

**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**  
**August 14, 2018**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. Pledge Leaders - Evan and Connor Schultz

**E. PUBLIC COMMENT**

**F. PRESENTATIONS**

1. Police Department Lip-Sync Challenge Video
2. Historical Commission Annual Update

**G. CONSENT CALENDAR**

1. Minutes Adoption - July 10, 2018 Regular Meeting and July 24, 2018 Work Session
2. Dedication of the Streets in Phase 10 of Section 7 in the New Town Subdivision
3. FY 2019-2020 Virginia Department of Transportation Revenue Sharing Program Projects - Affirmation of Commitment to Fund James City County Share of Projects and Provision of Signature Authority

**H. PUBLIC HEARING(S)**

1. ZO-0001-2018 and SO-0001-2018. Zoning and Subdivision Ordinance Amendments for the Natural Resource Policy and ZO-0003-2018 and SO-0003-2018. Zoning and Subdivision Ordinance Amendments for the Archaeological Policy.
2. ZO-0002-2018 and SO-0002-2018. Zoning and Subdivision Ordinance Amendments for Bicycle and Pedestrian Accommodations and Traffic Impact Analysis Policy Amendments

**I. BOARD CONSIDERATION(S)**

1. Medicaid Expansion Additional Allocation
2. Appointment of County Administrator
3. Appointment of Clerk to the Board
4. Bank Resolution Amendment

**J. BOARD REQUESTS AND DIRECTIVES**

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

1. County Administrator's Report

**L. CLOSED SESSION**

**M. ADJOURNMENT**

1. Adjourn until 5 p.m. on September 11, 2018 for the Regular Meeting

**ITEM SUMMARY**

DATE: 8/14/2018  
TO: The Board of Supervisors  
FROM: Teresa J. Fellows, Deputy Clerk  
SUBJECT: Pledge Leaders - Evan and Connor Schultz

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	8/7/2018 - 5:45 PM

**ITEM SUMMARY**

DATE: 8/14/2018  
TO: The Board of Supervisors  
FROM: Bradley Rinehimer, Chief of Police  
SUBJECT: Police Department Lip-Sync Challenge Video

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	8/8/2018 - 1:23 PM

**ITEM SUMMARY**

DATE: 8/14/2018  
TO: The Board of Supervisors  
FROM: Tori Haynes, Staff Liaison to the Historical Commission  
SUBJECT: Historical Commission Annual Update

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**ATTACHMENTS:**

	Description	Type
☐	Presentation	Presentation

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	7/21/2018 - 4:09 PM
Development Management	Holt, Paul	Approved	7/21/2018 - 4:09 PM
Publication Management	Burcham, Nan	Approved	7/23/2018 - 7:46 AM
Legal Review	Kinsman, Adam	Approved	7/23/2018 - 9:41 AM
Board Secretary	Fellows, Teresa	Approved	8/3/2018 - 4:54 PM
Board Secretary	Purse, Jason	Approved	8/7/2018 - 12:03 PM
Board Secretary	Fellows, Teresa	Approved	8/7/2018 - 12:36 PM

# James City County Historical Commission



Board of Supervisors Update  
August 14, 2018  
Frank J. Abbott, Chair

# The James City County Historical Commission

Mission: to further the efforts of the County to document, commemorate, preserve, protect, and promote the rich historical heritage of James City County.

## Membership

Member	District	Member	District
Frank Abbott	Powhatan	Lafayette Jones	Williamsburg
Fred Boelt	Powhatan	John Labanish	Jamestown
Ian Brickey	Powhatan	Alain Outlaw	Roberts
Adrienne Carter	Jamestown	James Parrish	Berkeley
Chris Hamilton-Petteys	Powhatan	Stephen Phillips	Roberts
Dr. Sean Heuvel	Berkeley	Kim Sims	Roberts
Mark Jakobowski	Roberts	Ben Swenson	Stonehouse

# Church on the Main / Battle of Green Spring Historical Marker October 14, 2017



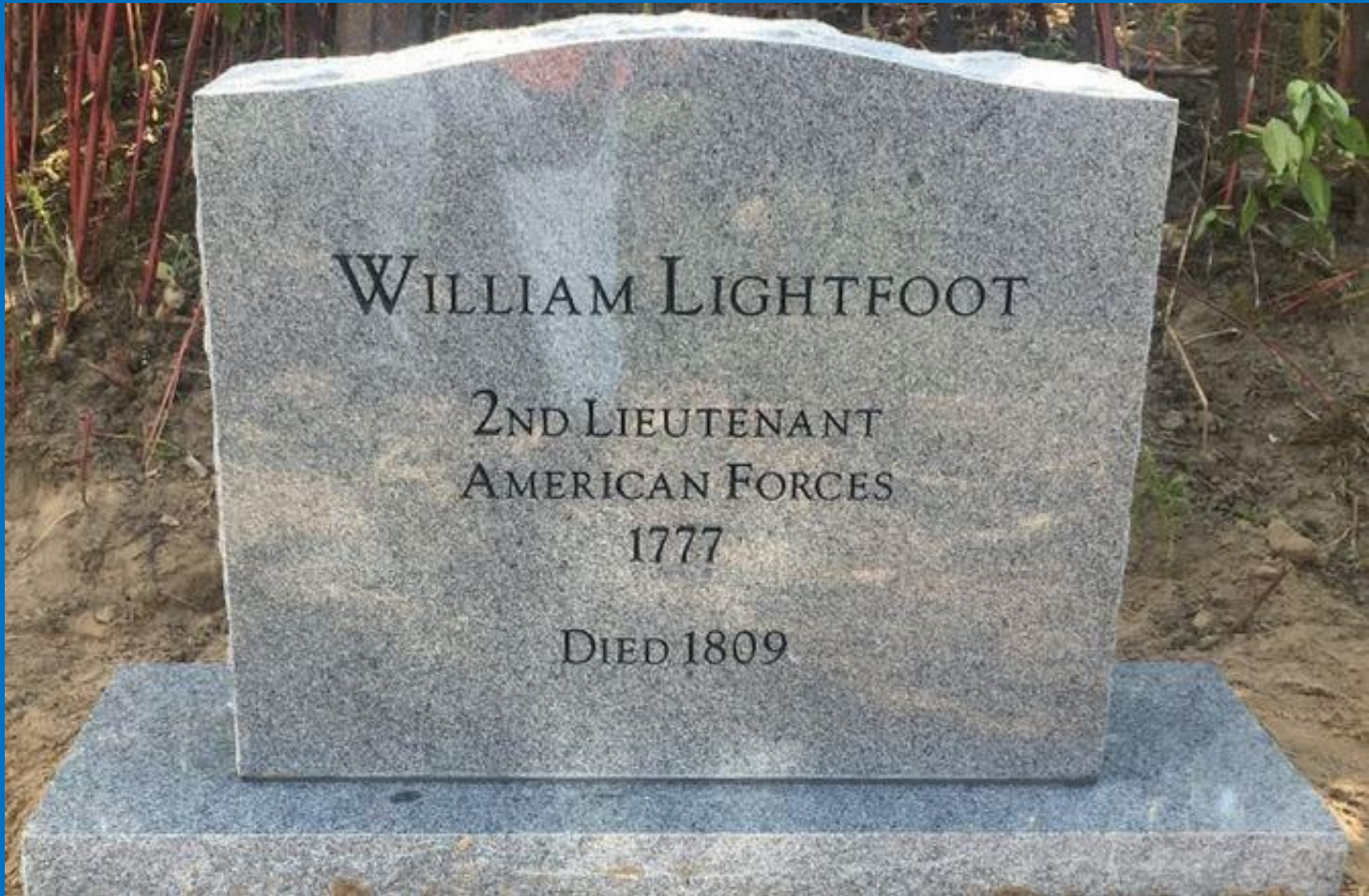


# Framing the Continental Flag from the Tomb of the Unknown Patriot Soldier of the American Revolution

Freedom Park, February 3, 2018



# William Lightfoot Grave Marker



WILLIAM LIGHTFOOT

2ND LIEUTENANT  
AMERICAN FORCES  
1777

DIED 1809

# Doncastle's Ordinary Historical Highway Marker

## March 3, 2018



# Upcoming Events and Projects

- Log Cabin Beach Historical Highway Marker
- JCC Tourist Publications
  - Revised paper map
  - Google Maps Project
- Elizabeth Bland Grave Marker, Church on the Main
- Ewell House Architectural Study
- Quarterly Speakers Series
- Governor's Land Archaeology Report
- 75th Anniversary of the End of World War II



## For more information:

Web:

<http://www.jamescitycountyva.gov/901/Historical-Commission>

Email: [planning@jamescitycountyva.gov](mailto:planning@jamescitycountyva.gov)

Phone: JCC Planning Division 757-253-6685

**ITEM SUMMARY**

DATE: 8/14/2018

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Minutes Adoption - July 10, 2018 Regular Meeting and July 24, 2018 Work Session

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**ATTACHMENTS:**

	Description	Type
☐	071018 BOS Minutes	Minutes
☐	072418 Work Session Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	8/7/2018 - 5:29 PM

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**July 10, 2018**  
**5:00 PM**

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**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-Absent

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

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. Pledge Leader - Jamie Henderson, II, a rising 9th-grade student at Jamestown High School and a resident of the Berkeley District, led the Board and citizens in the Pledge of Allegiance

**E. PUBLIC COMMENT**

1. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board in regard to cash control.
2. Mr. Rob Till, 88810 Pocahontas Trail, addressed the Board in regard to Grove community gardening events, road study, lighting and Route 60 stoplight in Grove area.
3. Mr. Thomas McCormick, Jr., 1634 Skiffes Creek Circle, addressed the Board in regard to his support of the Grove project.
4. Ms. Julie Smith, 704 Jamestown Road, introduced herself to the Board and community as a new staff member in the office of Congressman Scott Taylor, and stated that 40% of her work was community outreach and 60% was constituent service work in the 2nd Congressional District.

**F. PRESENTATIONS**

1. WATA Presentation

Mr. Andrew Trivette, Chair of Williamsburg Area Transit Authority (WATA) Board of Directors, presented a Resolution of Appreciation to Mr. Doug Powell, General Manager of James City Service Authority. Mr. Powell expressed his gratitude in being part of the WATA

partnership and the service provided to the community.

#### **G. CONSENT CALENDAR**

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

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

Ayes: Hipple, McGlennon, Sadler, Icenhour Jr

Absent: Larson

1. Minutes Adoption
2. Establishment of a Petty Cash Fund (Police)
3. Grant Award - Chesapeake Bay Restoration Fund Grant - \$6,000
4. Resolution of Support for Smart Scale Transportation Funding Applications
5. Tourism Contingency Transfer Request for Supplemental Funding to Williamsburg Area Destination Marketing Committee
6. Resolution of the Board of Supervisors of James City County, Virginia, Declaring its Intention to Reimburse Itself from the Proceeds of One or More Financings for Certain Costs of Capital Improvements

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

1. Amendment to County Code Section 20-14. Transient Lodging Tax, Tax Levied

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

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

Ayes: Hipple, McGlennon, Sadler, Icenhour Jr

Absent: Larson

Mr. Icenhour recognized Ms. Julia Leverenz, Planning Commission Representative, in the audience.

Ms. Elizabeth Parman, Assistant County Attorney, gave an overview of a memorandum and Ordinance included in the Agenda Packet.

Mr. McGlennon noted that originally Senate Bill 942 would have eliminated this tax. He further noted the Governor amended the proposal to exempt groceries from the increased sales tax and provided for it to be split between localities and the tourism advertising fund.

Mr. Icenhour opened the Public Hearing.

As there were no registered speakers, Mr. Icenhour closed the Public Hearing.

2. SUP-0004-2018. 3021 Ironbound Road Tourist Home

A motion to Approve was made by Sue Sadler, the motion result was Passed.

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



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

Ms. Tori Haynes, Planner, gave an overview of the staff report and Resolution included in the Agenda Packet.

Mr. McGlennon inquired about the adjacent tourist home.

Ms. Haynes replied that the adjacent tourist home was currently owned by a different applicant and was approved by the Board in January 2018.

Mr. Icenhour expressed his gratitude to Mr. Kinsman for answering a previous question regarding this property having an existing Special Use Permit (SUP) for a day care center. He stated that Mr. Kinsman explained this new SUP would allow this operation, but the old one was still active and could be reverted to a day care center at the applicant's desire.

Ms. Leverenz stated there were no objections to this item at the June 2018 Planning Commission meeting and it was passed unanimously for approval.

Mr. Icenhour opened the Public Hearing.

As there were no registered speakers, Mr. Icenhour closed the Public Hearing.

Mr. McGlennon briefly discussed his general observation of applications for tourist homes.

3. AFD-04-86-1-2017. Pates Neck Renewal

A motion to Approve was made by John McGlennon, the motion result was Passed.  
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1  
Ayes: Hipple, McGlennon, Sadler, Icenhour Jr  
Absent: Larson

Ms. Roberta Sulouff, Senior Planner, gave an overview of the staff report and Resolution included in the Agenda Packet.

Ms. Leverenz stated the Planning Commission unanimously approved this item at its June 2018 meeting.

Mr. Icenhour noted staff had been working on the process of getting Agricultural and Forestal Districts (AFDs) on the same schedule for approximately 12 years.

Mr. Icenhour opened the Public Hearing.

As there were no registered speakers, Mr. Icenhour closed the Public Hearing.

Mr. McGlennon discussed AFD policy issues to include: consolidation, term length and conservation easement.

Ms. Sulouff replied that an AFD program, conversation easement and land value taxation all overlap with similar purposes. She stated participation in an AFD provided additional protection to land, such as eminent domain or nuisance Ordinances.

General discussion ensued regarding AFD renewal term length.

