for the past 18 years. He stated that the policy has been applied to a countless number of cases. He stated that the policy has been reinforced by the Community Appearance Guide. Mr. Whyte stated that staff recommends two revisions. He stated that staff recommends amending the subdivision section of the zoning ordinance by drafting new streetscape ordinance language and requiring all new subdivisions to plant street trees on both sides of the street. He stated that staff recommends modeling the ordinance after York County's street tree ordinance and that the previous streetscape policy was also modeled after York County. He stated that staff recommends keeping the existing streetscape policy in place to cover the approved subdivisions that have not been built out.

Mr. Haldeman asked if the marked-up version of the ordinance is the new streetscape guidelines policy.

Mr. Whyte stated that it was not the new policy and he will have an amended version for the Committee for the next meeting.

Ms. Bledsoe asked if the Committee wants staff to move forward.

Mr. Krapf confirmed and the rest of the committee agreed.

**Approved Minutes of the December 14, 2017  
Policy Committee Meeting**

**Potential Amendments to Address Formerly Proffered Policies Impact Mitigation Items:  
Streetscape Policy – Stage II**

Mr. Jack Haldeman opened the discussion.

Mr. Scott Whyte stated that at the November 1 Policy Committee meeting, staff discussed the need to prepare the draft Ordinance. He stated that the revision would require street trees within all major subdivisions. He stated that staff modeled the new Ordinance after the York County Subdivision Ordinance Section 20.5-84b6. He stated that after internal discussions with staff and consulting with the County Attorney's office, staff has amended both the Subdivision and Zoning Ordinances. He stated that the Subdivision Ordinance Section 19-27, Preliminary Plans-Submittal Requirements, was amended to require a landscape plan. He stated that Subdivision Ordinance Section 19-73.1, Street Trees, is a newly created section that lists standards and specification for street trees in major subdivisions. He stated that Zoning Ordinance Section 24-102, Street Trees, is a newly created section of the Zoning Ordinance. He stated that the section list the standards and specifications for street trees in developments that contain multi-family units and/or apartments. He stated that staff recommends to send the draft proposal to the Planning Commission.

Mr. Haldeman asked if the caliper tree requirement would be modeled after the York County requirement of 2.5-inch caliper.

Mr. Whyte stated that the current policy states 1.5-inch caliper. He stated that there has been some debate about increasing the size. He stated that the plant experiences a greater shock when the plant is moved.

Mr. Rich Krapf asked if any mechanized equipment would be required to move a tree with a 1.5-inch caliper.

Mr. Whyte stated that trees with a 1.5-inch caliper come in a container and experience less root damage.

Mr. Krapf asked if there is any policy pertaining to trees hanging over electrical lines.

Mr. Whyte stated that an ornamental tree can be recommended if the height could be an issue.

Mr. Krapf asked if that is in the draft Ordinance.

Mr. Whyte stated that the language is in the policy currently.

Ms. Ellen Cook stated that an applicant can substitute the required shade tree with an evergreen or an elm tree with a landscape modification form.

Mr. Krapf asked what the process was to substitute the trees.

Mr. Whyte stated that he makes a recommendation to the Planning Director.

Mr. Haldeman asked if James City County would keep the policy for 20% canopy coverage in 20 years.

Mr. Whyte stated that during the revision of the canopy coverage, staff looked into the distance trees can be planted from the road. He stated that there is a restriction on distance from the road and will help accomplish the coverage percentage. He stated that it is difficult to measure the coverage.

Mr. Whyte stated that the current policy will be retained for older subdivisions that have not been installed yet as reference.

Mr. Haldeman stated that he did not see any issues.

Mr. Krapf confirmed and directed staff to bring forward the regulations to the Planning Commission.



**Unapproved Minutes of the February 7, 2018  
Planning Commission Meeting**

**ZO-0003-2017 and SO-0001-2017. Zoning Ordinance and Subdivision Ordinance Amendments for Streetscapes**

Mr. Scott Whyte, Senior Landscape Planner, stated that the County's Streetscape Guidelines Policy was first adopted by the Board of Supervisors in 1999 and was amended in 2004 and 2010. Mr. Whyte stated that the Policy was first proposed as a result of the 1997 Comprehensive Plan recommendation and subsequent Zoning Ordinance revisions with a goal of to establish or preserve a tree canopy along residential streets and to achieve a 20% canopy coverage within a 20-year period.

Mr. Whyte stated that since that time, the Streetscape Policy elements have been incorporated into the Community Appearance Guide, the Toano, Five Forks and New Town design guidelines and have been supported in all revisions of the Comprehensive Plan. Mr. Whyte stated that most major subdivisions since 1999 that were approved via either a Special Use Permit or proffered rezoning also implemented the Streetscape Policy. Mr. Whyte stated that the Policy has worked very well since it was created, with slight revisions made in 2004 and 2010.

Mr. Whyte stated that in 2016, the Virginia General Assembly approved legislation which fundamentally changed the conditional zoning system in the Commonwealth of Virginia. Mr. Whyte stated that as a result, the County no longer accepts proffers for new residential rezoning applications or the residential component of multi-use rezoning applications. Mr. Whyte stated that on September 14, 2017, the Policy Committee met to discuss initial planning for policies and ordinance amendments to address the topic. Mr. Whyte stated that at the meeting, the Committee expressed interest in retaining the existing adopted Streetscape Guidelines Policy to serve as the guide for major subdivisions which have either proffered or conditioned streetscape improvements per the adopted Policy. Mr. Whyte stated that the Committee also expressed interest in having staff create a draft of the Streetscape Policy as an ordinance requirement. Mr. Whyte stated that this would enable staff to require street trees within all major subdivisions. The ordinance is modeled after York County's street tree ordinance which has been in existence for a long time and retains many elements of the existing Streetscape Guidelines Policy.

Mr. Whyte stated that the draft Subdivision Ordinance language adds submission of a landscape plan to the list of preliminary plan submittal requirements and creates a new section that lists the standards and specifications for street trees in major subdivisions. Mr. Whyte stated that the draft Zoning Ordinance language creates a new section that lists standards and specifications for street trees in multi-family and apartment developments, or areas of multi-family or apartment units within a larger development. Mr. Whyte stated that the existing Streetscape Guidelines Policy would be retained to serve as the guide for past development cases which have either proffered or conditioned streetscape improvements per the adopted policy.

Mr. Haldeman inquired about the difference in the tree standard between a 2.5 inch caliper and a 1.5 inch caliper.

Mr. Whyte stated that the 1.5 inch caliper trees experience less shock when transplanted and establish more quickly.

Mr. Haldeman inquired if the tree canopy would be achieved more quickly.

Mr. Whyte stated that it was more a matter of improved survival rate.

Mr. Krapf opened the Public Hearing.

As no one wished to speak, Mr. Krapf closed the Public Hearing.

Mr. Krapf noted that the Commission would need to vote on the Subdivision Ordinance amendment and the Zoning Ordinance Amendment separately.

Mr. Richardson made a motion to recommend approval of the Zoning Ordinance amendments.

On a roll call vote, the Commission voted to recommend approval of ZO-0003-2017. (5-0)

Mr. Schmidt made a motion to recommend approval of the Zoning Ordinance amendments.

On a roll call vote, the Commission voted to recommend approval of SO-0001-2017. (5-0)

# Attachment 9. Pictures of Existing Streetscape Applications



**Streetscape at White Hall Entrance**

Trees planted sometime around 2010



**Streetscape at Colonial Heritage**

Trees planted sometime around 2004

## RESOLUTION

### STREETSCAPE GUIDELINES POLICY

WHEREAS, the Streetscape Guidelines Policy was originally created to preserve or establish street trees in new residential areas of James City County during the special use permit and rezoning process; and

WHEREAS, the 2009 Comprehensive Plan identified the need to revise the Streetscape Guidelines Policy to allow flexibility with the choice of plant material and to limit the distance street trees are installed from the edge of curb; and

WHEREAS, the Policy Committee recommended endorsement of the Streetscape Guidelines Policy revision to the Planning Commission on February 7, 2011; and

WHEREAS, the James City County Planning Commission, after a public hearing, endorsed the revisions to the Streetscape Guidelines Policy on October 5, 2011, by a vote of 6-1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following:

### **STREETSCAPE GUIDELINES POLICY**

#### **Goal Purpose**

*The purpose of this policy is twofold:*

- to preserve and/or establish tree canopies along residential streets, subdivision entrances, and common areas *within a subdivision, and*
- ~~Plant to encourage~~ *planting of* new trees appropriate to the climate and soils of James City County, while enhancing existing healthy, durable, and mature trees in these areas.

Tree preservation/planting shall be accomplished ~~such that within 20 years growing time, the minimum tree canopy over residential streets shall be 20%~~ *so when the trees reach maturity a substantial tree canopy is established over the street.* The environmental and aesthetic benefits from tree planting enhance the quality, character, and health of the community.