Mr. Icenhour opened the Public Hearing.

As there were no registered speakers, Mr. Icenhour closed the Public Hearing.

## **I. BOARD CONSIDERATION(S)**

### **1. James City County Child Health Initiative Grant Award - \$250,000**

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

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

Ayes: Hipple, McGlennon, Sadler, Icenhour Jr

Absent: Larson

Ms. Rebecca Vinroot, Director of Social Services, gave an overview of the memorandum and Resolution included in the Agenda Packet.

Mr. McGlennon stated that it was a great opportunity and expressed his gratitude to the Williamsburg Health Foundation. He inquired if the City of Williamsburg had success with this partnership.

Ms. Vinroot replied yes and explained details of the program.

### **2. Contract Award - Request for Replacement Voting Equipment - \$285,571**

A motion to Approve was made by Sue Sadler, the motion result was Passed.

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

Ayes: Hipple, McGlennon, Sadler, Icenhour Jr

Absent: Larson

Ms. Dianna Moorman, Director of Elections and General Registrar, gave an overview of the memorandum and Resolution included in the Agenda Packet.

Mr. McGlennon inquired if these machines would continue to have scanned paper ballots available for inspection should any issue arise.

Ms. Moorman replied yes; the only change would be the vendor that printed the ballots and noted they will at no time be connected to the internet or to telephones.

### **3. Contract Award - Warhill Sports Complex Artificial Turf Repair, Replacement and Maintenance Service - \$2,943,737**

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

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

Ayes: Hipple, McGlennon, Sadler, Icenhour Jr

Absent: Larson

Mr. John Carnifax, Director of Parks and Recreation, gave an overview of the memorandum and Resolution included in the Agenda Packet.

Ms. Sadler inquired what type of sports were attracted to the fields.

Mr. Carnifax replied they served local citizens and visitors, and currently the larger tournaments were soccer, lacrosse and field hockey.

4. Fort Eustis Joint Land Use Study

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

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

Ayes: Hipple, McGlennon, Sadler, Icenhour Jr

Absent: Larson

Mr. Icenhour acknowledged Col. Jennifer S. Walkawicz, Col. Keith Morrow, Pandora Howell and Harry McCord in the audience.

Ms. Ellen Cook, Principal Planner, gave an overview of the memorandum and Resolution included in the Agenda Packet.

Mr. McGlennon expressed his appreciation to Fort Eustis in its leadership as well as to Mr. Ray Greer, Consultant for the Department of Defense, for being active seekers of information, ideas and suggestions.

5. Pocahontas Trail Corridor Study

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

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

Ayes: Hipple, McGlennon, Sadler, Icenhour Jr

Absent: Larson

Mr. Alex Baruch, Senior Planner, gave an overview of the memorandum and Resolution included in the Agenda Packet.

Mr. McGlennon expressed his appreciation to the groups that worked on this project and stated this will improve the character of the area and make it safer and more appealing as well as address traffic congestion.

Mr. Icenhour stated that he was impressed with the work session film and the level of participation from the community.

**J. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon stated that Will Barnes Day, June 14, was a great success and noted he attended three high school graduation ceremonies.

Ms. Sadler stated she attended a Community Action Agency Board of Directors meeting and noted it was actively fund raising. She further stated that on Monday evenings throughout July, it was "\$7 Steak Dinner" night at Baker's Crust, with a portion of the proceeds going to the Community Action Agency. She noted she and Ms. Larson met with the County Administrator, Board Chair and Director of Planning from New Kent County to discuss a proposed combat range to be located in New Kent County. She stated she attended the Warhill High School graduation and noted it was an honor and a very moving experience. She commented she previously had concerns regarding speeding on Racefield Drive and stated Chief Rinehimer would be checking into this issue. She noted a citizen remarked that James City Service Authority drivers were wonderful with their speed and safety.

Mr. Hipple stated he was reelected Chair of the Hampton Roads Transportation Accountability Commission for another year.

Mr. Icenhour stated he attended Will Barnes Day as well as a high school graduation. He commented the Peninsula Council for Workforce Development was undergoing an extensive reorganization connecting employers with potential employees and noted it was getting the program on a more regional basis. He extended his appreciation to the Police and Fire Departments for their joint responses to the City of Williamsburg regarding the helicopter accident and discussed the horrendous nature of such a mishap. He expressed his condolences to the family and friends of Ms. Jean Danylko, who was killed in the accident and had worked as the Friday Receptionist at the Lounge in the Recreation Center.

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

### **1. County Administrator's Report**

Mr. Porter stated one lane was closed July 5 on both sides of the bridge at Jolly Pond Road with expectations of options for repair and length of time for repairs in the near future. He noted that social media relayed the information, and schools as well as businesses whose trucks frequently used the bridge had been notified. He noted Neighborhood Forum was to be held July 11 at the Recreation Center, with Police Chief Rinehimer as the featured speaker. He further noted the Clean Water Grant was currently open for applications and briefly discussed the grant categories. He stated that a Grant Application PDF form could be submitted by September 28, 2018, via email, printed or handed in to the office.

## **L. CLOSED SESSION**

### **1. 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**

Mr. Icenhour stated the Board agreed the appointments of individuals to County Boards and/or Commissions originally scheduled for a Closed Session could be handled in Open Session.

### **2. Appointment - Colonial Behavioral Health Board of Directors**

A motion to Appoint Individuals to Boards and Commissions was made by John McGlennon, the motion result was Passed.

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

Ayes: Hipple, McGlennon, Sadler, Icenhour Jr

Absent: Larson

Mr. McGlennon made a motion to appoint Teresa Christin to the Colonial Behavioral Health Board beginning immediately and expiring on June 30, 2021; and Sue Mellen (staff appointee) to a new term beginning immediately and expiring on June 30, 2021.

At approximately 6:10 p.m., Mr. Icenhour recessed the Board of Supervisors in order to conduct the James City Service Authority Board of Directors meeting.

At approximately 6:15 p.m., Mr. Icenhour reconvened the Board of Supervisors.

## **M. ADJOURNMENT**

### **1. Continue until 7:45 a.m. on July 13, 2018, at the Law Enforcement Center**

A motion to Continue was made by Michael Hipple, the motion result was Passed.  
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1  
Ayes: Hipple, McGlennon, Sadler, Icenhour Jr  
Absent: Larson

At approximately 6:16 p.m., Mr. Icenhour recessed the Board of Supervisors.

**Continued Meeting of the Board of Supervisors**

**Law Enforcement Center**

**4600 Opportunity Drive, Williamsburg, VA**

**July 13, 2018**

**8:00 a.m.**

At 8:00 a.m., Ms. Larson called to order the continued meeting of the Board of Supervisors from July 10, 2018.

A motion to Enter a Closed Session, for the consideration of a personnel matter, the interview and discussion of candidates for the position of County Administrator, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, was made by Michael Hipple and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Hipple, McGlennon, Sadler, Icenhour, Larson

At 8:01 a.m. the Board entered into Closed Session.

At 6:07 p.m., the Board reentered Open Session.

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, Larson

A motion to Adjourn was made by Sue Sadler and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Hipple, McGlennon, Sadler, Icenhour, Larson

At 6:08 p.m., Ms. Larson adjourned the Board until the Work Session scheduled for July 24, 2018 at 4 p.m.

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**WORK SESSION**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**July 24, 2018**  
**4:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**Board of Supervisors**

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

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

**Board of Directors**

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

William C. Porter, Interim County Administrator  
Adam R. Kinsman, County Attorney  
M. Douglas Powell, General Manager, James City Service Authority (JCSA)

At approximately 4 p.m., Ms. Larson called the Board of Supervisors meeting to Order.

At approximately 4:01 p.m., Ms. Sadler called the Board of Directors meeting to Order.

**C. BOARD DISCUSSIONS**

1. James City Service Authority Work Session with the Board of Supervisors

Mr. Powell addressed the Board by introducing Mr. Michael Vergakis, Chief Water Engineer, Ms. Stephanie Luton, Assistant General Manager of JCSA and Mr. Danny Poe, Chief Wastewater Engineer, to the meeting. He noted these individuals, in addition to himself, comprised the senior leadership team at JCSA and had approximately 20 years each of either County or JCSA service.

Ms. Larson thanked Mr. Powell for the introductions for both the benefit of the Board and the viewers.

Mr. Powell cited the recently adopted Strategic Plan's inclusion of an initiative to develop a water conservation plan. He noted the JCSA currently had a water conservation plan and highlighted the permit and the Department of Environmental Quality (DEQ), citing the requirements regarding that plan. Mr. Powell addressed the Board with a review of the current water system, which was regulated by two state agencies: DEQ (withdrawal) and the Health Department (distribution). He presented a PowerPoint overview of the water system with usage and other statistics. Mr. Powell highlighted water supply requirements for the next few decades. He noted the demand management options that JCSA was reviewing for future water use in the presentation. He further noted irrigation created peak demands in the water system. Mr. Powell stated the consultant had evaluated several options regarding system demand and revenue. He noted one option placed a moratorium on the submeter program to allow existing customers to use them, but no new customers. He further noted the moratorium analysis had some concerns and he did not recommend any changes to the submeter program. Mr. Powell also stated a second option from the consultant addressed the current even/odd irrigation schedule. He noted the consultant proposed a schedule change with a reduction in water usage. He further noted a billing cycle modification from quarterly to monthly would prove beneficial and encourage conservation based on the consultant's evaluation. Mr. Powell highlighted the options of transitioning to two days per week for irrigation and monthly billing and noted staff's approval on these actions. Mr. Powell updated the Board on the status of the Joint Permit Application for the raw water intake at the Chickahominy River, status of Sustainable Water Initiative for Tomorrow (SWIFT), Newport News and Cranston's Mill Pond. He noted the permit allowed a nine-year window to address the issues.

Mr. Icenhour asked about SWIFT and the aquifer process involved with that program. He also addressed the recycling of the water back into the ground, but not the pipes.

Mr. Powell noted that current state law prohibited direct reuse of the water. He further noted some states did allow direct reuse and the procedure was gaining more national attention.

Mr. McGlennon questioned the funding of the SWIFT project.

Mr. Powell explained the cost of injecting purifiers into the water would be a regional cost. He noted that if James City County chose to build a filtration facility, then the County would bear that financial cost.

General discussion ensued.

Mr. Hipple noted concerns about the County's water supply. He further noted the financial impact of watering property and the use of wells versus public water. Mr. Hipple thanked Mr. Powell for presenting the water usage statistics and educating citizens with energy-efficient water options.

Ms. Larson asked about the water feasibility study and the timeline on the options. She noted increased feedback on SWIFT from concerned citizens.

Mr. Powell noted that in nine years, DEQ would expect a decision on the water plan. He cautioned a premature decision, but stressed more information was needed on the options. Mr. Powell noted the cost difference in groundwater use versus construction of a filtration facility.

Ms. Sadler asked if the feasibility study could begin without the Cranston's Mill Pond permit or SWIFT information to start the information gathering for the options.

Mr. Powell noted yes. He also noted he would supply the Board with the PowerPoint presentation.

Ms. Larson asked if irrigation pushback had been an issue with citizens. She noted she liked the monthly billing cycle.

Mr. Powell noted some pushback would be likely, but further noted the consultant said the County had “responsible irrigators”.

Ms. Larson asked what measures were in place to monitor the usage.

Mr. Powell noted JCSA did not monitor individuals, but would address misuse of the even/odd usage if observed.

Ms. Larson asked about the additional administrative expense of converting to the monthly billing.

Mr. Powell confirmed some additional expense would occur with the conversion. He added some savings would be available in reading the meters.

Mr. Hipple noted issues with Cranston’s Mill Pond. He expressed concerns about safety, volume of water, road maintenance and the dam.

Mr. McGlennon endorsed the monthly billing, but expressed concerns on the changes to three groups for the watering schedule. He asked if Hampton Roads Utility Billing Service (HRUBS) had the ability to bill electronically. Mr. McGlennon cited HRUBS as an encouragement to use a similar process in the County. He also noted use of a budget payment plan. He questioned about other viable watering options like drip irrigation.

Mr. Powell noted those were options JCSA would explore.

Ms. Sadler questioned educating groups like Homeowners Associations (HOAs) with irrigation.

Mr. Powell noted HOAs would be beneficial and stressed comprehensive public education program using social media. He further noted it would be a multi-faceted approach.

Mr. Icenhour asked about the timeline regarding the switch with the meters.

Mr. Powell noted a two-year window for the meter replacement completion was likely.

Mr. Icenhour questioned the water agreement with Newport News.

Mr. Powell noted additional information would be forthcoming to assist in decision-making. He further noted the existing agreement, the timeline and long-term water solutions. Mr. Powell expressed reservations on the construction of the current Newport News agreement.

Mr. Hipple noted Busch Gardens efficient water conservation policies in place. He questioned if that information could be shared with other industries.

Ms. Larson noted Hampton Roads Sanitation Department and HRUBS both offer paperless billing options.

Mr. Powell stated the irrigation schedule would require Board action if changes were made as it was established in the Regulations. He noted no action was needed at this time, but in the future he could make a presentation to the Board on its decision.



Ms. Sadler and the Board thanked Mr. Powell and staff for the presentation and information.

A Motion to Adjourn was made by John McGlennon, the motion passed unanimously.

At approximately 4:51 p.m., Ms. Sadler adjourned the Board of Directors until 5 p.m. on August 14, 2018, for the Regular Meeting.

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

A motion to Enter a Closed Session 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

At approximately 4:52 p.m., the Board entered into Closed Session.

At approximately 5:18 p.m., the Board re-entered Open Session.

##### **1. Certification of 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: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

##### **2. 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 of the public body, pursuant to Section 2.2-3711 (A)(3) of the Code of Virginia**

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. McGlennon noted the Board approved the Resolution authorizing the purchase of 21 acres from Green Mount Properties.

##### **3. 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**

A motion to Appoint Individuals to Boards and Commissions was made by Sue Sadler, the motion result was Passed.

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

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

The Board recommended the EDA appointments of Mr. Mike Maddox to fill the unexpired term vacated by Mr. Paul Gerhart that expires in 2020 and Mr. William Turner and Mr. Carlton Stockton for vacant terms that will expire June 2022.

#### **E. ADJOURNMENT**

A motion to Adjourn 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

1. Recess until 11 a.m. on July 31, 2018, at the Law Enforcement Center, 4600 Opportunity Way, Williamsburg, VA

At approximately 5:21 p.m., Ms. Larson recessed the Work Session until the July 31, 2018 meeting.

**ITEM SUMMARY**

DATE: 8/14/2018

TO: The Board of Supervisors

FROM: Frances C. Geissler, Director of Stormwater and Resource Protection

SUBJECT: Dedication of the Streets in Phase 10 of Section 7 in the New Town Subdivision

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**ATTACHMENTS:**

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution
☐	AM-4.3	Exhibit
☐	Map	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Engineering & Resource Protection	Cook, Darryl	Approved	7/27/2018 - 11:37 AM
Development Management	Holt, Paul	Approved	7/30/2018 - 12:12 PM
Publication Management	Daniel, Martha	Approved	7/30/2018 - 12:42 PM
Legal Review	Kinsman, Adam	Approved	8/6/2018 - 1:33 PM
Board Secretary	Fellows, Teresa	Approved	8/6/2018 - 3:51 PM
Board Secretary	Purse, Jason	Approved	8/7/2018 - 12:02 PM
Board Secretary	Fellows, Teresa	Approved	8/7/2018 - 12:35 PM

## MEMORANDUM

DATE: August 14, 2018

TO: The Board of Supervisors

FROM: Frances C. Geissler, Director of Stormwater and Resource Protection

SUBJECT: Dedication of the Streets in Phase 10 of Section 7 in the New Town Subdivision

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Attached is a resolution requesting acceptance of the streets in Phase 10 of Section 7 in the New Town subdivision which are proposed as public right-of-ways into the State Secondary Highway System. The streets proposed for acceptance are the remaining portion of Rollinson Drive, the remaining portion of Center Street and Olive Drive and are shown in red on the attached map. The streets have been inspected and approved by representatives of the Virginia Department of Transportation (VDOT) as meeting the minimum requirements for secondary roadways.

VDOT's Secondary Street Acceptance Requirements (SSAR), effective March 2009 and updated December 2011, outline processes on how streets are designed, constructed and officially accepted for maintenance as part of the secondary system of state highways. Upon the satisfactory completion of construction of streets, VDOT advises and coordinates with the local governing body of the street's readiness for acceptance through the use of VDOT's Form AM-4.3. As part of the initial acceptance process, the County Board of Supervisors must request, by resolution, that VDOT accept the street for maintenance as part of the secondary system of state highways. Administrative procedures outlined in the SSAR/24VAC30-92-70 lists criteria for street acceptance and what information is required on the local resolution. Once the resolution is approved, the signed Form AM-4.3 and the resolution are then returned to VDOT. VDOT then officially notifies the locality of the street's acceptance into the secondary system of state highways and the effective date of such action. This notification serves as the start of VDOT maintenance responsibility. As part of the process, the County will hold an appropriate amount of subdivision or public improvement surety for the roadway, as required by local Ordinances, until the acceptance process is complete. Also, within 30 days of the local governing body's request (resolution), VDOT requires a maintenance surety to be posted by the developer to guarantee performance of the street for one year from the date of acceptance.

Staff recommends the adoption of the attached resolution.

FCG/md  
NTown10-7StDed-mem

Attachments

**RESOLUTION**

**DEDICATION OF THE STREETS IN PHASE 10 OF SECTION 7 IN THE**

**NEW TOWN SUBDIVISION**

WHEREAS, the streets described on the attached Virginia Department of Transportation (VDOT) Form AM-4.3 for Phase 10 of Section 7 in the New Town subdivision, fully incorporated herein by reference, are shown on plats recorded in the office of the James City County Clerk of the Circuit Court; and

WHEREAS, the Residency Administrator for VDOT advised the Board that the streets meet the Secondary Street Acceptance Requirements (SSAR) of VDOT; and

WHEREAS, the County and VDOT entered into an agreement on July 1, 1994, for comprehensive stormwater detention, which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests VDOT to add the streets described in the attached VDOT Form AM-4.3 for Phase 10 of Section 7 in the New Town Subdivision to the secondary system of state highways, pursuant to §33.2-705 of the Code of Virginia and VDOT's SSAR.

BE IT FURTHER RESOLVED that the Board of Supervisors guarantees clear and unrestricted right-of-ways as described and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Residency Administrator for VDOT.

\_\_\_\_\_  
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 14th day of August, 2018.

In the County of James City

By resolution of the governing body adopted August 14, 2018

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee

Signed (County Official): \_\_\_\_\_

Report of Changes in the Secondary System of State Highways

Project/Subdivision New Town Phase 10, Section 7

Type Change to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.2-705

Street Name and/or Route Number

Center Street, State Route Number 1832

Old Route Number: 0

- From: Olive Drive (Route 1841)
To: Center Street (Route 1832), a distance of: 0.05 miles.

Recordation Reference: INST. #140000709

Right of Way width (feet) = 50

Street Name and/or Route Number

Rollison Drive, State Route Number 1838

Old Route Number: 0

- From: Elizabeth Davis Boulevard
To: dead end, a distance of: 0.20 miles.

Recordation Reference: INST. #140000709

Right of Way width (feet) = 60

Street Name and/or Route Number

Olive Drive, State Route Number 1841

Old Route Number: 0

- From: Rollison Drive (Route 1838)
To: Center Street (Route 1832), a distance of: 0.14 miles.


Recordation Reference: INST. #140000709

Right of Way width (feet) = 50



**Dedication of the Streets in  
Phase 10 of Section 7  
in the New Town Subdivision**

**Legend**

 Streets to be Dedicated

1 inch = 220 feet



**ITEM SUMMARY**

DATE: 8/14/2018

TO: The Board of Supervisors

FROM: Tammy Rosario, Principal Planner; Darryl E. Cook, Asst. Dir. of Stormwater & Resource Protection

SUBJECT: FY 2019-2020 Virginia Department of Transportation Revenue Sharing Program Projects - Affirmation of Commitment to Fund James City County Share of Projects and Provision of Signature Authority

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Attachment 1 - Resolution	Resolution
☐	Attachment 2 - Sept 12 Staff Memo	Backup Material
☐	Attachment 3 - Sept 12 Resolution for Grove	Backup Material
☐	Attachment 4 - Sept 12 Resolution for Richmond Rd	Backup Material
☐	Attachment 5 - Project Map for Grove	Exhibit
☐	Attachment 6 - Project Map for Richmond Rd	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	7/30/2018 - 12:10 PM
Development Management	Holt, Paul	Approved	7/30/2018 - 12:10 PM
Publication Management	Daniel, Martha	Approved	7/30/2018 - 12:47 PM
Legal Review	Kinsman, Adam	Approved	8/6/2018 - 1:33 PM
Board Secretary	Fellows, Teresa	Approved	8/6/2018 - 3:51 PM
Board Secretary	Purse, Jason	Approved	8/7/2018 - 12:02 PM
Board Secretary	Fellows, Teresa	Approved	8/7/2018 - 12:35 PM



## MEMORANDUM

DATE: August 14, 2018

TO: The Board of Supervisors

FROM: Tammy Mayer Rosario, Principal Planner  
Darryl E. Cook, Assistant Director of Stormwater and Resource Protection

SUBJECT: FY 2019-2020 Virginia Department of Transportation Revenue Sharing Program Projects  
- Affirmation of Commitment to Fund James City County Share of Projects and Provision  
of Signature Authority

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In September 2017, the Board of Supervisors adopted two resolutions which authorized the County to participate in the Virginia Department of Transportation's (VDOT's) 2019 and 2020 Revenue Sharing Program (Attachment Nos. 3 and 4). This program provides localities an additional funding option to construct, reconstruct, improve or maintain the highway system and has been an instrumental way for the County to provide funding for small projects or immediately needed improvements or to supplement existing funding on projects.

In June, staff received confirmation that the Commonwealth Transportation Board approved allocations for both of James City County's submitted projects as shown below and as further described in the September 12, 2017 staff memorandum (Attachment No. 2) and project area maps (Attachment Nos. 5 and 6):

1. Grove Roadway Improvements - \$1,173,700 total cost (\$545,000 VDOT; \$628,700 County)
2. Richmond Road Construction of Pedestrian and Bicycle Accommodations, Safety Improvements and Storm Drain System Improvements - \$1,665,594 total cost (\$715,894 VDOT; \$949,700 County)

Recently, VDOT's Central Office advised staff that a new resolution in VDOT's prescribed format would be needed to affirm James City County's commitment to fund its local share of projects under agreement with VDOT. VDOT also requested that the resolution add the Interim County Administrator as an authorized person to execute all agreements and addendums for projects with VDOT. This resolution is required before the County and VDOT can execute the Project Administration Agreement and appendices, which allow costs to be financed from the Revenue Sharing Program.

Staff recommends the Board of Supervisors approve the attached resolution.

TMR/DEC/md  
FY19-20VDOTRev-mem

### Attachments:

1. Resolution
2. September 12, 2017, Staff Memorandum
3. September 12, 2017, Resolution for Grove Roadway Improvements
4. September 12, 2017, Resolution for Richmond Road Construction Improvements
5. Grove Project Area Map
6. Richmond Road Project Area Map

**RESOLUTION**

**AFFIRMING COMMITMENT TO FUND JAMES CITY COUNTY SHARE OF PROJECTS**

**UNDER AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION**

**AND PROVIDING SIGNATURE AUTHORITY**

WHEREAS, the Board of Supervisors of James City County is a recipient of the Virginia Department of Transportation funds under various grant programs for transportation-related projects; and

WHEREAS, the Virginia Department of Transportation requires each locality, by resolution, to provide assurance of its commitment to funding its local share.

NOW, THEREFORE, BE IT RESOLVED that the James City County Board of Supervisors does hereby commit to fund its local share of preliminary engineering, right-of-way and construction (as applicable) of the projects under agreement with the Virginia Department of Transportation in accordance with the project financial documents.

BE IT FURTHER RESOLVED that the County Administrator and/or Interim County Administrator, and/or his designee are authorized to execute all agreements and/or addendums for any approved projects with the Virginia Department of Transportation.

\_\_\_\_\_  
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 14th day of August, 2018.

**MEMORANDUM**

DATE: September 12, 2017

TO: The Board of Supervisors

FROM: Tammy Mayer Rosario, Principal Planner  
Darryl Cook, Assistant Director of Stormwater and Resource Protection

SUBJECT: Virginia Department of Transportation Revenue Sharing Program - Fiscal Years 2019 - 2020

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The Virginia Department of Transportation (VDOT) has invited localities to participate in the FY 2019 and 2020 Revenue Sharing Program, which provides localities an additional funding option to construct, reconstruct, improve or maintain the highway system. Following a number of revisions made by the Commonwealth Transportation Board (CTB) in July, the program matches local dollars on a one-to-one basis up to \$5 million per locality per fiscal year with a \$10 million limitation per project. As a competitive program, VDOT prioritizes eligible projects into the following categories:

Priority 1	Construction projects that have previously received Revenue Sharing funding
Priority 2	Construction projects that meet a transportation need identified in the Statewide Transportation Plan or projects that will be accelerated in a locality's Capital Plan
Priority 3	Projects that address deficient pavement resurfacing and bridge rehabilitation
Priority 4	All other eligible projects that do not meet the above priority criteria

The County has historically used revenue sharing to provide funding for small projects or immediately needed improvements or to supplement existing funding on projects. This year staff is recommending two projects for the Board's consideration: 1) Grove Roadway Improvements; and 2) Richmond Road Construction of Pedestrian and Bicycle Accommodations, Safety Improvements and Storm Drain System Improvements. Both incorporate stormwater improvements which are currently approved in the County's Capital Improvements Program (CIP), but which can be accomplished earlier and with cost savings for the County if VDOT revenue sharing funds are approved by the CTB.

Grove Roadway Improvements

The first project, Grove Roadway Improvements, proposes to widen the existing travel lane(s) to the minimum standard for sections of Howard Drive, Jackson Street, Railroad Avenue, Whiting Avenue and Magruder Drive within Grove (see Attachment No. 3). The existing roads are of sub-standard width and have historical flooding issues, both of which affect the safety of drivers and pedestrians. Using the results of the Grove Drainage Study as its basis, the project addresses deficient pavement width through the reconstruction of new asphalt pavement and base, and alleviates roadway drainage issues by re-establishing ditch grades and adding cross-pipes to connect ditches that do not have an existing outfall or are very poorly drained. The project will also repair deficiencies such as collapsed or damaged pipes and/or pipes plugged and clogged with debris and other incidental work as part of the overall project. Since the project is currently in the County's CIP and would be accelerated by receipt of revenue sharing funds, this application would be considered a "Priority 2" project under VDOT criteria.

The total cost of the proposed improvements including preliminary engineering, right-of-way and construction is estimated at \$1,173,700. Since preliminary engineering (PE) and right-of-way (RW) for the Grove Area Roadway Improvements Project are being procured by James City County in advance, VDOT revenue sharing will be requested only for the construction phase, estimated to be a total of \$1,090,000, with \$545,000 requested from VDOT. The County's proposed contribution of \$545,000 is already programmed in the County's FY 18-22 CIP. Revenue sharing funds will be requested in FY 2019 as a first preference, then in FY 2020 as a second preference.