#### **Guidelines for Street Trees**

In all residential subdivisions, deciduous shade trees, ~~and/or shrubs~~ *when utility constraints are a concern,* shall be planted along all rights-of-way within and abutting the subdivision. Street tree plans shall be prepared by a Virginia Landscape Architect, a certified Virginia Nurseryman, or a member of the Virginia Society of Landscape

*Designers*, and shall be reviewed and approved by the ~~Director of Planning~~ *Director or designee*. The street tree plans shall adhere to the following guidelines:

1. Trees and/or shrubs shall be located within a minimum five-foot landscape preservation easement contiguous to ~~such~~ *or within the* right-of-way, with *Virginia Department of Transportation (VDOT) approval*. Every effort should be made to avoid conflict between the landscape preservation easement and the utilities during the design phase of the subdivision. If a conflict cannot be avoided, the landscape preservation easement shall be placed as close to the ~~right-of-way curb~~ as the design allows. *All landscape preservation easements shall be located within the first 30% of the distance from the edge of the curb (starting point) to the proposed edge of the building envelope (ending point).*
2. The *landscape preservation* easement shall contain, at a minimum, one tree per an average 40 linear feet of street on each side of the street or one shrub per an average 20 linear feet of street on each side of the street. The mix of trees and shrubs shall be approved by the ~~Director of Planning~~ *Director or designee*.
3. Trees and/or shrubs shall be spaced no greater than 75 feet apart along 60% *linear* of the street frontage.
4. All trees that are planted shall be native species or street trees commonly planted in the James City County area that are adapted to the soils and climate. At the time of planting, trees shall have a minimum caliper of 1½ inches. Shrubs are to be a minimum of 22 inches in height at the time of planting. Please refer to Table 1 for street tree suggestions. Although plant material is not restricted to the list provided, any trees or shrubs that are invasive or require extensive maintenance for disease or pest control will not be approved.
5. Existing trees which are within ~~20 feet of the edge of right of way~~ *the proposed landscape preservation easement*, and which are protected and preserved in accordance with the requirements of the Zoning Ordinance, may be used to satisfy this planting requirement if approved by the ~~Director of Planning~~ *Director or designee*. Canopies that are a mixture of existing and planted trees or shrubs shall have similar or complementary branch characteristics.
6. Plantings are to occur between November 1 and March 31 while the plant material is dormant to reduce the stress of transplanting. ~~Prior to final site plan approval the plantings and installation are to be bonded. In order to receive final site plan approval during the seasons when planting is not recommended, the applicant must post surety in an amount and form acceptable to the county attorney.~~

Upon completion of installation, *the Planning Director or his designee shall inspect the plantings as verification, or a Virginia Landscape Architect designer shall verify in writing a signed letter to the Planning Director or designee that the specified trees or shrubs were installed in the locations shown on the plans. A signed letter from the Landscape Architect shall be submitted to the Planning Division at the time of verification.*

**Guidelines for Entrances and Common Areas**

Entrances shall be landscaped with native and/or climate and soil appropriate trees, shrubs, grasses, and ground covers except where the existing mature trees have been preserved or protected in such areas. Plant material to be used in these areas shall be specified from Table 2 or, if not on the list, meet the above criteria. Unless the ~~Director of Planning~~ *Director* or his designee determines that such landscape treatment is unnecessary, impractical, or in conflict with drainage, utilities, sight distance, or other required features of the subdivision, the cleared portions of the entrances and associated common areas in a residential subdivision shall be landscaped with a minimum of one tree and three shrubs per 400 square feet exclusive of roadways, sidewalks, recreation facilities or other impervious areas.

In wooded areas, entrance features including walls, fences and signs shall be minimized to reduce the amount of clearing to accommodate entrance roads. In no case shall clearing for entrance roads and abutting utility easements exceed 60 feet in width.

**Table 1. Suggested Street Trees**

- Acer campestre*, Hedge Maple\*
- Acer rubrum*, Red Maple
- Fraxinus pennsylvanica*, Green Ash (seedless cultivars)
- Ginkgo biloba*, Maidenhair Tree (male cultivars)\*
- Nyssa sylvatica*, Black Tupelo\*
- Ostrya virginiana*, American Hophornbeam\*
- Plantanus X acerifolia* London Planetree
- Quercus palustris* Pin Oak
- Quercus phellos*, Willow Oak
- Quercus shumardii*, Shumard Oak
- Ulmus parvifolia*, Lacebark Elm\*
- Zelkova serrata*, Japanese Zelkova\*

\* Trees recommended for thin planting strips or adjacent to sidewalks.

This list is suggested. Trees used are not required to be from this list.

**Table 2. Suggested Plant Material for Entrances and Common Areas**

**Trees**

- Betula nigra*, River Birch
- Carya ovata*, Shagbark Hickory
- Cercis Canadensis*, Eastern Redbud
- Cornus kousa*, Kousa Dogwood
- Juniverus virginiana*, Eastern Redcedar
- Pinus taeda*, Loblolly Pine

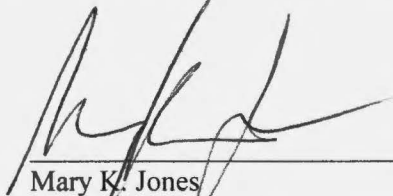
**Shrubs**

- Hamamelis virginiana*, Witch Hazel
- Ilex opaca*, Inkberry
- Ilex vomitoria*, Yaupon Holly
- Myrica cerifera*, Wax Myrtle
- Viburnum dentatum*, Arrowwood Viburnum

**Groundcovers and other Herbaceous Plants**

- ~~*Calamagrostis acutiflora*, Feather Reed Grass~~
- ~~*Ceratostigma plumbaginoides*, Plumbago~~
- ~~*Coreopsis verticillata*, Threadleaf Coreopsis~~
- ~~*Deschampsia caespitosa*, Tufted Hair Grass~~
- ~~*Festuca cinerea*, Blue Fescue~~
- ~~*Helictotrichon sempervirens*, Blue Oat Grass~~
- ~~*Hemerocallis*, Daylily~~
- ~~*Hypericum calycinum*, St. Johnswort~~
- ~~*Liriope muscari*, Blue Lily turf~~
- ~~*Miscanthus sinensis*, Japanese Silver Grass~~
- ~~*Panicum virgatum*, Switch Grass~~
- ~~*Potentilla fruticosa*, Bush Cinquefoil~~

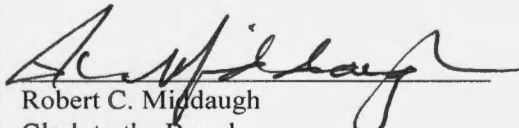
This list is suggested. Plants used are not required to be from this list.




---

Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:




---

Robert C. Middaugh  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2011.

**ITEM SUMMARY**

**DATE:** 6/12/2018

**TO:** The Board of Supervisors

**FROM:** Paul D. Holt, III, Director of Community Development and Planning

**SUBJECT:** ZO-0004-2018 and SO-0004-2018. Zoning Ordinance and Subdivision Ordinance Amendments to Delete References to Fees which are Set Forth in the County Code Appendix A – Fee Schedule for Development Related Permits; An ordinance to amend and reordain JCC Code, Chapter 4, Building Regulations; An ordinance to amend and reordain JCC Code, Chapter 8, Erosion and Sediment Control.

---

**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Proposed Ordinance Amendments to Chapter 4 of the County Code, strikethrough version	Ordinance
☐	Proposed Ordinance Amendments to Chapter 8 of the County Code, strikethrough version	Ordinance
☐	Proposed Ordinance Amendments to Chapter 19 of the County Code, strikethrough version	Ordinance
☐	Proposed Ordinance Amendments to Chapter 24 of the County Code, strikethrough version	Ordinance
☐	Proposed Ordinance Amendments to Chapter 4 of the County Code, clean version	Exhibit
☐	Proposed Ordinance Amendments to Chapter 8 of the County Code, clean version	Exhibit
☐	Proposed Ordinance Amendments to Chapter 19 of the County Code, clean version	Exhibit
☐	Proposed Ordinance Amendments to Chapter 24 of the County Code, clean version	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Management	Holt, Paul	Approved	5/25/2018 - 2:41 PM
Publication Management	Burcham, Nan	Approved	5/25/2018 - 2:46 PM
Legal Review	Kinsman, Adam	Approved	5/29/2018 - 8:09 AM
Board Secretary	Fellows, Teresa	Approved	5/29/2018 - 8:49 AM



Board Secretary  
Board Secretary

Purse, Jason  
Fellows, Teresa

Approved  
Approved

6/5/2018 - 1:35 PM  
6/5/2018 - 2:43 PM

## MEMORANDUM

DATE: June 12, 2018

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: ZO-0004-2018 and SO-0004-2018. Zoning Ordinance and Subdivision Ordinance Amendments to Delete References to Fees which are Set Forth in the County Code Appendix A – Fee Schedule for Development Related Permits; An ordinance to amend and reordain JCC Code, Chapter 4, Building Regulations; An ordinance to amend and reordain JCC Code, Chapter 8, Erosion and Sediment Control.

---

On May 8, the Board of Supervisors adopted an Ordinance creating Appendix A to the County Code. The Appendix consolidated fee references for development related permits. The effective date of the Ordinance is July 1, to coincide with the start of the new fiscal year.

To ensure the County Code does not have duplicative or erroneous references, the fee references now listed in Appendix A must be removed from the various individual chapters of the County Code prior to July 1.

The attached set of Ordinances removes fee references from Chapter 4, Building Regulations, Chapter 8, Erosion and Sediment Control, Chapter 19, Subdivisions and Chapter 24, Zoning. The attached Ordinances represent formatting changes only and do not contain any other substantive changes.

### RECOMMENDATION

Staff recommends the Board of Supervisors adopt the attached Ordinances. On June 6, the Planning Commission will consider the proposed changes to Chapters 19 and 24 and its recommendations will be provided to the Board on June 12.

PDH/nb  
Ords-AddAppendA-mem

### Attachments:

1. Proposed Ordinance Amendments to Chapter 4 of the County Code, strikethrough version
2. Proposed Ordinance Amendments to Chapter 8 of the County Code, strikethrough version
3. Proposed Ordinance Amendments to Chapter 19 of the County Code, strikethrough version
4. Proposed Ordinance Amendments to Chapter 24 of the County Code, strikethrough version
5. Proposed Ordinance Amendments to Chapter 4 of the County Code, clean version
6. Proposed Ordinance Amendments to Chapter 8 of the County Code, clean version
7. Proposed Ordinance Amendments to Chapter 19 of the County Code, clean version
8. Proposed Ordinance Amendments to Chapter 24 of the County Code, clean version

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, BUILDING REGULATIONS, OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE I, VIRGINIA UNIFORM STATEWIDE BUILDING CODE, DIVISION 2, PERMIT AND INSPECTION FEES BY AMENDING SECTION 4-8, GENERALLY; SECTION 4-9, REFUNDS; AND SECTION 4-10, EXEMPTIONS, AND BY AMENDING ARTICLE VI, WELL CONSTRUCTION, SECTION 4-60, ADMINISTRATIVE FEES BY DELETING REFERENCES TO FEES AND ADDING THAT FEES ARE SET FORTH IN COUNTY CODE APPENDIX A - FEE SCHEDULE FOR DEVELOPMENT RELATED PERMITS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 4 Building Regulations, is hereby amended and reordained by amending Article I, Virginia Uniform Statewide Building Code, Division 2, Permit and Inspection Fees, Section 4-8, Generally; Section 4-9, Refunds; and Section 4-10, Exemptions, and by amending Article VI, Well Construction, Section 4-60, Administrative fees.