#### Richmond Road Construction of Pedestrian and Bicycle Accommodations, Safety Improvements and Storm Drain System Improvements

The second project, Richmond Road Construction of Pedestrian and Bicycle Accommodations, Safety Improvements and Storm Drain System Improvements, proposes a variety of improvements along a 0.5-mile section of Richmond Road from Forge Road to the entrance of Toano Middle School where stormwater improvements have been identified and programmed (see Attachment No. 4). Using the Toano Drainage Study as its basis, the project provides for construction of a new storm drain system to address numerous drainage complaints from community residents and business owners. The storm drain will provide safety improvements by eliminating existing hydroplaning hazards in this area of Richmond Road and by addressing standing water behind the sidewalk on the south side of Richmond Road in several locations.

Consistent with the Board of Supervisors adopted Toano Community Character Area Design Guidelines and Streetscape Plan, the Pedestrian Accommodations Master Plan and the Regional Bikeways Plan as a basis, the project also includes missing sidewalks, missing side street crosswalks, crosswalk upgrades for Americans with Disabilities Act compliance and the addition of a bike lane in each direction to connect residential communities on the north and south sides of Richmond Road, as well as dozens of commercial businesses along the corridor.

Additional safety improvements include grass medians, and if found to be warranted during the design phase, a mid-block crosswalk with rapid flashing beacons across Richmond Road near Toano Drive, where pedestrian crossings are heaviest. The grass medians restrict turning movements, thereby improving traffic safety by removing the hazardous left turns from several business entrances across multiple lanes of traffic in both directions, and one raised median helps reinforce a right-turn only exit from Magnolia Place, a retail development at the Chickahominy Road intersection.

The Richmond Road Construction of Pedestrian and Bicycle Accommodations, Safety Improvements and Storm Drain System Improvements would represent a subsequent phase of implementation of the Toano Drainage Study recommendations. A separate first phase of drainage improvements, the Toano West project, recently received Virginia Department of Environmental Quality funding for a 50% cost share through the Stormwater Local Assistance Fund and will improve downstream water quality by providing regional stormwater management treatment through regional facilities. The Toano West project is under design and construction is planned to be begin in late 2018 or early 2019.

Since the Richmond Road Construction project both meets a need in the Statewide Transportation Plan and is currently in the County's CIP and would be accelerated by receipt of revenue sharing funds, this application would be considered a "Priority 2" project under VDOT criteria.

The total cost of the proposed improvements including preliminary engineering, right-of-way and construction is estimated at \$1,665,594. Since PE and RW for the Richmond Road Construction Project are being procured by James City County in advance, VDOT revenue sharing will be requested only for the construction phase, estimated to be a total of \$1,478,234, with \$739,117 requested from VDOT. The County's proposed

contribution is \$739,117, which is already programmed in the County's FY 18-22 CIP. Revenue sharing funds will be requested in FY 2019 as a first preference, then in FY 2020 as a second preference.

Staff recommends the adoption of the attached resolutions which will authorize the County to participate in the FY 2019-2020 Revenue Sharing Program.

TMR/DC/nb

VDOT-RevSharFY19-20-mem

Attachments:

1. Resolution for Grove Roadway Improvements
2. Resolution for Richmond Road Construction Improvements
3. Grove Project Area Map
4. Richmond Road Project Area Map

**RESOLUTION**

**VIRGINIA DEPARTMENT OF TRANSPORTATION REVENUE SHARING PROGRAM -**


**FISCAL YEARS 2019-2020. GROVE ROADWAY IMPROVEMENTS**

WHEREAS, the Board of Supervisors of James City County desires to submit an application requesting up to \$545,000 of Revenue Sharing Funds through the Virginia Department of Transportation (VDOT) Fiscal Years 2019-2020 Revenue Sharing Program; and

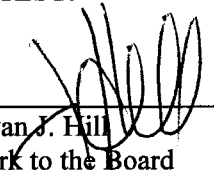
WHEREAS, the County will allocate up to \$545,000 to match Revenue Sharing Program funds as part of the FY 2019 or FY 2020 budget, consistent with the year of the award; and

WHEREAS, the combined County and state revenue sharing funding totaling \$1,090,000 is requested to fund the Grove Roadway Improvements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports this application for an allocation of \$545,000 through the VDOT Revenue Sharing Program, approves a County contribution up to \$545,000 toward this project, and hereby authorizes the County Administrator or his designee to sign the necessary applications, agreements and other documentation necessary to administer this revenue sharing project.

  
\_\_\_\_\_  
Kevin D. Onizuk  
Chairman, Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	✓	—	—
SADLER	✓	—	—
HIPPLE	✓	—	—
LARSON	✓	—	—
ONIZUK	✓	—	—

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of September, 2017.

**RESOLUTION**

**VIRGINIA DEPARTMENT OF TRANSPORTATION REVENUE SHARING PROGRAM -**

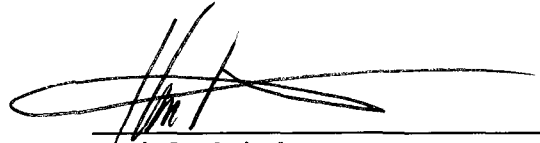
**FISCAL YEARS 2019-2020. RICHMOND ROAD CONSTRUCTION IMPROVEMENTS**

WHEREAS, the Board of Supervisors of James City County desires to submit an application requesting up to \$739,117 of Revenue Sharing Funds through the Virginia Department of Transportation (VDOT) Fiscal Years 2019-2020 Revenue Sharing Program; and

WHEREAS, the County will allocate up to \$739,117 to match Revenue Sharing Program funds as part of the FY 2019 or FY 2020 budget, consistent with the year of the award; and

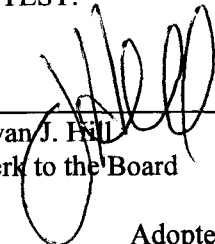
WHEREAS, the combined County and state revenue sharing funding totaling \$1,478,234 is requested to fund the Richmond Road Construction of Pedestrian and Bicycle Accommodations, Safety Improvements and Storm Drain System Improvements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports this application for an allocation of \$739,117 through the VDOT Revenue Sharing Program, approves a County contribution up to \$739,117 toward this project and hereby authorizes the County Administrator or his designee to sign the necessary applications, agreements and other documentation necessary to administer this revenue sharing project.



Kevin D. Onizuk  
Chairman, Board of Supervisors

ATTEST:

  
Bryan J. Hill  
Clerk to the Board

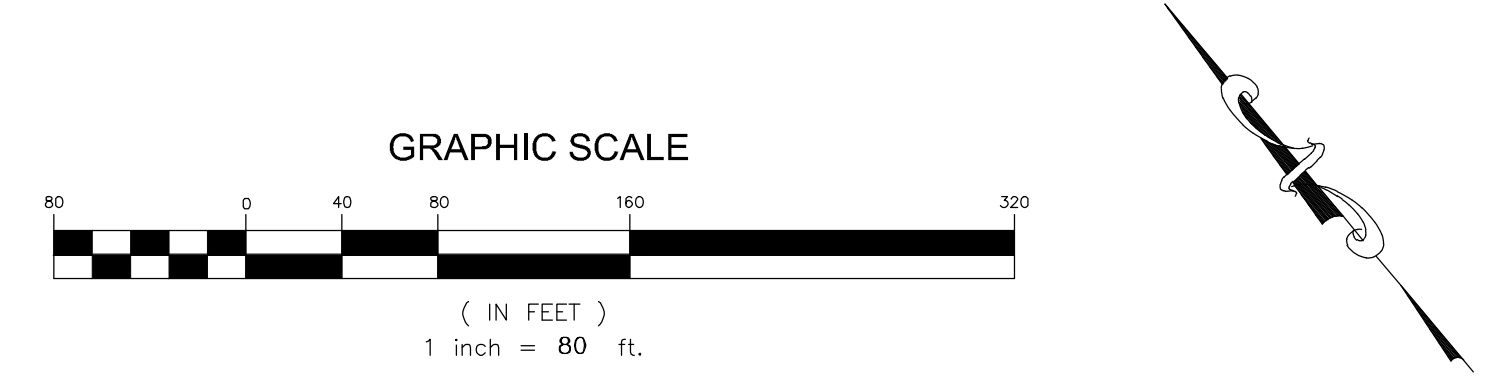
	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	✓	—	—
SADLER	✓	—	—
HIPPLE	✓	—	—
LARSON	✓	—	—
ONIZUK	✓	—	—

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of September, 2017.

# Concept Plan - Grove Roadways Improvements

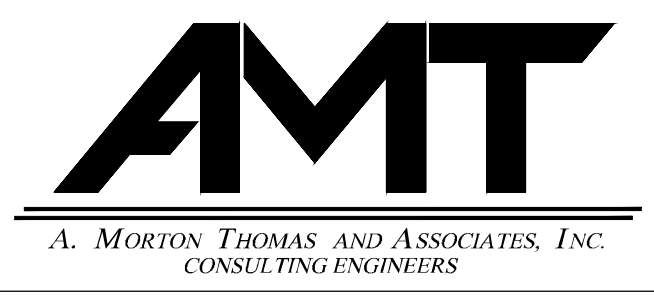
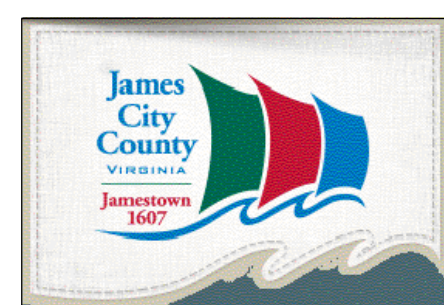






***RICHMOND ROAD (RT 60) NEW CONSTRUCTION OF PEDESTRIAN AND BICYCLE ACCOMMODATIONS, SAFETY IMPROVEMENTS, AND STORM DRAIN SYSTEM***

JAMES CITY COUNTY, VIRGINIA  
CONCEPT PLAN



**ITEM SUMMARY**

DATE: 8/14/2018

TO: The Board of Supervisors

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: ZO-0001-2018 and SO-0001-2018. Zoning and Subdivision Ordinance Amendments for the Natural Resource Policy and ZO-0003-2018 and SO-0003-2018. Zoning and Subdivision Ordinance Amendments for the Archaeological Policy.

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Attachment No. 1. Strikethrough Proposed Subdivision Ordinance Language	Ordinance
☐	Attachment No. 2. Strikethrough Proposed Zoning Ordinance Language	Ordinance
☐	Attachment No. 3. Clean Proposed Subdivision Ordinance Language	Exhibit
☐	Attachment No. 4. Clean Proposed Zoning Ordinance Language	Exhibit
☐	Attachment No. 5. Unapproved Minutes of the July 3, 2018, Planning Commission meeting	Minutes
☐	Attachment No., 6. Board of Supervisors adopted Natural Resource Policy	Exhibit
☐	Attachment No. 7 Board of Supervisors adopted Archaeological Policy	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	7/26/2018 - 1:56 PM
Development Management	Holt, Paul	Approved	7/26/2018 - 1:58 PM
Publication Management	Daniel, Martha	Approved	7/26/2018 - 2:11 PM
Legal Review	Kinsman, Adam	Approved	8/6/2018 - 1:33 PM
Board Secretary	Fellows, Teresa	Approved	8/6/2018 - 3:53 PM
Board Secretary	Purse, Jason	Approved	8/7/2018 - 12:03 PM
Board Secretary	Fellows, Teresa	Approved	8/7/2018 - 12:36 PM

## MEMORANDUM

DATE: August 14, 2018

TO: The Board of Supervisors

FROM: Jose Ribeiro, Senior Planner, II

SUBJECT: Case Nos. ZO-0001-2018 and SO-0001-2018. Zoning and Subdivision Ordinance Amendments for the Natural Resource Policy  
Case Nos. ZO-0003-2018 and SO-0003-2018. Zoning and Subdivision Ordinance Amendments for the Archaeological Policy

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### Overview

James City County is endowed with many natural resources, including rare, threatened and endangered species and rare natural communities. The County is also one of the oldest settlement areas in the country and has numerous documented and unknown archaeological sites. In order to better protect these resources, the James City County Natural Resource and Archaeological Policies were adopted by the Board of Supervisors in 1999 and 1998, respectively. The James City County Comprehensive Plan contains various goals, strategies and actions to support these policies and overall efforts to preserve the County's natural and cultural assets.

The adopted Natural Resource Policy seeks to identify and conserve areas with significant natural resource potential. If it is determined that a significant resource exists, the current policy requires that conditions or proffers requiring compliance with the policy are included for all appropriate Rezoning and Special Use Permit (SUP) applications. The policy requires that a natural resource inventory for a subject area be submitted for approval prior to land disturbance. Staff reviews the inventory in conjunction with the Department of Conservation and Recreation's Division of Natural Heritage. If the inventory confirms that a natural heritage resource exists or could be supported, a conservation management plan and/or mitigation plan is submitted to the County for approval.

The adopted Archaeological Policy seeks to identify and protect areas where significant archaeological potential exists. The current policy requires that conditions or proffers requiring compliance with the policy are included on all appropriate Rezoning and SUP cases. In most cases, the condition or proffer requires a Phase I Archaeological Study be submitted for approval prior to land disturbing. Once submitted, staff reviews the study in conjunction with the Virginia Department of Historic Resources (DHR) which determines if the study meets its standards and has been conducted under the supervision of a qualified archaeologist. If further archaeological study is required, the current Archaeological Policy provides standards for the study and/or for treatment (mitigation) plans.

Staff use these adopted policies to evaluate applications and make recommendations on legislative cases. Absent proffers, these policies have limited ability to address the impact of residential development in areas where natural and/or archaeological resources exist. Given the recent updates to the Virginia Code through Virginia Senate Bill 549, staff has identified updates to incorporate parts of these policies into the Zoning and Subdivision Ordinances.