### Chapter 4. Building Regulations

#### Article I. Uniform Statewide Building Code

##### Sec. 4-8. Generally.

Permit and inspection fees are hereby established in accordance with the provisions of the Virginia Uniform Statewide Building Code as follows: *and are set forth in County Code Appendix A - Fee Schedule for Development Related Permits.*

~~(1) Building Permits:~~

- ~~a. The minimum fee for any building permit shall be \$50.00.~~
- ~~b. For the construction of any building or addition thereto where the floor area is increased, and for the installation or erection of any industrialized building unit, the fee shall be based on the floor area to be constructed as computed from exterior building dimensions at each floor. Any residential building, any unenclosed carport, porch or stoop, when built in conjunction with and at the same time as the dwelling, shall be excluded from the square footage computation. The fee shall be \$0.13 per square foot.~~
- ~~c. For the construction of a garage, barn, pole shed or similar structure, when not constructed at the time of and under the permit of the main dwelling, the fee shall be \$0.10 per square foot of the exterior dimensions of the building.~~
- ~~d. For the alteration or repair of any building or structure, or for the construction or erection of piers, bulkheads, exterior walls or fences, towers, swimming pools or other structures or things, the fee shall be at the rate of one percent of the current value of all service, labor and materials.~~
- ~~e. For the demolition or razing of any building or structure having a floor area greater than 200 square feet the fee shall be \$50.00.  
  
No fee shall be charged for a permit to raze a building with a floor area of 200 square feet or less.~~
- ~~f. For the erection, placement or removal of a building or structure, in part or in whole from one location to another, or into or out of the county or to a new location within the same lot or parcel of land, the fee shall be at the rate of \$0.10 per square foot of the gross floor area.~~
- ~~g. For construction not covered by any of the above, the permit fee shall be assessed and collected at the rate of one percent of the retail value or current market value of the work being done; provided, that the minimum permit fee shall be \$50.00.~~

~~A BUILDING PERMIT FEE SHALL BE DOUBLE FOR ANY CONSTRUCTION THAT HAS COMMENCED BEFORE A PERMIT IS OBTAINED.~~

~~(2) Plumbing Permits:~~

- ~~a. The minimum fee for any plumbing permit shall be \$50.00.~~
- ~~b. For the installation of each plumbing fixture or appliance, the fee shall be \$7.00.~~
- ~~c. For the installation of the water distribution system in each building, the fee shall be \$15.00.~~
- ~~d. For the connection of any building drain to a public or private sanitary sewage disposal system, the fee shall be \$7.00.~~
- ~~e. For each sewer (sanitary or storm), manhole (sanitary or storm), roof drain or other similar device, the fee shall be \$7.00.~~

~~(3) Electrical Permits:~~

- ~~a. The minimum fee for any electrical permit shall be \$50.00.~~
- ~~b. For the installation of each electrical service system in new construction, the fee shall be determined from the rated size of the service panels in amperes as follows:~~

	<u>Single Phase</u>	<u>Three Phase</u>
0-60 amps	\$50.00	\$50.00
61-100 amps	50.00	55.00
101-150 amps	60.00	65.00
151-200 amps	65.00	70.00
Over 200 amps, plus \$15.00 for each additional 50 amps or fraction thereof over 200 amps	65.00	70.00

- ~~c. For the installation of a temporary service, or the reconnection of a mobile home, the fee shall be \$50.00.~~
- ~~d. For increasing the size of the electrical service to any building structure, or mobile home, the fee shall be \$50.00 for service up to and including 200 amperes; or \$50.00 plus \$15.00 for each 50 amperes or fraction thereof over 200 amperes. For relocation of any existing service for which the size is not increased, the fee shall be \$50.00. No additional fee shall be charged for outlets when the size of the service is increased.~~
- ~~e. For the addition to any existing electrical installation, the fee shall be based on the number of outlets to be installed at the following rates:~~
  - ~~1-100 outlets ..... \$50.00~~
  - ~~Over 100 outlets, plus \$0.20 for each outlet over 100 ..... 50.00~~

~~(4) Mechanical and Gas Permits:~~

- ~~a. The minimum fee for any mechanical or gas permit shall be \$50.00.~~
- ~~b. Basic permit fee:~~
  - ~~1. First \$1,000.00 value ..... 50.00~~
  - ~~2. Over \$1,000.00 value, plus \$5.00 per \$1,000.00 or fraction thereof ..... 50.00~~

~~e. For the replacement, repair or alteration of mechanical systems or equipment in existing buildings, structures or additions thereto:~~

~~1. First \$1,000.00 value ..... 50.00~~

~~2. Over \$1,000.00 value, plus \$5.00 per \$1,000.00 or fraction thereof ..... 50.00~~

~~EXCEPTIONS: Domestic cooking equipment and space heaters in dwelling units are exempt from mechanical permit fees. Inspections of this equipment are required.~~

~~d. Fuel piping permit fee: 0.005 x \$1,000.00 of valuation or fraction thereof. Note: Fee applies when permit is issued for fuel piping work only.~~

~~e. L.P.G. (i.e. butane, propane, etc.) tanks and associated piping permit fee (total water capacity in gallons):~~

~~0-500 ..... 50.00~~

~~501-2,000 ..... 55.00~~

~~Over 2,000, plus \$1.00 per 10,000 gallons ..... 55.00~~

~~f. Tanks and associated piping for flammable liquids permit fee (capacity in gallons):~~

~~0-10,000 ..... 50.00~~

~~10,001-20,000 ..... 55.00~~

~~20,001-50,000 ..... 60.00~~

~~Over 50,000, plus \$5.00 per 25,000 gallons or fraction thereof ..... 70.00~~

~~g. For the removal of storage tanks, the minimum fee shall be \$50.00.~~

~~h. For fire suppression systems, the permit fee shall be (includes standpipes):~~

~~1. New construction: Same as basic fee in subsection ((b)(1)) above.~~

~~2. All others: Same as basic fee in subsection ((b)(1)) above.~~

~~i. Elevators, dumbwaiters, moving stairways, moving walks, manlifts or special hoisting and conveying equipment permit fee:~~

~~1. New construction: Same as basic fee in subsection (b)(1) above.~~

~~2. All others: Same as basic fee in subsection (b)(1) above.~~

~~j. Permit reissuance fee: Permits becoming invalid, as specified by the Code, may be reissued up to a period of five years and charged a fee of \$50.00 for each six month period.~~

~~(5) Elevator Inspections:~~

~~a. The fee for an annual elevator inspection shall be \$200.00 for a traction elevator, and \$150.00 for a hydraulic elevator. The fee for an annual elevator inspection certificate by a third party inspector shall be \$50.00.~~

~~b. Reinspection: When an inspector is required to make a reinspection of an elevator for the convenience of the owner of the elevator or because the elevator fails to pass the inspection, there shall be a \$50.00 reinspection fee. Such reinspection fee shall be paid at the office of building inspections prior to the reinspection.~~

~~(6) Plan Review Fee:~~

~~a. The fee for the review of building plans shall be \$20.00 for each 1,000 square feet of floor space, or part thereof or a minimum fee of \$15.00. Such review fee shall be paid at the office of building inspections prior to the plan review or at the discretion of the building official, at the time of permit issuance.~~

- ~~b. Revised plans: There shall be no fee for the review of minor revisions to building plans unless such plans are substantially different than the original plans or the previous review comments have not been addressed and necessitate the issuance of additional review comments. Such revised plans shall be subject to an additional fee equal to the fee provided for in subsection (a) above.~~

~~(7) Certificate of Occupancy Inspection:~~

- ~~a. The fee for an inspection for a certificate of occupancy shall be \$50.00.  
b. No certificate of occupancy shall be issued until all inspection fees have been paid.~~

~~(8) Mobile Home Installation Fee:~~

- ~~a. The fee for the inspection of the installation of a mobile home shall be \$50.00.  
b. The fee for the inspection of the mobile home installation shall supersede any fee otherwise required for the inspection for an electrical or plumbing permit for that mobile home.~~

- ~~(9) Reinspection: When any building, electrical, mechanical or plumbing inspector is required to make a reinspection of work or a mobile home for the convenience of the contractor, subcontractor or mobile home owner because of incomplete, inadequate or improper work or installation, or because the inspector could not obtain reasonable access to the work or mobile home to be inspected, there shall be a \$50.00 reinspection fee for each reinspection, except as otherwise provided herein. Such reinspection fee shall be paid at the office of building inspections prior to the reinspection.~~

~~(10) Fire Department New Construction Fees:~~

- ~~a. In addition to fees collected for building code permits and inspections, a fee of \$50.00 shall be charged to the permit applicant for the following inspections when a fire department employee will participate in such inspections:~~
- ~~1. Fire protection system acceptance tests (including fire alarm, fire sprinkler, standpipe, fire pump.)~~
  - ~~2. Commercial range hood fire suppression system acceptance tests.~~
  - ~~3. Certificate of Occupancy inspections excluding single and two family residences.~~

~~(11) Amusement Device Fees:~~

- ~~a. The fee for the inspection of amusement devices shall be:~~
- ~~1. \$25.00 for each kiddie ride covered by the permit;~~
  - ~~2. \$35.00 for each circular ride or flat ride less than 20 feet in height covered by the permit;~~
  - ~~3. \$55.00 for each spectacular ride covered by the permit which cannot be inspected as a circular ride or flat ride in subdivision 2 of this subsection due to complexity or height; and~~
  - ~~4. \$150.00 for each coaster covered by the permit which exceeds 30 feet in height.~~

**Sec. 4-9. Refunds.**

No fee paid for any permit covered under section 4-8 of this Code *and set forth in County Code Appendix A - Fee Schedule for Development Related Permits* shall be refunded unless the permit application is denied and a permit is not issued or the permit is issued in error. If a permit is revoked, abandoned or the project for which the permit is obtained is discontinued, a portion of the permit fee may be refunded after deducting \$25.00 for administrative costs plus \$15.00 for each normal inspection that has been made. No permit fee, the value of which is \$25.00 or less, shall be refunded.

**Sec. 4-10. Exemptions.**

Payment of any permit fees ~~established in section 4-8~~ *set forth in County Code Appendix A - Fee Schedule for Development Related Permits* shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) The other parties to the regional entity similarly waive fees; and (2) The regional entity has locations in more than one locality. When the director of neighborhood development certifies that the work for which application has been made is funded through his office or a related program and requests that fees be waived, then the request shall be granted.

**Article VI. Well Construction**

**Sec. 4-60. Administrative Fees.**

~~A fee of \$50.00 shall be charged at the time of application to offset the cost of making inspections, issuing permits, enforcement and other expenses incident to the administration of this article or to the filing or processing of any appeal or amendment thereto.~~ *The fee to offset the cost of administering this article is set forth in County Code Appendix A - Fee Schedule for Development Related Permits.*

BE IT FURTHER ORDAINED that this Ordinance shall be made effective on July 1, 2018.

\_\_\_\_\_  
Ruth M. Larson  
Chairman, Board of Supervisors

ATTEST:

VOTES

AYE    NAY    ABSTAIN

MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____

\_\_\_\_\_  
William Porter  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of June, 2018.

Ch8BldgReg-ord

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, EROSION AND SEDIMENT CONTROL OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE I, EROSION AND SEDIMENT CONTROL, SECTION 8-5, PERMITS, FEES, BONDING, ETC., AND BY AMENDING ARTICLE II, THE VIRGINIA STORMWATER MANAGEMENT PROGRAM, SECTION 8-34, FEES, BY DELETING REFERENCES TO FEES AND ADDING THAT ADMINISTRATIVE FEES ARE SET FORTH IN COUNTY CODE APPENDIX A - FEE SCHEDULE FOR DEVELOPMENT RELATED PERMITS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 8, Erosion and Sediment Control, is hereby amended and reordained by amending Article I, Erosion and Sediment Control, Section 8-5, Permits fees, bonding, etc., and by amending Article II, The Virginia Stormwater Management Program, Section 8-34, Fees.

**Chapter 8. Erosion and Sediment Control**

**Article I. Erosion and Sediment Control**

**Sec. 8-5. Permits, fees, bonding, etc.**

- (a) Agencies authorized under any other law to issue grading, building, or other permits for activities involving land disturbing activities may not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.
- (b) No person may engage in any land disturbing activity until he has acquired a land disturbing permit, unless the proposed land disturbing activity is specifically exempt from the provisions of this chapter, and has paid the fees and posted the required bond.
- (c) Fees. ~~The following administrative fee shall be paid to the county.~~ *The administrative fees set forth in County Code Appendix A - Fee Schedule for Development Related Permits shall be paid to the County.*
  - ~~(1) Residential subdivisions shall pay \$70.00 per lot at the time of submission of the erosion and sediment control plan;~~
  - ~~(2) Nonresidential site plans and other land disturbing activities shall pay \$600.00 per acre of disturbance for the first 15 acres plus \$400.00 per acre for each additional acre over 15 at the time of submission of the erosion and sediment control plan; and~~
  - ~~(3) Residential site plans shall pay \$840.00 per acre of disturbance for the first 15 acres plus \$560.00 per acre for each additional acre over 15 at the time of submission of the erosion and sediment control plan;~~
  - ~~(4) A \$100.00 fee shall be required for each single family residential structure at the time of submission of the building permit application.~~
  - (5) Payment of any permit fees ~~established in section 8-5~~ *set forth in County Code Appendix A - Fee Schedule for Development Related Permits* shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (i) The other parties to the regional entity similarly waive fees; and (ii) The regional entity has locations in more than one locality.
- (d) No land disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.



- (e) Performance surety. All applicants for permits shall provide to the County a performance bond, cash escrow, or an irrevocable letter of credit, any combination thereof, or other legal arrangements as is acceptable to the County attorney, to ensure that measures could be taken by the County at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him as a result of his land disturbing activity.

The amount of the performance surety shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five percent of the cost of the conservation action. Should it be necessary for the county to take such conservation action, the county may collect from the applicant any costs in excess of the amount of the surety held.

Within 60 days of adequate stabilization, as determined by the engineering and resource protection division, in any project or section of a project, such performance surety, or the unexpended or unobligated portion thereof shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section.

- (f) Any land disturbing permit shall contain a right of entry to allow the manager or his designees access to the property until a final inspection determines that the land is adequately stabilized.
- (g) These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.
- (h) Any approved erosion and sediment control plan shall become null and void one year after the date of issuance of the land disturbing permit, and no further work subject to this chapter shall be allowed unless and until an additional or updated erosion and sediment control plan has been submitted and approved in accordance with the provisions of this chapter or unless all requirements of the approved control plan have been completed in less than one year in accord with such plan and verified by the on-site inspection by the manager.

## **Article II. The Virginia Stormwater Management Program**

### **Sec. 8-34. Fees.**

- (a) Fees to cover the costs associated with erosion and sediment control plan review and inspection shall be imposed in accordance with requirements of the VESCP authority and section 8-5 of the county code *and are set forth in County Code Appendix A - Fee Schedule for Development Related Permits.*
- (b) Fees to cover the costs associated with stormwater facility inspections shall be imposed in accordance with requirements of the VSMP authority and section 19-15 and section 24-7, as applicable, of the county code *and are set forth in County Code Appendix A - Fee Schedule for Development Related Permits.*
- (c) Fees to cover costs associated with stormwater management and pollution prevention plan review including implementation of a VSMP related to land disturbing activities and issuance of permit coverage and VSMP authority permits shall be imposed by the VSMP authority ~~in accordance with~~

the fee schedule indicated in Table 1. ~~and are set forth in County Code Appendix A - Fee Schedule for Development Related Permits.~~ When a site or sites have been purchased for development within a previously permitted common plan of development or sale, the applicant shall be subject to fees in accordance with the disturbed acreage of their site or sites ~~according to Table 1. which are set forth in County Code Appendix A - Fee Schedule for Development Related Permits.~~ The VSMP authority portion of the statewide permit fee for coverage under the general permit for discharges of stormwater for construction activities for small construction activity involving a single-family detached residential structure with a site or area, within or outside a common plan of development or sale, that is equal to or greater than one acre but less than five acres shall be no greater than the VSMP authority portion of the fee for coverage of sites or areas with a land disturbance acreage of less than one acre within a common plan of development or sale. Neither a registration statement nor payment of the Department's portion of the statewide permit fee established pursuant to subdivision A.5 of § 62.1-44.15:28 of the Code of Virginia shall be required for coverage under the general permit for discharges of stormwater from construction activities for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale.

**Table 1: Fee Schedule for Registration and Issuance of General VPDES Permit for Discharges of Stormwater from Construction Activities 9VAC25-870-820.**

<i>Fee Type</i>	<i>Fee Amount</i>
<del>Chesapeake Bay Preservation Act land disturbing activity (not subject to general permit coverage; sites within designated areas of Chesapeake Bay Act localities with land disturbance acreage equal to or greater than 2,500 square feet and less than one acre)</del>	<del>\$290</del>
<del>General/Stormwater Management – small construction activity/land clearing (areas within common plans of development or sale with land disturbance acreage less than one acre)</del>	<del>\$290</del>
<del>General/Stormwater Management – small construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than one acre and less than five acres)</del>	<del>\$2,700**</del>
<del>General/Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than five acres and less than ten acres)</del>	<del>\$3,400</del>
<del>General/Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than ten acres and less than 50 acres)</del>	<del>\$4,500</del>
<del>General/Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)</del>	<del>\$6,100</del>
<del>General/Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)</del>	<del>\$9,600</del>

<i>Type of Permit</i>	<i>Fee Amount</i>
-----------------------	-------------------

General/Stormwater Management—small construction activity/land clearing (areas within common plans of development or sale with land disturbance acreage less than one acre)	\$20
General/Stormwater Management—small construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than one acre and less than five acres)	\$200
General/Stormwater Management—large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than five acres and less than ten acres)	\$250
General/Stormwater Management—large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than ten acres and less than 50 acres)	\$300
General/Stormwater Management—large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$450
General/Stormwater Management—large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$700

~~\*\*Pursuant to amendments to the Virginia Stormwater Management Act, as amended, § 62.1-44.15:28 of the Code of Virginia, this fee tier will be \$290 for small construction activity involving a single family detached residential structure with a site or area, within or outside a common plan of development or sale, that is equal to or greater than one acre but less than five acres. In addition, neither a registration statement nor payment of the Department's portion of the statewide permit fee shall be required for construction activity involving a single family detached residential structure, within or outside a common plan of development or sale within this tier, and all other tiers consistent with § 62.1-44.15:28(A)(8).~~

- (d) Fees for the modification or transfer of registration statements from the general permit issued by the state board shall be imposed in accordance with the fee schedule *set forth in County Code Appendix A - Fee Schedule for Development Related Permits*. If the general permit modifications result in changes to stormwater management plans that require additional review by the county, such reviews shall be subject to the fees ~~set out in the fee schedule indicated in Table 2~~ *set forth in County Code Appendix A - Fee Schedule for Development Related Permits*. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in ~~the fee schedule indicated in Table 2~~ *County Code Appendix A - Fee Schedule for Development Related Permits*. All fees specified in this subsection are payable to the locality.

~~**Table 2: Fee Schedule for the Modification or Transfer of Registration Statements for the General VPDES Permit for Discharges of Stormwater from Construction Activities 9VAC25-870-825.**~~

- (e) The following annual permit maintenance shall be imposed in accordance with ~~the fee schedule indicated in Table 3,~~ *County Code Appendix A - Fee Schedule for Development Related Permits*, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated by the administrator or the VSMP authority. All fees specified in this subsection are payable to the County, except for those individual permits or for projects completely administered by the Department such as state or federal projects, which shall be paid to the Department. General permit coverage

maintenance fees shall be paid annually to the County on or before the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a notice of termination is effective.

**Table 3: Fee Schedule for the Maintenance of the General VPDES Permit for Discharges of Stormwater from Construction Activities 9VAC25-870-830.**

<i>Type of Permit</i>	<i>Fee Amount</i>
<del>Chesapeake Bay Preservation Act Land Disturbing Activity (not subject to the general permit coverage; sites within designated areas of Chesapeake Bay Act localities with land disturbance acreage equal to or greater than 2,500 square feet and less than one acre)</del>	\$50
<del>General/Stormwater Management – small construction activity/land clearing (areas within common plans of development or sale with land disturbance acreage less than one acre)</del>	\$50
<del>General/Stormwater Management – small construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than one acre and less than five acres)</del>	\$400
<del>General/Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than five acres and less than 10 acres)</del>	\$500
<del>General/Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)</del>	\$650
<del>General/Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)</del>	\$900
<del>General/Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)</del>	\$1,400

(e) The fees ~~set forth~~ *established* in sections (c) - (e), above *and set forth in County Code Appendix A - Fee Schedule for Development Related Permits* shall apply to:

- (1) All persons seeking coverage under the general permit;
- (2) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit;
- (3) Persons whose coverage under the general permit has been revoked shall apply to the Department for an individual permit for discharges of stormwater from construction activities;
- (4) Permit and permit coverage maintenance fees ~~outlined~~ *established* under section 8-34(e) *County Code Appendix A - Fee Schedule for Development Related Permits* may apply to each general permit holder.