Case Nos. ZO-0001-2018 and SO-0001-2018. Zoning and Subdivision Ordinance Amendments for the Natural Resource Policy

Case Nos. ZO-0003-2018 and SO-0003-2018. Zoning and Subdivision Ordinance Amendments for the Archaeological Policy

August 14, 2018

Page 2

The Policy Committee reviewed the revisions to the Natural Resource and Archaeological language at its meeting on September 14, 2017, February 8, 2018 and April 12, 2018. The Committee concurred with the approach to add the requirement to complete and submit a preliminary species inventory (natural heritage) and/or a Phase I Study (archaeology) as a submittal requirement for a site plan and major subdivision. The Committee also provided guidance on different aspects of the proposed languages including exemption criteria.

At the joint Planning Commission and Board of Supervisors work session on February 27, 2018, the Board selected the same option. Following review of updated language at the joint Planning Commission and Board of Supervisors work session on May 22, 2018, the Board provided comments and additional guidance to move the draft Ordinance forward to the Planning Commission.

### **Proposed Ordinance Language**

The proposed language are included as Attachment Nos. 1-4 and accomplish the following:

- In the Subdivision Ordinance, it amends Section 19-27 (Preliminary Plan-Submittal Requirements):
  - This revision establishes a requirement for the submittal of a Natural Resource Inventory and a Phase I Archaeological Study for preliminary plans for subdivisions with certain exemption criteria.
- In the Zoning Ordinance, it amends Section 24-23 (Submittal Requirements):
  - This revision updates submittal requirements for rezoning and Special Use Permit applications to require a preliminary environmental inventory and a Phase IA Archaeological Study.
- In the Zoning Ordinance, it creates new Section 24-50 (Standards for Archaeological Studies):
  - This revision creates standards for Archaeological Studies, to establish standards and specifications for Archaeological Studies.
- In the Zoning Ordinance, it creates new Section 24-51 (Standards for Natural Resource Inventories):
  - This revision creates standards for Natural Resource Inventories, to establish standards and specifications for Natural Resource Inventories.
- In the Zoning Ordinance, it amends Section 24-145 (Site Plan Submittal Requirements):
  - This revision establishes a requirement for the submittal of a Natural Resource Inventory and a Phase I Archaeological Study for site plans.

### **Changes since the July 3, 2018, Planning Commission meeting**

The Planning Commission asked staff to address minor grammatical issues. Additionally, staff made a minor revision to Section 24-23 (a) (1) (g). Submittal Requirements of the Zoning Ordinance to include the word *preliminary* to define the natural resource inventory to be submitted at the time of a legislative case application. Staff notes that during discussion of the proposed Natural Resource ordinance language at the May 22<sup>nd</sup> Board of Supervisors work session meeting, a question was raised by a Board member regarding the length of time required for a previously disturbed/cleared area to return to its original state. Staff

Case Nos. ZO-0001-2018 and SO-0001-2018. Zoning and Subdivision Ordinance Amendments for the Natural Resource Policy

Case Nos. ZO-0003-2018 and SO-0003-2018. Zoning and Subdivision Ordinance Amendments for the Archaeological Policy

August 14, 2018

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discussed this issue with a DCR representative and added language addressing this concern as item (d) in the exemption criteria under the revised Section 24-145(a)(24). Site plan submittal requirements of the Zoning Ordinance. After the Planning Commission consideration of the draft Natural Resource ordinance, staff added the same language to the subdivision ordinance to ensure clarity and consistency between the two ordinances. As such, this language has now been inserted as item (7) under the revised Section 19-27(r). All of the above referenced revisions are reflected in the attached proposed Ordinance language.

### **Recommendation**

At its April 12, 2018 meeting, the Policy Committee met to review the draft regulations, and upon no further requested substantive changes, directed staff to bring forward the regulations to the Planning Commission.

At its July 3, 2018 meeting, the Planning Commission voted to recommend approval to the Board of Supervisors of Case Nos. ZO-0001-2018, SO-0001-2018, ZO-0003-2018 and SO-0003-2018 by a vote of 7-0.

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

JR/nb

ZOS01-18andZOS03-18-mem

### Attachments:

1. Strikethrough Proposed Subdivision Ordinance Language
2. Strikethrough Proposed Zoning Ordinance Language
3. Clean Proposed Subdivision Ordinance Language
4. Clean Proposed Zoning Ordinance Language
5. Unapproved Minutes of the July 3, 2018, Planning Commission meeting
6. Board of Supervisors adopted Natural Resource Policy, dated July, 27, 1999
7. Board of Supervisors adopted Archaeological Policy, dated September 22, 1998

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, SECTION 19-27, PRELIMINARY PLAN-SUBMITTAL REQUIREMENTS.

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, Section 19-27, Preliminary plan-submittal requirements.

**Chapter 19. Subdivisions**

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

**Sec. 19-27. Preliminary plan-submittal requirements.**

The preliminary plan for a minor or major subdivision shall be on a blue-line or black-line print. The scale shall be 100 feet to the inch for the overall view, and the scale of the detailed drawings shall be appropriate to the level of detail but not less than 60 feet to the inch, except in cases where the agent approves an alternate scale. If more than one sheet is used, sheets shall be numbered in sequence and an index shall be provided. The preliminary plan for a minor or major subdivision shall include the following information:

- (a) The name of the subdivision, owner, subdivider, and surveyor or engineer, the date of drawing, number of sheets, north arrow, tax parcel identification number, zoning and graphic scale. The plan shall also list any proffers or special use permit (SUP) conditions that affect the property.
- (b) The location of the proposed subdivision on an inset map at a scale of not less than one inch equals 2,000 feet, showing adjoining roads, their names and numbers, subdivisions and other landmarks.
- (c) A closed boundary survey, or existing survey of record, total acreage, acreage of subdivided area, existing buildings and improvements, existing graves, objects or structures marking a place of burial, names of owners and existing property lines within the boundaries of the tract and for adjacent properties thereto, proposed monuments, lots, lot numbers, lot areas, blocks, building setback and yard lines. If any exceptions have been granted by the planning commission in accordance with section 19-18, the plan shall include a note detailing any exception so granted.
- (d) All existing, platted and proposed streets, both private and public, including their names, route numbers and widths; existing and proposed utility or other easements, existing and proposed sidewalks, public areas, parking spaces, culverts, drains, watercourses, lakes, their names and other pertinent data. If the streets are to be private, the plan shall include a private streets declaration in accordance with section 19-14.
- (e) A drainage plan showing the proposed drainage system including all open ditches, closed storm drain pipes and stormwater management facilities proposed to convey the subdivision drainage to

an adequate receiving channel. The plan shall include sizes of all pipes and ditches, types of pipes and ditch linings, drainage easements and construction details of any stormwater management facilities. Drainage calculations shall be submitted with a design report with computations and drainage map to verify the design of the drainage system including the adequacy of the channel receiving drainage from the proposed subdivision.

For multiphased subdivisions, a drainage map shall be provided with drainage calculations for all phases of the subdivision to determine the adequacy of receiving channels. If receiving channels are not adequate, the map shall include the location of proposed stormwater management facilities.

The drainage plan shall include the topographic plan and a soil map of the site. The topographic plan shall be based on recent field run or aerial two-foot contour intervals. Five-foot contour intervals may be used with the approval of the agent. Spot elevations shall be shown at topographic low and high points.

- (f) A stormwater management plan showing proposed stormwater management facilities including best management practices (BMPs) in accordance with chapters 8, 18A and 23 of the county code, and associated checklists. Such plan shall include construction details for all parts of the stormwater and drainage system, including pipe bedding and backfill.
- (g) An erosion and sediment narrative and control plan showing the location, type and details of proposed erosion and sediment control devices to be used during and after construction. The plan shall meet all requirements of the erosion and sediment control ordinance and associated checklists and shall be provided at a scale of 50 feet to the inch except in cases where the engineering and resource protection director approves an alternate scale. The plan shall show existing and proposed contours at intervals of no more than two feet except in cases where the engineering and resource protection director approves an alternative interval.
- (h) Cross-sections showing the proposed street construction, depth and type of base, type of surface, compaction, shoulders, curbs and gutters, sidewalks, bikeways, utilities, side ditches and other features of the proposed streets.
- (i) Street profiles showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the centerline of streets, together with proposed connecting grade lines and vertical curve information.
- (j) Size and location of existing sanitary sewer and water facilities; location and method of proposed connections to existing sewer and water facilities; size and location of proposed sewer and water facilities showing location of proposed water meters, gate valves, fire hydrants, fittings, manholes, sewer laterals and cleanouts; grinder pump locations; profile views of water and sewer mains with manhole rim and invert elevations and percent of slope; sewage pump station location, design and details; and water well facility location, design and details. A capacity study of the existing system, in accordance with service authority regulations, may be required. All improvements shall be in accordance with the latest service authority water and sanitary sewer design and acceptance criteria standards and specifications.
- (k) As provided for in Code of Va., §§ 10.1-606.2 et seq., when any part of the land proposed for subdivision lies in a mapped dam break inundation zone, such fact shall be set forth on the plan of the proposed subdivision.

- (l) As provided for in the Code of Va., § 15.2-2242, the agent may request submittal of a phase I environmental site assessment, where the proposed subdivision is located on a brownfield site, or where initial assessments indicate dumping or other contaminating activities have occurred on the property.
- (m) A phased clearing plan in accordance with section 24-89 of the zoning ordinance.
- (n) An outdoor lighting plan in accordance with section 24-130 of the zoning ordinance (these requirements do not apply to lighting on single-family lots).
- (o) The following environmental information about the site proposed for development including:
  - (1) All existing easements, disturbed area, impervious cover, and percent impervious estimate;
  - (2) Flood zone designation, resource protection areas (RPAs), soils (highly erodible, hydric, permeable, hydrologic soils group A and B);
  - (3) Full environmental inventory consistent with section 23-10(2) of the county's chesapeake bay preservation ordinance (perennial stream assessment, delineated wetlands, limits of work);
  - (4) Demonstration that the project complies with section 23-9(b)(1), (2), and (3) of the county's chesapeake bay preservation ordinance (how disturbance is being minimized, indigenous vegetation preserved, and impervious cover minimized);
  - (5) County watershed, steep slopes (grade 25% or more), sites known for populations of rare or threatened species, locations of existing conservation easements, wooded areas and wildlife habitat; and
  - (6) Description of better site design or low impact development techniques if such is being used.
- (p) For proposed minor subdivisions, a copy of the plat showing the parent parcel to assist in verifying the requirements listed in section 19-21.
- (q) *A phase I archaeological study for the area within the limits of disturbance (project area) in accordance with section 24-50 of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:*
  - (1) *The preliminary plan is for a minor subdivision as defined in section 19-24.*
  - (2) *The preliminary plan is for a family subdivision as defined in section 19-17.*
  - (3) *The preliminary plan is for property boundary line adjustments and/or extinguishments.*
  - (4) *A phase I archaeological study for the project area has been previously completed and no further study is recommended.*
  - (5) *The preliminary plan is for an amendment that proposes land disturbance of less than 2,500 square feet.*



- (6) *The project area is subject to adopted proffers and/or SUP conditions that require compliance with the Archaeological Policy.*
- (r) *A natural resource inventory for the area within the limits of disturbance (project area) in accordance with section 24-51 of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:*
  - (1) *The preliminary plan is for a minor subdivision as defined in section 19-24.*
  - (2) *The preliminary plan is for a family subdivision as defined in section 19-17.*
  - (3) *The preliminary plan is for property boundary line adjustments and/or extinguishments.*
  - (4) *An approved natural resource inventory for the project area has been completed and either found no resources, or the inventory recommendation has been appropriately addressed as determined by the director of planning.*
  - (5) *The preliminary plan is for an amendment that proposes land disturbance of less than 2,500 square feet.*
  - (6) *The Virginia Department of Conservation and Recreation (DCR), or other appropriate state agency, already determined, through a project review, that resources are not on site or would only be located in areas, such as RPAs, that are protected through other regulations.*
  - (7) *The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the director of planning; provided, however, for a site that has been previously disturbed, the director of planning shall consult with the Department of Conservation and Recreation (DCR) to determine if a natural heritage resource has been re-established on the site.*
  - (8) *The project area is subject to adopted proffers and/or SUP conditions that require compliance with the Natural Resource Policy.*
- (s) *If the director of planning determines that one or more of the above submittal requirements is not applicable to the proposed project, the director of planning may waive those requirements.*

\_\_\_\_\_  
 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	_____	_____	_____
ICENHOUR	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of  
August, 2018.

Sec19-27Subdiv-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 I, IN GENERAL, SECTION 24-23, SUBMITTAL REQUIREMENTS; BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, BY ADDING SECTION 24-50, STANDARDS FOR ARCHAEOLOGICAL STUDIES, AND SECTION 24-51, STANDARDS FOR NATURAL RESOURCE INVENTORIES; AND BY AMENDING ARTICLE III, SITE PLAN, SECTION 24-145, SITE PLAN SUBMITTAL REQUIREMENTS.

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 24-23, Submittal requirements; by amending Article II, Special Regulations, Division I, In General, by adding Section 24-50, Standards for archaeological studies, and Section 24-51, Standards for natural resource inventories; and by amending Article III, Site Plan, Section 24-145, Site plan submittal requirements.