(g) No permit application fees will be assessed to:

- (1) Permittees who request minor modifications to permits as defined in section 8-21 of this article. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the administrator shall not be exempt pursuant to this section.

- (2) Permittees whose permits are modified or amended at the initiative of the Department, excluding errors in the registration statement identified by the administrator or errors related to the acreage of the site.
- (3) The county, any entity created solely by the County and those regional entities to which the county is a party provided that: (1) the other parties to the regional entity similarly waive fees; (2) the regional entity has locations in more than one locality; and (3) those portions of the fees required to be paid to the Department are completed.
- (h) All incomplete payments will be deemed as non-payments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in § 58.1-15 of the Code of Virginia and will be calculated on a monthly basis at the applicable periodic rate. A 10 percent late payment fee shall be charged to any delinquent (over 90 days past due) account. The Ccounty shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.
- (i) Nothing in this section shall prohibit the Department and VSMP authority from entering into an agreement whereby the total fee to be paid by the applicant for coverage under the general permit for discharge of stormwater from construction activities (VAR10) 9VAC25-880 is payable to the VSMP authority and the VSMP authority transmits the Department portion set forth in 9VAC25-870-820 of the Virginia Administrative Code to the Department on a schedule set forth by the Department.

BE IT FURTHER ORDAINED that this Ordinance shall be made effective on July 1, 2018.

\_\_\_\_\_  
 Ruth M. Larson  
 Chairman, Board of Supervisors

ATTEST:

VOTES

	<u>AYE</u>	<u>NAY</u>	<u>ABST</u>
_____ William Porter Clerk to the Board	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of June, 2018.

Ch8SoilEros-ord

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE I, GENERAL PROVISIONS, SECTION 19-15, FEES, BY DELETING REFERENCES TO FEES AND ADDING THAT FEES ARE SET FORTH IN COUNTY CODE APPENDIX A - FEE SCHEDULE FOR DEVELOPMENT RELATED PERMITS, AND BY RENUMBERING SUBSECTION 19-15(4) TO NEW NUMBER 19-15(1)

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article I, General Provisions, 19-15, Fees, and by renumbering subsection 19-15(4) to new number 19-15(1).

**Chapter 19. Subdivisions**

**Article I. General Provisions**

**Sec. 19-15. Fees.**

Fees shall be charged to offset the cost of reviewing plats and plans, making inspections and other expenses incident to the administration of this chapter. The following fees shall be charged and collected as provided below *or as set forth in County Code Appendix A - Fee Schedule for Development Related Permits.*

- ~~(1) *General plan review.* There shall be a fee for the examination of every plan reviewed by the agent or commission. For all subdivisions that do not require public improvements, the fee for a major or minor subdivision shall be \$200.00 per plan plus \$70.00 per lot for each lot over two lots in the subdivision plat. For all subdivisions that require public improvements, the fee for a major or minor subdivision shall be \$250.00 per plan plus \$70.00 per lot for each lot over two lots in the subdivision plat. The fee for townhouse or condominium subdivisions which have undergone site plan review shall be \$50.00. The fee shall be submitted to the agent at the time of filing the plat for review. Any check shall be payable to the James City County treasurer. An additional fee of \$250.00 shall be collected for any review after the second re-submission not to include resubmittals that are the result of substantial redesign due to additional agency comments.~~
- ~~(2) *Inspection fee for water and sewer lines.* There shall be a fee for the inspection by the service authority of public water and sewer system installations. Such fee shall be \$1.43 per foot for every foot of sewer main or water main constructed and shall be submitted as specified by the service authority regulations.~~
- ~~(3) *Inspection fee for stormwater installations.* There shall be a fee for the inspection by the engineering and resource protection division of public stormwater installations and private stormwater installations required in accordance with section 23-10(4). Such fee shall be \$900 per practice for each best management practice constructed and \$.90 per foot for every foot of stormwater drain or channel constructed and shall be submitted at the time of filing an application for a land disturbance permit.~~
- ~~(4) *(1) Fees waived.* Payment of any permit fees established in section 19-15 set forth in County Code Appendix A - Fee Schedule for Development Related Permits shall be waived for the County, any entity created solely by the County and those regional entities to which the County is a party provided that: (1) the other parties to the regional entity similarly waive fees; and (2) the regional entity has locations in more than one locality.~~

BE IT FURTHER ORDAINED that this Ordinance shall be made effective on July 1, 2018.

---

Ruth M. Larson  
Chairman, Board of Supervisors

ATTEST:

VOTES  
AYE    NAY    ABSTAIN

---

William Porter  
Clerk to the Board

MCGLENNON	___	___	___
ICENHOUR	___	___	___
SADLER	___	___	___
HIPPLE	___	___	___
LARSON	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of June, 2018.

Ch19Subdiv-ord

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-7, ADMINISTRATIVE FEES, AND BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, SECTION 24-47, KEEPING OF CHICKENS IN RESIDENTIALLY ZONED AREAS, BY DELETING REFERENCES TO FEES AND ADDING THAT ADMINISTRATIVE FEES ARE SET FORTH IN COUNTY CODE APPENDIX A - FEE SCHEDULE FOR DEVELOPMENT RELATED PERMITS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-7, Administrative fees, and by amending Article II, Special Regulations, Division I , In General, Section 24-47, Keeping of chickens in residentially zoned areas.

**Chapter 24. Zoning**

**Article I. In General**

**Sec. 24-7. Administrative fees.**

(a) Fees *as set forth in County Code Appendix A - Fee Schedule for Development Related Permits* shall be charged at the time of application to offset the cost of making inspections, issuing permits, advertising notices and other expenses incident to the administration of this chapter or to the filing or processing of any appeal or amendment thereto. ~~The following fees shall be charged and collected at the time of application:~~

Procedure Fee

~~(1) Rezoning:~~

- ~~a. Rezoning or proffer amendments which require a public hearing \$1,200 plus \$75.00 per acre, not to exceed \$15,000.00~~
- ~~b. Written request to the board of supervisors to amend proffered conditions where such amendment does not affect conditions of use or density 200.00~~

~~(If the board of supervisors determines that an amendment or variation of proffered conditions warrants a public hearing in accordance with section 24-13 of this chapter, such requests shall pay a rezoning fee in accordance with (1)a. above.)~~

~~(2) Special use permits:~~

- ~~a. Generally (General special use permits processed with a rezoning shall pay a rezoning fee only) \$1,000.00 plus \$30.00 per acre, not to exceed \$5,000.00~~
- ~~b. Manufactured home on an individual lot. 100.00~~
- ~~c. Family subdivision under section 24-214. 100.00~~
- ~~d. Amendment to a special use permit 400.00~~
- ~~e. Wireless communications facilities under division 6 1,500.00~~

~~(3) Master plan review:~~

- ~~a. Initial review of any Residential Cluster, Mixed Use or a PUD with less than 400 acres (PUD's with 400 acres or more shall pay a rezoning fee only) 200.00~~
- ~~b. Revision of approved plan:
 
  - ~~1. Residential Cluster 75.00~~~~



~~2. R-4, PUD, Mixed Use 150.00~~

~~(4) Site Plan Review:~~

~~a. Administrative review:~~

- ~~1. Residential structures or improvements, \$600.00, plus \$60.00 per residential unit.~~
- ~~2. Nonresidential structures or improvements, \$600.00, plus \$0.024 per sq. ft. of building area.~~
- ~~3. Mixed Use structures or improvements, \$600.00, plus \$60.00 per residential unit plus \$0.024 per sq. ft. of nonresidential building area.~~

~~b. Planning commission review:~~

- ~~1. Residential structures or improvements, \$1,800.00, plus \$60.00 per residential unit.~~
- ~~2. Nonresidential structures or improvements, \$1,800.00, plus \$0.024 per sq. ft. of building area.~~
- ~~3. Mixed Use structures or improvements, \$1,800.00, plus \$60.00 per residential unit plus \$0.024 per sq. ft. of nonresidential building area.~~

~~c. Amendment to an approved plan:~~

- ~~1. Residential structures or improvements, \$100.00, plus \$10.00 per residential unit.~~
- ~~2. Nonresidential structures or improvements, \$100.00, plus \$0.004 per sq. ft. of building area.~~
- ~~3. Mixed Use structures or improvements, \$100.00, plus \$10.00 per residential unit plus \$0.004 per sq. ft. of nonresidential building area.~~
- ~~4. Residential or nonresidential structures or improvements where the number of dwelling units or area of building area, pavement, or open space is not changed more than 15 percent, \$100.00.~~

~~d. Zoning administrator and fire department review only, \$20.00.~~

~~e. Each additional review after second resubmission, \$250.00 not to include resubmissions that are the result of substantial redesign due to other agency comments.~~

~~(5) Sign permits, \$5.00 per square foot of gross sign area.~~

~~(6) Appeals to the board of zoning appeals, \$500.00.~~

~~(7) Application for a height limitation waiver to the board of supervisors, \$200.00.~~

~~(8) Application for administrative variance, \$250.00.~~

~~(9) Public hearing applicant deferral request when the applicant fails to meet a staff imposed deadline for additional information relevant to the application except where deferral is the result of a commission or board action, \$350.00 per request.~~

~~(10) Conceptual plan review, \$25.00.~~

~~(11) Zoning verification request, \$100.00.~~

~~(12) Stormwater inspection fees: There shall be a fee for the inspection of public stormwater installations and private stormwater installations required in accordance with section 23-10(4). Such fee shall be \$900 per practice for each best management practice constructed and \$.90 per foot for every foot of stormwater drain or channel constructed and shall be submitted at the time of filing an application for a land disturbance permit.~~

- (b) Payment of any permit fees established in section 24-7 set forth in County Code Appendix A - Fee Schedule for Development Related Permits shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) The other parties to the regional entity similarly waive fees; and (2) The regional entity has locations in more than one locality.

## Article II. Special Regulations

### Division I. In General

#### Sec. 24-47. Keeping of chickens in residentially zoned areas.

Keeping and housing domestic chickens on residentially-zoned and occupied property shall be solely for purposes of household consumption and shall comply with the following requirements:

- (a) Chickens allowed pursuant to this section shall be kept and raised only for domestic purposes and no commercial activity such as selling eggs or selling chickens for meat shall be allowed. Harvesting of chickens is not permitted.
- (b) The maximum number of chickens permitted on a residential lot shall be two hens per the first 5,000 square feet of lot area, and one additional bird for each additional 5,000 square feet of total lot area thereof. The total number of birds is not to exceed a maximum of 12 hens.
- (c) Chickens shall only be allowed on properties consisting of single-family homes and which are on lots of at least 15,000 square feet in size.
- (d) No roosters shall be allowed.
- (e) Coops or cages and runs shall only be located in the rear yard area. The zoning administrator may grant an exception to this requirement in cases where due to unusual lot configuration, topography, or proximity of neighbors, another area of the yard is more suitable for such an activity.
- (f) Coops or cages and runs shall be situated at least five feet from adjoining property lines and 25 feet from any dwelling located on a property not owned by the applicant. On corner lots, all pens, coops or cages shall be situated no closer than 35 feet from the side street.
- (g) Coops or cages and runs shall be located outside of resource protection areas and any conservation easements dedicated to the county.
- (h) Coops or cages and runs shall be required, a portion of which shall be covered. Such coops, cages, and runs shall be enclosed with a minimum four feet high chicken wire fence. All coops, cages or runs shall provide at least three square feet of area per bird.
- (i) Each property owner seeking to keep chickens shall file an application with the James City County zoning office. Such application shall be accompanied by a ~~\$20.00~~ processing fee as *set forth in County Code Appendix A - Fee Schedule for Development Related Permits*. The application shall include a sketch showing the area where the chickens will be housed and the types and size of enclosures in which the chickens shall be housed. The sketch must show all dimensions and setbacks. Upon review and determination that the proposed chicken-keeping complies with the standards set forth in this section, the zoning office shall issue a permit. Any permit that is found in violation or not in compliance with this section may be revoked.
- (j) Any more restrictive covenants dealing with the keeping of chickens shall supersede and control over the provisions of this section.

BE IT FURTHER ORDAINED that this Ordinance shall be made effective on July 1, 2018.

---

Ruth M. Larson  
Chairman, Board of Supervisors

ATTEST:

VOTES

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____

---

William Porter  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of June,  
2018.

Ch24Zoning-ord

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, BUILDING REGULATIONS, OF THE CODE OF JAMES CITY COUNTY BY AMENDING CHAPTER 4, BUILDING REGULATIONS, ARTICLE I, VIRGINIA UNIFORM STATEWIDE BUILDING CODE, DIVISION 2, PERMIT AND INSPECTION FEES BY AMENDING SECTION 4-8, GENERALLY; SECTION 4-9, REFUNDS; AND SECTION 4-10, EXEMPTIONS, AND BY AMENDING ARTICLE VI, WELL CONSTRUCTION, SECTION 4-60, ADMINISTRATIVE FEES BY DELETING REFERENCES TO FEES AND ADDING THAT FEES ARE SET FORTH IN COUNTY CODE APPENDIX A - FEE SCHEDULE FOR DEVELOPMENT RELATED PERMITS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 4 Building Regulations, is hereby amended and reordained by amending Article I, Virginia Uniform Statewide Building Code, Division 2, Permit and Inspection Fees, Section 4-8, Generally; Section 4-9, Refunds; and Section 4-10, Exemptions, and by amending Article VI, Well Construction, Section 4-60, Administrative fees.

#### **Chapter 4. Building Regulations**

##### **Article I. Uniform Statewide Building Code**

###### **Sec. 4-8. Generally.**

Permit and inspection fees are hereby established in accordance with the provisions of the Virginia Uniform Statewide Building Code and are set forth in County Code Appendix A - Fee Schedule for Development Related Permits.

###### **Sec. 4-9. Refunds.**

No fee paid for any permit covered under section 4-8 of this Code and set forth in County Code Appendix A - Fee Schedule for Development Related Permits shall be refunded unless the permit application is denied and a permit is not issued or the permit is issued in error. If a permit is revoked, abandoned or the project for which the permit is obtained is discontinued, a portion of the permit fee may be refunded after deducting \$25.00 for administrative costs plus \$15.00 for each normal inspection that has been made. No permit fee, the value of which is \$25.00 or less, shall be refunded.

###### **Sec. 4-10. Exemptions.**

Payment of any permit fees set forth in County Code Appendix A - Fee Schedule for Development Related Permits shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) The other parties to the regional entity similarly waive fees; and (2) The regional entity has locations in more than one locality. When the director of neighborhood development certifies that the work for which application has been made is funded through his office or a related program and requests that fees be waived, then the request shall be granted.

**Article VI. Well Construction**

**Sec. 4-60. Administrative Fees.**

The fee to offset the cost of administrating this article is set forth in County Code Appendix A - Fee Schedule for Development Related Permits.

BE IT FURTHER ORDAINED that this Ordinance shall be made effective on July 1, 2018.

Ch8BldgReg-ord-final

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, EROSION AND SEDIMENT CONTROL OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE I, EROSION AND SEDIMENT CONTROL, SECTION 8-5, PERMITS, FEES, BONDING, ETC., AND BY AMENDING ARTICLE II, THE VIRGINIA STORMWATER MANAGEMENT PROGRAM, SECTION 8-34, FEES, BY DELETING REFERENCES TO FEES AND ADDING THAT ADMINISTRATIVE FEES ARE SET FORTH IN COUNTY CODE APPENDIX A - FEE SCHEDULE FOR DEVELOPMENT RELATED PERMITS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 8, Erosion and Sediment Control, is hereby amended and reordained by amending Article I, Erosion and Sediment Control, Section 8-5, Permits fees, bonding, etc., and by amending Article II, The Virginia Stormwater Management Program, Section 8-34, Fees.

**Chapter 8. Erosion and Sediment Control**

**Article I. Erosion and Sediment Control**

**Sec. 8-5. Permits, fees, bonding, etc.**

- (a) Agencies authorized under any other law to issue grading, building, or other permits for activities involving land disturbing activities may not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.
- (b) No person may engage in any land disturbing activity until he has acquired a land disturbing permit, unless the proposed land disturbing activity is specifically exempt from the provisions of this chapter, and has paid the fees and posted the required bond.
- (c) Fees. The administrative fees set forth in County Code Appendix A - Fee Schedule for Development Related Permits shall be paid to the County.
- (5) Payment of any permit fees set forth in County Code Appendix A - Fee Schedule for Development Related Permits shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (i) The other parties to the regional entity similarly waive fees; and (ii) The regional entity has locations in more than one locality.
  - (d) No land disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.
  - (e) Performance surety. All applicants for permits shall provide to the County a performance bond, cash escrow, or an irrevocable letter of credit, any combination thereof, or other legal arrangements as is acceptable to the County attorney, to ensure that measures could be taken by the County at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him as a result of his land disturbing activity.

The amount of the performance surety shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable

allowance for estimated administrative costs and inflation which shall not exceed twenty-five percent of the cost of the conservation action. Should it be necessary for the county to take such conservation action, the county may collect from the applicant any costs in excess of the amount of the surety held.

Within 60 days of adequate stabilization, as determined by the engineering and resource protection division, in any project or section of a project, such performance surety, or the unexpended or unobligated portion thereof shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section.

- (f) Any land disturbing permit shall contain a right of entry to allow the manager or his designees access to the property until a final inspection determines that the land is adequately stabilized.
- (g) These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.
- (h) Any approved erosion and sediment control plan shall become null and void one year after the date of issuance of the land disturbing permit, and no further work subject to this chapter shall be allowed unless and until an additional or updated erosion and sediment control plan has been submitted and approved in accordance with the provisions of this chapter or unless all requirements of the approved control plan have been completed in less than one year in accord with such plan and verified by the on-site inspection by the manager.

## **Article II. The Virginia Stormwater Management Program**

### **Sec. 8-34. Fees.**

- (a) Fees to cover the costs associated with erosion and sediment control plan review and inspection shall be imposed in accordance with requirements of the VESCP authority and section 8-5 of the county code and are set forth in County Code Appendix A - Fee Schedule for Development Related Permits.
- (b) Fees to cover the costs associated with stormwater facility inspections shall be imposed in accordance with requirements of the VSMP authority and section 19-15 and section 24-7, as applicable, of the county code and are set forth in County Code Appendix A - Fee Schedule for Development Related Permits.
- (c) Fees to cover costs associated with stormwater management and pollution prevention plan review including implementation of a VSMP related to land disturbing activities and issuance of permit coverage and VSMP authority permits shall be imposed by the VSMP authority and are set forth in County Code Appendix A - Fee Schedule for Development Related Permits. When a site or sites have been purchased for development within a previously permitted common plan of development or sale, the applicant shall be subject to fees in accordance with the disturbed acreage of their site or sites which are set forth in County Code Appendix A - Fee Schedule for Development Related Permits. The VSMP authority portion of the statewide permit fee for coverage under the general permit for discharges of stormwater for construction activities for small construction activity involving a single-family detached residential structure with a site or area, within or outside a common plan of development or sale, that is equal to or greater than one acre but less than five acres shall be no greater than the VSMP authority portion of the fee for coverage of sites or areas with a land disturbance acreage of less than one acre within a common plan of development or sale. Neither

a registration statement nor payment of the Department's portion of the statewide permit fee established pursuant to subdivision A.5 of § 62.1-44.15:28 of the Code of Virginia shall be required for coverage under the general permit for discharges of stormwater from construction activities for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale.