**Chapter 24. Zoning**

**Article I. In General**

**Sec. 24-23. Submittal requirements.**

- (a) The following information shall be submitted with any request for an amendment of this chapter, as provided for in section 24-13, or for any building or use and addition or expansion thereto which requires a special use permit (SUP) under this chapter, provided however, applications for family subdivisions, manufactured homes and temporary classroom trailers shall be exempt from the requirements of this section.
  - (1) The community impact statement shall describe the probable effects of the proposed development upon the community and at a minimum shall address the following topics regarding infrastructure and quality of life:
    - a. A traffic impact analysis for all projects that expect to generate 100 or more weekday peak hour trips to and from the site during the hours of operation and/or those projects with an entrance or exit onto a roadway with a level of service "D" or lower shall be required pursuant to the traffic impact analysis submittal requirement policy. Vehicular access points and drives shall be designed to encourage smooth traffic flow, with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Buildings, parking areas and drives shall be arranged in a manner that encourages pedestrian access and minimizes traffic movement. No more than one access point on each abutting public street shall be permitted unless specifically approved by the board of supervisors after reviewing the applicant's traffic impact analysis; and

- b. A water and sewer impact study for all projects with an anticipated average daily flow greater than 15,500 gallons, and/or for proposed residential projects containing 50 lots or more. Water conservation information shall be submitted in accordance with water conservation guidelines policy; and
  - c. Environmental information shall be submitted in accordance with the environmental constraints analysis *policy* for legislative cases; and
  - d. An adequate public facilities report in accordance with board of supervisors policy to include sewer, water, schools, fire stations, libraries and other major locally-financed facilities. School information shall be prepared according to the adequate public school facilities test policy; and
  - e. Additional on-site and off-site public facilities or services which would be required as a result of the development; and
  - f. A phase IA ~~historic and~~ archaeological study if the property is identified as being *an ultra- or* highly-sensitive area on the James City County archaeological assessment. ~~If the property is identified as a moderately sensitive area on the assessment, studies shall be provided in accordance with the currently adopted archaeological policy;~~ and
  - g. *A preliminary natural resource inventory if the property is identified as being in any B1, B2, or B3 areas, as defined by the Virginia Department of Conservation and Recreation's Natural Heritage Resources Program.* ~~An environmental inventory in accordance with the James City County natural resource policy;~~ and
  - h. A fiscal impact analysis, using the worksheet and assumptions provided by the planning division, when the proposal includes residential dwelling units. The analysis must estimate revenues to be generated versus the cost of public improvements to be financed by the county or the state using the fiscal impact model prepared by the county. If desired by the applicant supplemental studies may be prepared by an individual or firm qualified to conduct a fiscal impact study in a manner and form acceptable to the planning director; and
  - i. Parks and recreation information based on parks and recreation master plan proffer guidelines.
- (2) The master plan shall depict and bind the approximate boundaries and general location of all principal land uses and their building square footage and height, roads, rights-of-way (with an indication of whether public or private), accesses, open spaces, public uses and other features to be located on the site for which approval is sought. The planning director may require other features, including general location and approximate boundaries of buildings, structures or parking areas, to be incorporated into the master plan where deemed necessary due to the size of the development, access to or location of public roads, distance from residential areas, presence of environmentally sensitive areas or availability of public utilities. The master plan shall be prepared by a licensed surveyor, engineer, architect, landscape architect or planner. A scale may be used so that the entire parcel can be shown on one piece of paper no larger than 30 inches by 48 inches. The master plan shall also include:

- a. An inset map at a scale of not less than one inch to one mile showing the property in relation to surrounding roads, subdivision or major landmarks;
- b. A north arrow, scale, the proposed use, approximate development phasing (if applicable);
- c. The location of existing property lines, watercourse or lakes, wooded areas and existing roads which are within or adjoining the property;
- d. If applicable, a table which shows for each section or area of different uses: the use; approximate development phasing, maximum number of dwelling units and density for residential areas, maximum square feet of floor space for commercial or industrial areas; and maximum acreage of each use;
- e. If applicable, schematic plans which shall indicate the phasing of development and master water, sewer and drainage plans; and
- f. If more than one type of land uses is proposed, each use shall be designated on the master plan as follows:

<b>Type of Development</b>	<b>Area Designation</b>
Single-family	<b>A</b>
Multi-family dwellings containing up to and including four dwelling units	<b>B</b>
Multi-family dwellings containing more than four dwelling units	<b>C</b>
Apartments	<b>D</b>
Commercial uses	<b>E</b>
Wholesale and warehouse uses	<b>F</b>
Office uses	<b>G</b>
Light industrial uses	<b>H</b>
Institutional or public uses	<b>I</b>
Areas of common open space, with recreation areas noted	<b>J</b>
Structures containing a mixture of uses	<b>M*</b>
Other structures, facilities or amenities	<b>X</b>

\* Areas of a master plan designated M (structures containing a mixture of uses) shall indicate in parentheses, following the M designation, the appropriate letter designations of the types of uses contained within the structure (e.g. M (CG)) in the order of their proportion in the mixed use structure.

A total of 12 copies of the master plan should be submitted along with an application for rezoning or a SUP; if necessary, additional copies of the master plan may be required for submittal. The master plan shall be reviewed and approved and thereafter

become binding upon approval of a rezoning or a SUP by the board of supervisors. Thereafter, all amendments to the master plan shall be in accordance with section 24-13 of this chapter. Final development plans may be approved after approval of a master plan by the board of supervisors. All final development plans shall be consistent with the master plan, but may deviate from the master plan if the planning director concludes that the development plan does not:

1. Significantly affect the general location or classification of housing units or buildings as shown on the master plan;
2. Significantly alter the distribution of recreation or open space areas on the master plan;
3. Significantly affect the road layout as shown on the master plan;
4. Significantly alter the character of land uses or other features or conflict with any building conditions placed on the corresponding legislatively-approved case associated with the master plan.

If the planning director determines that a proposed change would deviate from the approved master plan, the amendment shall be submitted and approved in accordance with section 24-13. In the event the planning director disapproves the amendment, the applicant may appeal the decision of the planning director to the development review committee which shall forward a recommendation to the planning commission. For additional information regarding master plan submittal requirements refer to the submittal sections for the following zoning districts: R-4, residential planned community; RT, research and technology; PUD, planned unit development; MU, mixed use; EO, economic opportunity; and residential cluster development overlay district.

- (2) Any other submittal requirement which may be required by this chapter.
  - (3) An application and fee in accordance with section 24-7 of this chapter.
- (b) Supplemental information should be submitted in accordance with the “Supplemental Submittal Requirements for Special Use Permits and Rezonings” policy as adopted by the board of supervisors and any additional policies as deemed necessary by the planning director.
  - (c) In addition to the paper copies of all documents required by this chapter, all information and plans required under (a)(1), (a)(2) or (a)(3) shall be submitted in an electronic format in accordance with the “Electronic Submittal Requirements for Legislative Applications” policy, as approved by the planning commission.
  - (d) Unless otherwise required by this chapter, upon written request by the applicant, the planning director may waive any requirement under (a)(1) or (a)(2) above after finding that such information would not be germane to the application.

## Chapter 24. Zoning

### Article II. Special Regulations

#### Division 1. In General

##### **Sec. 24-50. Standards for archaeological studies.**

(a) *All archaeological studies shall meet the Virginia Department of Historic Resources' Guidelines for Conducting Historic Resources Survey in Virginia for preparing archaeological resource management reports and the secretary of the interior's standards and guidelines for archaeological documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the secretary of the interior's professional qualification standards.*

(1) *When a phase I archaeological study is required, it shall identify, in accordance with accepted practices, all sites recommended for a phase II evaluation, and/or identified as being eligible for inclusion on the national register of historic places. If the phase I study concludes that there are no sites meeting these criteria, then no further work is required and development may occur within the subject area. If the phase I study concludes that there are sites that meet these criteria, then the requirements of subsection (a)(2) will apply.*

(2) *All sites in a phase I archaeological study that are recommended for a phase II evaluation, and/or identified as being eligible for inclusion on the national register of historic places, shall be treated by:*

a. *The preparation of a phase II study to identify, in accordance with accepted practices, all sites recommended for a phase III evaluation, and/or identified as being eligible for inclusion on the national register of historic places; or*

b. *Preservation of the site in situ in accordance with an approved treatment plan, meaning leaving the site completely undisturbed or preserving the site in a manner acceptable to the director of planning.*

*If the phase II study concludes that there are no sites that meet these criteria, then no further work is required and development may occur within the subject area.*

(3) *All sites in a phase II archaeological study that are recommended for a phase III evaluation, and/or identified as being eligible for inclusion on the national register of historic places, shall be treated by:*

a. *The preparation of a phase III study in accordance with the plan for data recovery outlined in the approved treatment plan. The phase III study shall identify in accordance with accepted practices, all sites identified as being eligible for inclusion on the national register of historic places; or*

b. *Preservation of the site in situ in accordance with an approved treatment plan, meaning leaving the site completely undisturbed or preserving the site in a manner acceptable to the director of planning.*

(4) *All studies and treatment plans shall be submitted to the director of planning for review and approval prior to land disturbance. If in the phase II or III study a site is determined eligible for nomination to the national register of historic places and the site is to be preserved in situ, the treatment plan shall include nomination of the site to the national register of historic places. The director of planning shall determine whether the studies and plans have been prepared in accordance with the applicable guidelines through consultation with the Virginia Department of Historic Resources. All approved treatment plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.*

**Sec. 24-51. Standards for natural resource inventories.**

(a) *When a natural resource inventory is required, it shall identify habitats suitable for S1, S2, S3, G1, G2, and G3 resources, as defined by the Virginia Department of Conservation and Recreation's Division of Natural Heritage (DCR/DNH), in the project area. If the inventory concludes that there is no suitable habitat, then no further work is required and development may occur within the subject area. If the inventory concludes that there is suitable habitat, then the requirements of item (b) will apply.*

(b) *If the natural resource inventory confirms that a S1, S2, S3, G1, G2 or G3 natural heritage resource either exists on, or could be supported by a portion of the site, a conservation management plan for the affected area shall be submitted to and approved by the director of planning. The conservation management plan shall consist of a plan that indicates preservation boundaries, and with language that fully explains the safeguards intended to minimize impacts to the natural heritage resource. All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.*

(c) *All inventories and conservation management plans shall meet the DCR/DNH standards for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by DCR/DNH, the United States Fish and Wildlife Service and/or the Virginia Department of Game and Inland Fisheries.*

(d) *All inventories and conservation management plans shall be submitted to the director of planning for review and approval prior to land disturbance. The director of planning shall determine whether the inventories and conservation management plans have been prepared in accordance with the standards through consultation with DCR/DNH.*

(e) *Upon written request by the applicant demonstrating that the conservation management plan would severely impact the plan of development, the director of planning may waive the requirement to incorporate the conservation management plan into the plan of development, and may instead permit the substitution of a mitigation plan. Such mitigation plan shall provide for the permanent conservation of an equally or more rare resource off-site where such resource would otherwise not be protected.*



## **Chapter 24. Zoning**

### **Article III. Site Plan**

#### **Sec. 24-145. Site plan submittal requirements.**

- (a) Site plans shall, at a minimum, identify or contain:
- (1) Project title, title block, north arrow, legend, graphic scale, zoning, parcel identification number and such information as the names and numbers of adjacent roads, streams and bodies of water, railroads and subdivisions, or other landmarks sufficient to clearly identify the location of the property;
  - (2) Name of engineer, architect, landscape architect, planner and/or licensed surveyor;
  - (3) Vicinity and location of site by an inset map at a scale no less than one inch equal to 2,000 feet;
  - (4) Boundary survey of site;
  - (5) Location, type and size of all entrances to the site. All existing and proposed streets and easements, their names, numbers and width;
  - (6) Existing and proposed utilities with easements and sizes, projected peak water and wastewater flows, watercourses and their names and owners;
  - (7) Existing topography using county base mapping (two-foot contour or greater with the prior approval of the engineering and resource protection director), or other mapping sources or resources, and proposed finished contours.
  - (8) Spot elevations shown at topographic low and high points;
  - (9) A landscaped plan showing woodline before site preparation with species and average diameter of trees indicated with location and diameter of single trees in open areas; areas to be screened, fenced, walled and/or landscaped, with approximate arrangements, plant types and sizes; and size and type of trees to be removed having a minimum diameter breast height of 12 inches;
  - (10) A tree preservation plan and a phased clearing plan in accordance with sections 24-87 and 24-90;
  - (11) An outdoor lighting plan in accordance with section 24-130;
  - (12) Provisions for off-street parking, loading spaces and pedestrian walkways including existing and proposed sidewalks, calculations indicating the number of parking spaces required and the number provided;
  - (13) Number of floors, floor area, height and location of each building;

- (14) For a multi-family or apartment development, the number, size and type of dwelling units and the location, type and percentage of total acreage of recreation facilities;
- (15) Detailed utility layout including water and sanitary sewer plan with profiles; location of electrical transmission lines, gas pipelines, streetlights and fire hydrants; and showing the locations of garbage and trash disposal facilities;
- (16) Provisions for the adequate control of stormwater drainage and erosion and sedimentation, indicating all proposed temporary and permanent control measures;
- (17) Computation notations to include the total site area, and the amount and percentage of the site covered by open space and buildings, or dwelling units for multi-family or apartment developments;
- (18) Bylaws of homeowners association where applicable;
- (19) Copies of notification to adjacent property owners;
- (20) Copy of conceptual plan (if applicable);
- (21) Narrative description of compliance of plan to any proffers or special use permit conditions (SUPs); and
- (22) The following environmental information about the site proposed for development including:
  - a. All existing easements, disturbed area, impervious cover and percent impervious estimates;
  - b. Flood zone designation, resource protection areas (RPAs), soils (highly erodible, hydric, permeable hydrologic soils groups A and B);
  - c. Full environmental inventory consistent with section 23-10(2) of the county's chesapeake bay preservation ordinance (perennial stream assessment, delineated wetlands, limits of work);
  - d. Demonstration that the project complies with section 23-9(b)(1), (2), and (3) of the county's chesapeake bay preservation ordinance (how disturbance is being minimized, indigenous vegetation preserved, impervious cover minimized);
  - e. County watershed, steep slopes (grade 25% or more), sites known for populations of rare or threatened species, locations of existing conservation easements, wooded areas and wildlife habitat; and
  - f. Description of better site design or low impact development techniques if being used.
- (23) *A phase I archaeological study for the area within the limits of disturbance (project area) in accordance with section 24-50 of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:*
  - a. *Land disturbance on the project area is less than 2,500 square feet.*