- (d) Fees for the modification or transfer of registration statements from the general permit issued by the state board shall be imposed in accordance with the fee schedule set forth in County Code Appendix A - Fee Schedule for Development Related Permits. If the general permit modifications result in changes to stormwater management plans that require additional review by the county, such reviews shall be subject to the fees set forth in County Code Appendix A - Fee Schedule for Development Related Permits. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in County Code Appendix A - Fee Schedule for Development Related Permits. All fees specified in this subsection are payable to the locality.
- (e) The following annual permit maintenance shall be imposed in accordance with County Code Appendix A - Fee Schedule for Development Related Permits, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated by the administrator or the VSMP authority. All fees specified in this subsection are payable to the County, except for those individual permits or for projects completely administered by the Department such as state or federal projects, which shall be paid to the Department. General permit coverage maintenance fees shall be paid annually to the County on or before the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a notice of termination is effective.
- (f) The fees established in sections (c) - (e), above and set forth in County Code Appendix A - Fee Schedule for Development Related Permits shall apply to:
  - (1) All persons seeking coverage under the general permit;
  - (2) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit;
  - (3) Persons whose coverage under the general permit has been revoked shall apply to the Department for an individual permit for discharges of stormwater from construction activities;
  - (4) Permit and permit coverage maintenance fees established under section 8-34(e) County Code Appendix A - Fee Schedule for Development Related Permits may apply to each general permit holder.
- (g) No permit application fees will be assessed to:
  - (1) Permittees who request minor modifications to permits as defined in section 8-21 of this article. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the administrator shall not be exempt pursuant to this section.
  - (2) Permittees whose permits are modified or amended at the initiative of the Department, excluding errors in the registration statement identified by the administrator or errors related to the acreage of the site.
  - (3) The county, any entity created solely by the County and those regional entities to which the county is a party provided that: (1) the other parties to the regional entity similarly waive fees;



(2) the regional entity has locations in more than one locality; and (3) those portions of the fees required to be paid to the Department are completed.

- (h) All incomplete payments will be deemed as non-payments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in § 58.1-15 of the Code of Virginia and will be calculated on a monthly basis at the applicable periodic rate. A 10 percent late payment fee shall be charged to any delinquent (over 90 days past due) account. The County shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.
- (i) Nothing in this section shall prohibit the Department and VSMP authority from entering into an agreement whereby the total fee to be paid by the applicant for coverage under the general permit for discharge of stormwater from construction activities (VAR10) 9VAC25-880 is payable to the VSMP authority and the VSMP authority transmits the Department portion set forth in 9VAC25-870-820 of the Virginia Administrative Code to the Department on a schedule set forth by the Department.

BE IT FURTHER ORDAINED that this Ordinance shall be made effective on July 1, 2018.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE I, GENERAL PROVISIONS, SECTION 19-15, FEES, BY DELETING REFERENCES TO FEES AND ADDING THAT FEES ARE SET FORTH IN COUNTY CODE APPENDIX A - FEE SCHEDULE FOR DEVELOPMENT RELATED PERMITS, AND BY RENUMBERING SUBSECTION 19-15(4) TO NEW NUMBER 19-15(1)

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article I, General Provisions, 19-15, Fees, and by renumbering subsection 19-15(4) to new number 19-15(1).

**Chapter 19. Subdivisions**

**Article I. General Provisions**

**Sec. 19-15. Fees.**

Fees shall be charged to offset the cost of reviewing plats and plans, making inspections and other expenses incident to the administration of this chapter. The following fees shall be charged and collected as provided below or as set forth in County Code Appendix A - Fee Schedule for Development Related Permits.

- (1) Fees waived. Payment of any permit set forth in County Code Appendix A - Fee Schedule for Development Related Permits shall be waived for the County, any entity created solely by the County and those regional entities to which the County is a party provided that: (1) the other parties to the regional entity similarly waive fees; and (2) the regional entity has locations in more than one locality.

BE IT FURTHER ORDAINED that this Ordinance shall be made effective on July 1, 2018.

Ch19Subdiv-ord-final

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-7, ADMINISTRATIVE FEES, AND BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, SECTION 24-47, KEEPING OF CHICKENS IN RESIDENTIALLY ZONED AREAS, BY DELETING REFERENCES TO FEES AND ADDING THAT ADMINISTRATIVE FEES ARE SET FORTH IN COUNTY CODE APPENDIX A - FEE SCHEDULE FOR DEVELOPMENT RELATED PERMITS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-7, Administrative fees, and by amending Article II, Special Regulations, .Division I , In General, Section 24-47, Keeping of chickens in residentially zoned areas.

**Chapter 24. Zoning**

**Article I. In General**

**Sec. 24-7. Administrative fees.**

- (a) Fees as set forth in County Code Appendix A - Fee Schedule for Development Related Permits shall be charged at the time of application to offset the cost of making inspections, issuing permits, advertising notices and other expenses incident to the administration of this chapter or to the filing or processing of any appeal or amendment thereto.
  
- (b) Payment of any permit fees set forth in County Code Appendix A - Fee Schedule for Development Related Permits shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) The other parties to the regional entity similarly waive fees; and (2) The regional entity has locations in more than one locality.

**Article II. Special Regulations**

**Division I. In General**

**Sec. 24-47. Keeping of chickens in residentially zoned areas.**

Keeping and housing domestic chickens on residentially-zoned and occupied property shall be solely for purposes of household consumption and shall comply with the following requirements:

- (a) Chickens allowed pursuant to this section shall be kept and raised only for domestic purposes and no commercial activity such as selling eggs or selling chickens for meat shall be allowed. Harvesting of chickens is not permitted.
- (b) The maximum number of chickens permitted on a residential lot shall be two hens per the first 5,000 square feet of lot area, and one additional bird for each additional 5,000 square feet of total lot area thereof. The total number of birds is not to exceed a maximum of 12 hens.
- (c) Chickens shall only be allowed on properties consisting of single-family homes and which are on lots of at least 15,000 square feet in size.
- (d) No roosters shall be allowed.

- (e) Coops or cages and runs shall only be located in the rear yard area. The zoning administrator may grant an exception to this requirement in cases where due to unusual lot configuration, topography, or proximity of neighbors, another area of the yard is more suitable for such an activity.
- (f) Coops or cages and runs shall be situated at least five feet from adjoining property lines and 25 feet from any dwelling located on a property not owned by the applicant. On corner lots, all pens, coops or cages shall be situated no closer than 35 feet from the side street.
- (g) Coops or cages and runs shall be located outside of resource protection areas and any conservation easements dedicated to the county.
- (h) Coops or cages and runs shall be required, a portion of which shall be covered. Such coops, cages, and runs shall be enclosed with a minimum four feet high chicken wire fence. All coops, cages or runs shall provide at least three square feet of area per bird.
- (i) Each property owner seeking to keep chickens shall file an application with the James City County zoning office. Such application shall be accompanied by a processing fee as set forth in County Code Appendix A - Fee Schedule for Development Related Permits. The application shall include a sketch showing the area where the chickens will be housed and the types and size of enclosures in which the chickens shall be housed. The sketch must show all dimensions and setbacks. Upon review and determination that the proposed chicken-keeping complies with the standards set forth in this section, the zoning office shall issue a permit. Any permit that is found in violation or not in compliance with this section may be revoked.
- (j) Any more restrictive covenants dealing with the keeping of chickens shall supersede and control over the provisions of this section.

BE IT FURTHER ORDAINED that this Ordinance shall be made effective on July 1, 2018.

**ITEM SUMMARY**

DATE: 6/12/2018

TO: The Board of Supervisors

FROM: Bill Porter, Interim County Administrator

SUBJECT: Termination of lease for Building E

---

**ATTACHMENTS:**

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution
☐	Building E Lease Termination Agreement	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	5/29/2018 - 8:08 AM
Publication Management	Burcham, Nan	Approved	5/29/2018 - 8:14 AM
Legal Review	Kinsman, Adam	Approved	5/29/2018 - 9:44 AM
Board Secretary	Fellows, Teresa	Approved	5/29/2018 - 2:12 PM
Board Secretary	Purse, Jason	Approved	6/5/2018 - 1:28 PM
Board Secretary	Fellows, Teresa	Approved	6/5/2018 - 2:39 PM

## MEMORANDUM

DATE: June 12, 2018

TO: The Board of Supervisors

FROM: William C. Porter, Interim County Administrator

SUBJECT: Amendment/Termination of Lease Between James City County and the James City Service Authority for Building E

---

The James City Service Authority (JCSA) leased property from James City County (the "County"), upon which JCSA built Building E. For a number of years, the County has leased Building E back from JCSA. Because the County now occupies the entirety of Building E, the County and JCSA wish to terminate the existing lease, effective June 30, 2018. The enclosed resolution authorizes the County Administrator to terminate the lease.

Both the County and JCSA are represented by the County Attorney's office in this transaction. Should there be any dispute, the County Attorney's office will need to recuse itself from representation of either party.

WCP/nb  
JCC-JCSA-BldgETerm-mem

Attachment

**RESOLUTION**

**AUTHORIZATION OF TERMINATION OF LEASE AGREEMENT WITH THE**

**JAMES CITY SERVICE AUTHORITY**

WHEREAS, the James City Service Authority (“JCSA”) and the County of James City, Virginia (the “County”) entered into a Lease Agreement dated April 1, 1989, last amended by lease dated July 1, 2014 (the “Lease”); and

WHEREAS, under the Lease, JCSA leased to the County certain improvements constructed by JCSA located at 101-E Mounts Bay Road, Williamsburg, Virginia 23185 (“Building E”), and the County leased to JCSA the real property on which Building E is located (the “Land”); and

WHEREAS, JCSA and the County, in their mutual interest, wish to terminate the Lease.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to execute the certain Termination of Lease Agreement by and between the James City Service Authority and the County of James City, Virginia regarding Building E and the Land, and any other documents necessary for the transfer of assets or improvements.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, understands that both parties to the Termination of Lease hereby authorized are represented by the County Attorney’s Office and has been informed by counsel of the potential conflicts that may arise from such common representation and consents to such common representation.

\_\_\_\_\_  
Ruth M. Larson  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Fellows  
Deputy Clerk to the Board

	<u>VOTES</u>		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of June, 2018.

## TERMINATION OF LEASE AGREEMENT

**THIS TERMINATION OF LEASE AGREEMENT** (“Termination”), dated as of the latter of the signature dates below, is by and between the James City Service Authority, a political subdivision of the Commonwealth of Virginia (“JCSA”) and the County of James City, Virginia, a political subdivision of the Commonwealth of Virginia (the “County”).

**WHEREAS**, JCSA and the County entered into a Lease Agreement dated April 1, 1989, last amended by lease dated July 1, 2014 (the “Lease”); and

**WHEREAS**, under the Lease, JCSA leased to the County certain improvements constructed by JCSA located at 101-E Mounts Bay Road, Williamsburg, Virginia 23185 (“Building E”), and the County leased to JCSA the real property on which Building E is located (the “Land”); and

**WHEREAS**, JCSA and the County, in their mutual interest, wish to amend and terminate the Lease as set forth below.

**NOW, THEREFORE**, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, JCSA and the County agree as follows:

1. The Lease shall terminate effective June 30, 2018.
2. Upon termination of the Lease, all improvements and personal property located on the Land, including Building E, shall become the property of the County.
3. JCSA agrees to execute any documents to effectuate the transfer of assets and improvements located either on the Land or within Building E.
4. After June 30, 2018, JCSA shall have no liability for the improvements located on the Land and shall not be responsible for any insurance, maintenance, utility, housekeeping, custodial, or other obligations related to Building E or the Land, all of which shall be the responsibility of the County.
5. This Termination shall be considered an amendment by written consent of both parties under the Lease.
6. JCSA and the County understand that both parties to the Termination are represented by the County Attorney’s Office and has been informed by counsel of the potential conflicts that may arise from such common representation and consents to such common representation.

*Signatures appear on the following page.*



**IN WITNESS WHEREOF**, the parties have caused their properly authorized representatives to execute and seal this Termination of Agreement of Lease on the dates set forth below.

**Approved as to form:**

**JAMES CITY SERVICE AUTHORITY:**

\_\_\_\_\_  
Max Hlavin  
Counsel to James City Service Authority

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Approved as to form:**

**JAMES CITY COUNTY, VIRGINIA**

\_\_\_\_\_  
Adam Kinsman  
County Attorney

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**ITEM SUMMARY**

DATE: 6/12/2018  
TO: The Board of Supervisors  
FROM: William C. Porter, Interim County Administrator  
SUBJECT: County Administrator's Report

---

**ATTACHMENTS:**

	Description	Type
☐	Report	Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/5/2018 - 3:32 PM

## MEMORANDUM

DATE: June 12, 2018  
TO: The Board of Supervisors  
FROM: William C. Porter, Interim County Administrator  
SUBJECT: County Administrator's Report

---

The following is a summary of activities that took place May 2, 2018 through June 5, 2018:

### May 2, 2018 (Wednesday)

- Attended Hampton Roads Planning District Commission Chief of Administrative Officers meeting
- Met with Betsy Fowler, Library Director
- Met with Grace Boone, General Services Director
- Attended Small Business, Chamber & Tourism Alliance

### May 3, 2018 (Thursday)

- Met with Brad Rinehimer, Police Chief
- Met with Kevin Lembke, President of Busch Gardens, Williamsburg

### May 4, 2018 (Friday)

- Attended Chamber Tourism Breakfast
- Met with Doug Powell, James City Service Authority (JCSA), General Manager
- Met with Fulton Bank; Settlement at Powhatan Creek

### May 7, 2018 (Monday)

- Met with Sue Mellen, Financial and Management Services (FMS) Director
- Met with Ryan Ashe, Fire Chief

### May 8, 2018 (Tuesday)

- Attended agenda meeting
- Met with John Carnifax, Parks & Recreation Director
- Attended Board of Supervisors meeting

### May 9, 2018 (Wednesday)

- Met with Patrick Page, Information Resources Management (IRM) Director
- Attended tourism meeting; Stryker Center
- Met with Amy Jordan, Economic Development Director
- Attended Neighborhood Leaders Forum

County Administrator's Report

June 12, 2018

Page 2

May 10, 2018 (Thursday)

- Attended Economic Development Authority (EDA) meeting
- Met with Rebecca Vinroot, Social Services Director
- Attended Executive Leadership Team (ELT) meeting

May 14, 2018 (Monday)

- Met with Sue Mellen, FMS Director
- Met with Patrick Teague, Human Resources (HR) Director
- Met with Paul Holt, Community Development Director

May 15, 2018 (Tuesday)

- Attended Board of Supervisors County Administrator search review
- Met with Supervisors Ruth Larson, Jim Icenhour and County residents; Settlement at Powhatan Creek

May 16, 2018 (Wednesday)

- Attended New Employee Orientation
- Met with Betsy Fowler, Library Director
- Met with Grace Boone, General Services Director

May 17, 2018 (Thursday)

- Attended James City County Open Enrollment Benefit Fair
- Attended Ladies Professional Golf Association Golf Tournament EDA sponsored event
- Attended James City County Police Annual Awards Ceremony

April 18, 2018 (Friday)

- Met with Brad Rinehimer, Police Chief
- Attended LPGA Golf Tournament EDA sponsored event

May 21, 2018 (Monday)

- Met with Sue Mellen, FMS Director
- Met with Ryan Ashe, Fire Chief

May 22, 2018 (Tuesday)

- Attended Tourism Task Force meeting
- Attended agenda meeting
- Attended Board of Supervisors work session

County Administrator's Report

June 12, 2018

Page 3

May 23, 2018 (Wednesday)

- Met with Patrick Page, IRM Director
- Attended Greater Williamsburg Partnership meeting
- Met with Amy Jordan, Economic Development Director

May 24, 2018 (Thursday)

- Met with Neil Morgan, York County Administrator, Terry Hall, York County Emergency Communications Director and Ryan Ashe, Fire Chief
- Attended ELT meeting

May 25, 2018 (Friday)

- Attended school liaison meeting

May 28, 2018 (Monday)

- Met with Sue Mellen, FMS Director
- Met with Patrick Teague, HR Director
- Met with Paul Holt, Community Development Director

May 29, 2018 (Tuesday)

- Met with Jason Purse, Assistant County Administrator
- Met with Adam Kinsman, County Attorney

May 30, 2018 (Wednesday)

- Conference call with Dominion Energy
- Met with Judge McGinty

May 31, 2018 (Thursday)

- Attended 24th Annual Virginia Coalition for the Prevention of Elder Abuse
- Attended Skiffes Creek Switching Station Tour

June 1, 2018 (Friday)

- Met with Paul Holt, Community Development Director; Stormwater Surety
- Met with Rebecca Vinroot, Social Services Director

June 4, 2018 (Monday)

- Met with JCSA staff and Administration staff; Report on Water and Sewer Service Extension
- Met with Sue Mellen, FMS Director
- Met with Ryan Ashe, Fire Chief

June 5, 2018 (Tuesday)

- Met with Steve Miner, Springsted Waters
- Met with Patrick Page, IRM Director

WCP/nb  
CARreport061218-mem

**ITEM SUMMARY**

DATE: 6/12/2018  
TO: The Board of Supervisors  
FROM: Tori Haynes, Staff Liaison to the Historical Commission  
SUBJECT: Appointments - Historical Commission

---

**ATTACHMENTS:**

Description Type

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/23/2018 - 5:13 PM
Development Management	Holt, Paul	Approved	5/23/2018 - 5:13 PM
Publication Management	Burcham, Nan	Approved	5/24/2018 - 7:24 AM
Legal Review	Kinsman, Adam	Approved	5/24/2018 - 7:53 AM
Board Secretary	Fellows, Teresa	Approved	5/24/2018 - 2:49 PM
Board Secretary	Purse, Jason	Approved	6/5/2018 - 1:29 PM
Board Secretary	Fellows, Teresa	Approved	6/5/2018 - 2:40 PM

**ITEM SUMMARY**

DATE: 6/12/2018  
TO: The Board of Supervisors  
FROM: Frances C. Geissler, Director of Stormwater  
SUBJECT: Appointments - Stormwater Program Advisory Committee

---

**ATTACHMENTS:**

Description Type

**REVIEWERS:**

Department	Reviewer	Action	Date
Engineering & Resource Protection	Geissler, Fran	Approved	5/31/2018 - 9:53 AM
Development Management	Holt, Paul	Approved	5/31/2018 - 11:40 AM
Publication Management	Burcham, Nan	Approved	5/31/2018 - 11:43 AM
Legal Review	Kinsman, Adam	Approved	6/5/2018 - 3:20 PM
Board Secretary	Fellows, Teresa	Approved	6/5/2018 - 4:07 PM
Board Secretary	Purse, Jason	Approved	6/5/2018 - 4:25 PM
Board Secretary	Fellows, Teresa	Approved	6/5/2018 - 4:42 PM



**ITEM SUMMARY**

DATE: 6/12/2018  
TO: The Board of Supervisors  
FROM: Teresa J. Fellows, Deputy Clerk  
SUBJECT: Appointments - Williamsburg Area Arts Commission

---

**ATTACHMENTS:**

Description	Type
-------------	------

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/5/2018 - 4:39 PM

**ITEM SUMMARY**

DATE: 6/12/2018  
TO: The Board of Supervisors  
FROM: Teresa J. Fellows, Deputy Clerk  
SUBJECT: Appointments - Economic Development Authority

---

**ATTACHMENTS:**

Description	Type
-------------	------

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/5/2018 - 4:39 PM

**ITEM SUMMARY**

DATE: 6/12/2018  
TO: The Board of Supervisors  
FROM: Teresa J. Fellows, Deputy Clerk  
SUBJECT: Appointment - Colonial Group Home Commission

---

**ATTACHMENTS:**

Description	Type
-------------	------

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/5/2018 - 4:40 PM

**ITEM SUMMARY**

DATE: 6/12/2018  
TO: The Board of Supervisors  
FROM: Teresa J. Fellows, Deputy Clerk  
SUBJECT: Appointments - Colonial Behavioral Health Board

---

**ATTACHMENTS:**

Description	Type
-------------	------

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/5/2018 - 4:40 PM

**ITEM SUMMARY**

DATE: 6/12/2018  
TO: The Board of Supervisors  
FROM: Teresa J. Fellows, Deputy Clerk  
SUBJECT: Appointment - Peninsula Alcohol Safety Action Program

---

**ATTACHMENTS:**

Description	Type
-------------	------

**REVIEWERS:**

Department	Reviewer	Action	Date
Economic Development Authority	Fellows, Teresa	Approved	6/5/2018 - 4:41 PM

**ITEM SUMMARY**

DATE: 6/12/2018  
TO: The Board of Supervisors  
FROM: Teresa J. Fellows, Deputy Clerk  
SUBJECT: Appointments - Williamsburg Regional Library Board of Directors

---

**ATTACHMENTS:**

Description	Type
-------------	------

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/5/2018 - 4:42 PM

**ITEM SUMMARY**

DATE: 6/12/2018  
TO: The Board of Supervisors  
FROM: Teresa J. Fellows, Deputy Clerk  
SUBJECT: Adjourn until 4 p.m. on June 26, 2018 for the Work Session

---

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/5/2018 - 2:59 PM