- b. *The proposed project is a temporary structure(s) that will not be erected for more than six months.*
  - c. *The proposed project is an addition to an existing structure that is less than 1,000 square feet or, no changes to the building footprints are proposed.*
  - d. *The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the director of planning.*
  - e. *An approved phase I archaeological study for the project area has been completed and either found no resources, or all study recommendation have been appropriately addressed as determined by the director of planning.*
  - f. *The site plan submittal is for a project associated with an existing individual multi-family dwelling unit.*
  - g. *The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the archaeological policy.*
- (24) *A natural resource inventory for the area within the limits of disturbance (project area) in accordance with section 24-51 of the zoning ordinance. These requirements do not apply if one or more of the following criteria area met:*
- a. *Land disturbance on the project area is less than 2,500 square feet.*
  - b. *The proposed project is a temporary structure(s) that will not be erected for more than six months.*
  - c. *The proposed project is an addition to an existing structure that is less than 1,000 square feet, or no changes to the building footprints are proposed.*
  - d. *The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the director of planning; provided, however, for a site that has been previously disturbed, the director of planning shall consult with the Department of Conservation and Recreation (DCR) to determine if a natural heritage resource has been re-established on the site.*
  - e. *An approved natural resource inventory for the project area has been completed and either found no resources, or all study recommendations have been appropriately addressed as determined by the director of planning.*
  - f. *The site plan submittal is for a project associated with an existing individual multi-family dwelling unit.*
  - g. *DCR has already determined, through a project review, that resources are not on site or would only be located in areas, such as RPAs, that are protected through other regulations.*

- h. The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the natural resource policy.*
- (b) If the director of planning determines that one or more of the above submittal requirements is not applicable to the proposed project, the director of planning may waive those requirements. *In the event the director of planning disapproves a request to waive a requirement, the applicant may appeal the decision of the director of planning to the development review committee which shall forward a recommendation to the planning commission.*
- (c) The submittal of a site plan with insufficient information shall result in the return of the plans to the applicant without review; such deficiencies shall be noted in written form.

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Ruth M. Larson  
Chairman, Board of Supervisors

ATTEST:

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William C. 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 14th day of August, 2018.

Sec24-23Zoning-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, SECTION 19-27, PRELIMINARY PLAN-SUBMITTAL REQUIREMENTS.

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, Section 19-27, Preliminary plan-submittal requirements.

**Chapter 19. Subdivisions**

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

**Sec. 19-27. Preliminary plan-submittal requirements.**

The preliminary plan for a minor or major subdivision shall be on a blue-line or black-line print. The scale shall be 100 feet to the inch for the overall view, and the scale of the detailed drawings shall be appropriate to the level of detail but not less than 60 feet to the inch, except in cases where the agent approves an alternate scale. If more than one sheet is used, sheets shall be numbered in sequence and an index shall be provided. The preliminary plan for a minor or major subdivision shall include the following information:

- (a) The name of the subdivision, owner, subdivider, and surveyor or engineer, the date of drawing, number of sheets, north arrow, tax parcel identification number, zoning and graphic scale. The plan shall also list any proffers or special use permit (SUP) conditions that affect the property.
- (b) The location of the proposed subdivision on an inset map at a scale of not less than one inch equals 2,000 feet, showing adjoining roads, their names and numbers, subdivisions and other landmarks.
- (c) A closed boundary survey, or existing survey of record, total acreage, acreage of subdivided area, existing buildings and improvements, existing graves, objects or structures marking a place of burial, names of owners and existing property lines within the boundaries of the tract and for adjacent properties thereto, proposed monuments, lots, lot numbers, lot areas, blocks, building setback and yard lines. If any exceptions have been granted by the planning commission in accordance with section 19-18, the plan shall include a note detailing any exception so granted.
- (d) All existing, platted and proposed streets, both private and public, including their names, route numbers and widths; existing and proposed utility or other easements, existing and proposed sidewalks, public areas, parking spaces, culverts, drains, watercourses, lakes, their names and other pertinent data. If the streets are to be private, the plan shall include a private streets declaration in accordance with section 19-14.
- (e) A drainage plan showing the proposed drainage system including all open ditches, closed storm drain pipes and stormwater management facilities proposed to convey the subdivision drainage to

an adequate receiving channel. The plan shall include sizes of all pipes and ditches, types of pipes and ditch linings, drainage easements and construction details of any stormwater management facilities. Drainage calculations shall be submitted with a design report with computations and drainage map to verify the design of the drainage system including the adequacy of the channel receiving drainage from the proposed subdivision.

For multiphased subdivisions, a drainage map shall be provided with drainage calculations for all phases of the subdivision to determine the adequacy of receiving channels. If receiving channels are not adequate, the map shall include the location of proposed stormwater management facilities.

The drainage plan shall include the topographic plan and a soil map of the site. The topographic plan shall be based on recent field run or aerial two-foot contour intervals. Five-foot contour intervals may be used with the approval of the agent. Spot elevations shall be shown at topographic low and high points.

- (f) A stormwater management plan showing proposed stormwater management facilities including best management practices (BMPs) in accordance with chapters 8, 18A and 23 of the county code, and associated checklists. Such plan shall include construction details for all parts of the stormwater and drainage system, including pipe bedding and backfill.
- (g) An erosion and sediment narrative and control plan showing the location, type and details of proposed erosion and sediment control devices to be used during and after construction. The plan shall meet all requirements of the erosion and sediment control ordinance and associated checklists and shall be provided at a scale of 50 feet to the inch except in cases where the engineering and resource protection director approves an alternate scale. The plan shall show existing and proposed contours at intervals of no more than two feet except in cases where the engineering and resource protection director approves an alternative interval.
- (h) Cross-sections showing the proposed street construction, depth and type of base, type of surface, compaction, shoulders, curbs and gutters, sidewalks, bikeways, utilities, side ditches and other features of the proposed streets.
- (i) Street profiles showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the centerline of streets, together with proposed connecting grade lines and vertical curve information.
- (j) Size and location of existing sanitary sewer and water facilities; location and method of proposed connections to existing sewer and water facilities; size and location of proposed sewer and water facilities showing location of proposed water meters, gate valves, fire hydrants, fittings, manholes, sewer laterals and cleanouts; grinder pump locations; profile views of water and sewer mains with manhole rim and invert elevations and percent of slope; sewage pump station location, design and details; and water well facility location, design and details. A capacity study of the existing system, in accordance with service authority regulations, may be required. All improvements shall be in accordance with the latest service authority water and sanitary sewer design and acceptance criteria standards and specifications.
- (k) As provided for in Code of Va., §§ 10.1-606.2 et seq., when any part of the land proposed for subdivision lies in a mapped dam break inundation zone, such fact shall be set forth on the plan of the proposed subdivision.

- (l) As provided for in the Code of Va., § 15.2-2242, the agent may request submittal of a phase I environmental site assessment, where the proposed subdivision is located on a brownfield site, or where initial assessments indicate dumping or other contaminating activities have occurred on the property.
- (m) A phased clearing plan in accordance with section 24-89 of the zoning ordinance.
- (n) An outdoor lighting plan in accordance with section 24-130 of the zoning ordinance (these requirements do not apply to lighting on single-family lots).
- (o) The following environmental information about the site proposed for development including:
  - (1) All existing easements, disturbed area, impervious cover, and percent impervious estimate;
  - (2) Flood zone designation, resource protection areas (RPAs), soils (highly erodible, hydric, permeable, hydrologic soils group A and B);
  - (3) Full environmental inventory consistent with section 23-10(2) of the county's chesapeake bay preservation ordinance (perennial stream assessment, delineated wetlands, limits of work);
  - (4) Demonstration that the project complies with section 23-9(b)(1), (2), and (3) of the county's chesapeake bay preservation ordinance (how disturbance is being minimized, indigenous vegetation preserved, and impervious cover minimized);
  - (5) County watershed, steep slopes (grade 25% or more), sites known for populations of rare or threatened species, locations of existing conservation easements, wooded areas and wildlife habitat; and
  - (6) Description of better site design or low impact development techniques if such is being used.
- (p) For proposed minor subdivisions, a copy of the plat showing the parent parcel to assist in verifying the requirements listed in section 19-21.
- (q) A phase I archaeological study for the area within the limits of disturbance (project area) in accordance with section 24-50 of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:
  - (1) The preliminary plan is for a minor subdivision as defined in section 19-24.
  - (2) The preliminary plan is for a family subdivision as defined in section 19-17.
  - (3) The preliminary plan is for property boundary line adjustments and/or extinguishments.
  - (4) A phase I archaeological study for the project area has been previously completed and no further study is recommended.
  - (5) The preliminary plan is for an amendment that proposes land disturbance of less than 2,500 square feet.

- (6) The project area is subject to adopted proffers and/or SUP conditions that require compliance with the Archaeological Policy.
- (r) A natural resource inventory for the area within the limits of disturbance (project area) in accordance with section 24-51 of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:
  - (1) The preliminary plan is for a minor subdivision as defined in section 19-24.
  - (2) The preliminary plan is for a family subdivision as defined in section 19-17.
  - (3) The preliminary plan is for property boundary line adjustments and/or extinguishments.
  - (4) An approved natural resource inventory for the project area has been completed and either found no resources, or the inventory recommendation has been appropriately addressed as determined by the director of planning.
  - (5) The preliminary plan is for an amendment that proposes land disturbance of less than 2,500 square feet.
  - (6) The Virginia Department of Conservation and Recreation (DCR), or other appropriate state agency, already determined, through a project review, that resources are not on site or would only be located in areas, such as RPAs, that are protected through other regulations.
  - (7) The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the director of planning provided however, for a site that has been previously disturbed, the director of planning shall consult with the Department of Conservation and Recreation (DCR) to determine if a natural heritage resource has been re-established on the site.
  - (8) The project area is subject to adopted proffers and/or SUP conditions that require compliance with the Natural Resource Policy.
- (s) If the director of planning determines that one or more of the above submittal requirements is not applicable to the proposed project, the director of planning may waive those requirements.



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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-23, SUBMITTAL REQUIREMENTS; BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, BY ADDING SECTION 24-50, STANDARDS FOR ARCHAEOLOGICAL STUDIES, AND SECTION 24-51, STANDARDS FOR NATURAL RESOURCE INVENTORIES; AND BY AMENDING ARTICLE III, SITE PLAN, SECTION 24-145, SITE PLAN SUBMITTAL REQUIREMENTS.

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 24-23, Submittal requirements; by amending Article II, Special Regulations, Division 1, In General, by adding Section 24-50, Standards for archaeological studies, and Section 24-51, Standards for natural resource inventories; and by amending Article III, Site Plan, Section 24-145, Site plan submittal requirements.

**Chapter 24. Zoning**

**Article I. In General**

**Sec. 24-23. Submittal requirements.**

- (a) The following information shall be submitted with any request for an amendment of this chapter, as provided for in section 24-13, or for any building or use and addition or expansion thereto which requires a special use permit (SUP) under this chapter, provided however, applications for family subdivisions, manufactured homes and temporary classroom trailers shall be exempt from the requirements of this section.
  - (1) The community impact statement shall describe the probable effects of the proposed development upon the community and at a minimum shall address the following topics regarding infrastructure and quality of life:
    - a. A traffic impact analysis for all projects that expect to generate 100 or more weekday peak hour trips to and from the site during the hours of operation and/or those projects with an entrance or exit onto a roadway with a level of service "D" or lower shall be required pursuant to the traffic impact analysis submittal requirement policy. Vehicular access points and drives shall be designed to encourage smooth traffic flow, with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Buildings, parking areas and drives shall be arranged in a manner that encourages pedestrian access and minimizes traffic movement. No more than one access point on each abutting public street shall be permitted unless specifically approved by the board of supervisors after reviewing the applicant's traffic impact analysis; and

- b. A water and sewer impact study for all projects with an anticipated average daily flow greater than 15,500 gallons, and/or for proposed residential projects containing 50 lots or more. Water conservation information shall be submitted in accordance with water conservation guidelines policy; and
  - c. Environmental information shall be submitted in accordance with the environmental constraints analysis policy for legislative cases; and
  - d. An adequate public facilities report in accordance with board of supervisors policy to include sewer, water, schools, fire stations, libraries and other major locally-financed facilities. School information shall be prepared according to the adequate public school facilities test policy; and
  - e. Additional on-site and off-site public facilities or services which would be required as a result of the development; and
  - f. A phase IA archaeological study if the property is identified as being an ultra- or highly-sensitive area on the James City County archaeological assessment; and
  - g. A preliminary natural resource inventory if the property is identified as being in any B1, B2, or B3 areas, as defined by the Virginia Department of Conservation and Recreation's Natural Heritage Resources Program; and
  - h. A fiscal impact analysis, using the worksheet and assumptions provided by the planning division, when the proposal includes residential dwelling units. The analysis must estimate revenues to be generated versus the cost of public improvements to be financed by the county or the state using the fiscal impact model prepared by the county. If desired by the applicant supplemental studies may be prepared by an individual or firm qualified to conduct a fiscal impact study in a manner and form acceptable to the planning director; and
  - i. Parks and recreation information based on parks and recreation master plan proffer guidelines.
- (2) The master plan shall depict and bind the approximate boundaries and general location of all principal land uses and their building square footage and height, roads, rights-of-way (with an indication of whether public or private), accesses, open spaces, public uses and other features to be located on the site for which approval is sought. The planning director may require other features, including general location and approximate boundaries of buildings, structures or parking areas, to be incorporated into the master plan where deemed necessary due to the size of the development, access to or location of public roads, distance from residential areas, presence of environmentally sensitive areas or availability of public utilities. The master plan shall be prepared by a licensed surveyor, engineer, architect, landscape architect or planner. A scale may be used so that the entire parcel can be shown on one piece of paper no larger than 30 inches by 48 inches. The master plan shall also include:
- a. An inset map at a scale of not less than one inch to one mile showing the property in relation to surrounding roads, subdivision or major landmarks;

- b. A north arrow, scale, the proposed use, approximate development phasing (if applicable);
- c. The location of existing property lines, watercourse or lakes, wooded areas and existing roads which are within or adjoining the property;
- d. If applicable, a table which shows for each section or area of different uses: the use; approximate development phasing, maximum number of dwelling units and density for residential areas, maximum square feet of floor space for commercial or industrial areas; and maximum acreage of each use;
- e. If applicable, schematic plans which shall indicate the phasing of development and master water, sewer and drainage plans; and
- f. If more than one type of land uses is proposed, each use shall be designated on the master plan as follows:

<b>Type of Development</b>	<b>Area Designation</b>
Single-family	<b>A</b>
Multi-family dwellings containing up to and including four dwelling units	<b>B</b>
Multi-family dwellings containing more than four dwelling units	<b>C</b>
Apartments	<b>D</b>
Commercial uses	<b>E</b>
Wholesale and warehouse uses	<b>F</b>
Office uses	<b>G</b>
Light industrial uses	<b>H</b>
Institutional or public uses	<b>I</b>
Areas of common open space, with recreation areas noted	<b>J</b>
Structures containing a mixture of uses	<b>M*</b>
Other structures, facilities or amenities	<b>X</b>

\* Areas of a master plan designated M (structures containing a mixture of uses) shall indicate in parentheses, following the M designation, the appropriate letter designations of the types of uses contained within the structure (e.g. M (CG)) in the order of their proportion in the mixed use structure.

A total of 12 copies of the master plan should be submitted along with an application for rezoning or a SUP; if necessary, additional copies of the master plan may be required for submittal. The master plan shall be reviewed and approved and thereafter become binding upon approval of a rezoning or a SUP by the board of supervisors. Thereafter, all amendments to the master plan shall be in accordance with section 24-13 of this chapter. Final development plans may be approved after approval of a

master plan by the board of supervisors. All final development plans shall be consistent with the master plan, but may deviate from the master plan if the planning director concludes that the development plan does not:

1. Significantly affect the general location or classification of housing units or buildings as shown on the master plan;
2. Significantly alter the distribution of recreation or open space areas on the master plan;
3. Significantly affect the road layout as shown on the master plan;
4. Significantly alter the character of land uses or other features or conflict with any building conditions placed on the corresponding legislatively-approved case associated with the master plan.

If the planning director determines that a proposed change would deviate from the approved master plan, the amendment shall be submitted and approved in accordance with section 24-13. In the event the planning director disapproves the amendment, the applicant may appeal the decision of the planning director to the development review committee which shall forward a recommendation to the planning commission. For additional information regarding master plan submittal requirements refer to the submittal sections for the following zoning districts: R-4, residential planned community; RT, research and technology; PUD, planned unit development; MU, mixed use; EO, economic opportunity; and residential cluster development overlay district.

- (2) Any other submittal requirement which may be required by this chapter.
  - (3) An application and fee in accordance with section 24-7 of this chapter.
- (b) Supplemental information should be submitted in accordance with the “Supplemental Submittal Requirements for Special Use Permits and Rezonings” policy as adopted by the board of supervisors and any additional policies as deemed necessary by the planning director.
  - (c) In addition to the paper copies of all documents required by this chapter, all information and plans required under (a)(1), (a)(2) or (a)(3) shall be submitted in an electronic format in accordance with the “Electronic Submittal Requirements for Legislative Applications” policy, as approved by the planning commission.
  - (d) Unless otherwise required by this chapter, upon written request by the applicant, the planning director may waive any requirement under (a)(1) or (a)(2) above after finding that such information would not be germane to the application.

## **Chapter 24. Zoning**

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

#### **Division 1. In General**

##### ***Sec. 24-50. Standards for archaeological studies.***

- (a) All archaeological studies shall meet the Virginia Department of Historic Resources' Guidelines for Conducting Historic Resources Survey in Virginia for preparing archaeological resource management reports and the secretary of the interior's standards and guidelines for archaeological documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the secretary of the interior's professional qualification standards.
- (1) When a phase I archaeological study is required, it shall identify, in accordance with accepted practices, all sites recommended for a phase II evaluation, and/or identified as being eligible for inclusion on the national register of historic places. If the phase I study concludes that there are no sites meeting these criteria, then no further work is required and development may occur within the subject area. If the phase I study concludes that there are sites that meet these criteria, then the requirements of subsection (a)(2) will apply.
- (2) All sites in a phase I archaeological study that are recommended for a phase II evaluation, and/or identified as being eligible for inclusion on the national register of historic places, shall be treated by:
- a. The preparation of a phase II study to identify, in accordance with accepted practices, all sites recommended for a phase III evaluation, and/or identified as being eligible for inclusion on the national register of historic places; or
  - b. Preservation of the site in situ in accordance with an approved treatment plan, meaning leaving the site completely undisturbed or preserving the site in a manner acceptable to the director of planning.
- If the phase II study concludes that there are no sites that meet these criteria, then no further work is required and development may occur within the subject area.
- (3) All sites in a phase II archaeological study that are recommended for a phase III evaluation, and/or identified as being eligible for inclusion on the national register of historic places, shall be treated by:
- a. The preparation of a phase III study in accordance with the plan for data recovery outlined in the approved treatment plan. The phase III study shall identify in accordance with accepted practices, all sites identified as being eligible for inclusion on the national register of historic places; or

- b. Preservation of the site in situ in accordance with an approved treatment plan, meaning leaving the site completely undisturbed or preserving the site in a manner acceptable to the director of planning.
- (4) All studies and treatment plans shall be submitted to the director of planning for review and approval prior to land disturbance. If in the phase II or III study a site is determined eligible for nomination to the national register of historic places and the site is to be preserved in situ, the treatment plan shall include nomination of the site to the national register of historic places. The director of planning shall determine whether the studies and plans have been prepared in accordance with the applicable guidelines through consultation with the Virginia Department of Historic Resources. All approved treatment plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.

***Sec. 24-51. Standards for natural resource inventories.***

- (a) When a natural resource inventory is required, it shall identify habitats suitable for S1, S2, S3, G1, G2, and G3 resources, as defined by the Virginia Department of Conservation and Recreation's Division of Natural Heritage (DCR/DNH), in the project area. If the inventory concludes that there is no suitable habitat, then no further work is required and development may occur within the subject area. If the inventory concludes that there is suitable habitat, then the requirements of item (b) will apply.
- (b) If the natural resource inventory confirms that a S1, S2, S3, G1, G2 or G3 natural heritage resource either exists on, or could be supported by a portion of the site, a conservation management plan for the affected area shall be submitted to and approved by the director of planning. The conservation management plan shall consist of a plan that indicates preservation boundaries, and with language that fully explains the safeguards intended to minimize impacts to the natural heritage resource. All approved conservation management plans shall be incorporated into the plan of development for the site and the clearing, grading, or construction activities thereon.
- (c) All inventories and conservation management plans shall meet the DCR/DNH standards for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by DCR/DNH, the United States Fish and Wildlife Service, and/or the Virginia Department of Game and Inland Fisheries.
- (d) All inventories and conservation management plans shall be submitted to the director of planning for review and approval prior to land disturbance. The director of planning shall determine whether the inventories and conservation management plans have been prepared in accordance with the standards through consultation with DCR/DNH.
- (e) Upon written request by the applicant demonstrating that the conservation management plan would severely impact the plan of development, the director of planning may waive the requirement to incorporate the conservation management plan into the plan of development, and may instead permit the substitution of a mitigation plan. Such mitigation plan shall provide for the permanent conservation of an equally or more rare resource off-site where such resource would otherwise not be protected.

## **Chapter 24. Zoning**

### **Article III. Site Plan**

#### **Sec. 24-145. Site plan submittal requirements.**

- (a) Site plans shall, at a minimum, identify or contain:
- (1) Project title, title block, north arrow, legend, graphic scale, zoning, parcel identification number and such information as the names and numbers of adjacent roads, streams and bodies of water, railroads and subdivisions, or other landmarks sufficient to clearly identify the location of the property;
  - (2) Name of engineer, architect, landscape architect, planner and/or licensed surveyor;
  - (3) Vicinity and location of site by an inset map at a scale no less than one inch equal to 2,000 feet;
  - (4) Boundary survey of site;
  - (5) Location, type and size of all entrances to the site. All existing and proposed streets and easements, their names, numbers and width;
  - (6) Existing and proposed utilities with easements and sizes, projected peak water and wastewater flows, watercourses and their names and owners;
  - (7) Existing topography using county base mapping (two-foot contour or greater with the prior approval of the engineering and resource protection director), or other mapping sources or resources, and proposed finished contours.
  - (8) Spot elevations shown at topographic low and high points;
  - (9) A landscaped plan showing woodline before site preparation with species and average diameter of trees indicated with location and diameter of single trees in open areas; areas to be screened, fenced, walled and/or landscaped, with approximate arrangements, plant types and sizes; and size and type of trees to be removed having a minimum diameter breast height of 12 inches;
  - (10) A tree preservation plan and a phased clearing plan in accordance with sections 24-87 and 24-90;
  - (11) An outdoor lighting plan in accordance with section 24-130;
  - (12) Provisions for off-street parking, loading spaces and pedestrian walkways including existing and proposed sidewalks, calculations indicating the number of parking spaces required and the number provided;
  - (13) Number of floors, floor area, height and location of each building;

- (14) For a multi-family or apartment development, the number, size and type of dwelling units and the location, type and percentage of total acreage of recreation facilities;
- (15) Detailed utility layout including water and sanitary sewer plan with profiles; location of electrical transmission lines, gas pipelines, streetlights and fire hydrants; and showing the locations of garbage and trash disposal facilities;
- (16) Provisions for the adequate control of stormwater drainage and erosion and sedimentation, indicating all proposed temporary and permanent control measures;
- (17) Computation notations to include the total site area, and the amount and percentage of the site covered by open space and buildings, or dwelling units for multi-family or apartment developments;
- (18) Bylaws of homeowners association where applicable;
- (19) Copies of notification to adjacent property owners;
- (20) Copy of conceptual plan (if applicable);
- (21) Narrative description of compliance of plan to any proffers or special use permit conditions (SUPs); and
- (22) The following environmental information about the site proposed for development including:
  - a. All existing easements, disturbed area, impervious cover and percent impervious estimates;
  - b. Flood zone designation, resource protection areas (RPAs), soils (highly erodible, hydric, permeable hydrologic soils groups A and B);
  - c. Full environmental inventory consistent with section 23-10(2) of the county's chesapeake bay preservation ordinance (perennial stream assessment, delineated wetlands, limits of work);
  - d. Demonstration that the project complies with section 23-9(b)(1), (2), and (3) of the county's chesapeake bay preservation ordinance (how disturbance is being minimized, indigenous vegetation preserved, impervious cover minimized);
  - e. County watershed, steep slopes (grade 25% or more), sites known for populations of rare or threatened species, locations of existing conservation easements, wooded areas and wildlife habitat; and
  - f. Description of better site design or low impact development techniques if being used.
- (23) A phase I archaeological study for the area within the limits of disturbance (project area) in accordance with section 24-50 of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:
  - a. Land disturbance on the project area is less than 2,500 square feet.



- b. The proposed project is a temporary structure(s) that will not be erected for more than six months.
  - c. The proposed project is an addition to an existing structure that is less than 1,000 square feet or no changes to the building footprints are proposed.
  - d. The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the director of planning.
  - e. An approved phase I archaeological study for the project area has been completed and either found no resources, or all study recommendation have been appropriately addressed as determined by the director of planning.
  - f. The site plan submittal is for a project associated with an existing individual multi-family dwelling unit.
  - g. The project area is subject to adopted proffers and/or SUP conditions that require compliance with the archaeological policy.
- (24) A natural resource inventory for the area within the limits of disturbance (project area) in accordance with section 24-51 of the zoning ordinance. These requirements do not apply if one or more of the following criteria area met:
- a. Land disturbance on the project area is less than 2,500 square feet.
  - b. The proposed project is a temporary structure(s) that will not be erected for more than six months.
  - c. The proposed project is an addition to an existing structure that is less than 1,000 square feet or no changes to the building footprints are proposed.
  - d. The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the director of planning; provided, however, for a site that has been previously disturbed, the director of planning shall consult with the Department of Conservation and Recreation (DCR) to determine if a natural heritage resource has been re-established on the site.
  - e. An approved natural resource inventory for the project area has been completed and either found no resources, or all study recommendations have been appropriately addressed as determined by the director of planning.
  - f. The site plan submittal is for a project associated with an existing individual multi-family dwelling unit.
  - g. DCR has already determined, through a project review, that resources are not on site or would only be located in areas, such as RPAs, that are protected through other regulations.

- h. The project area is subject to adopted proffers and/or SUP conditions that require compliance with the natural resource policy.
- (b) If the director of planning determines that one or more of the above submittal requirements is not applicable to the proposed project, the director of planning may waive those requirements. In the event the director of planning disapproves a request to waive a requirement, the applicant may appeal the decision of the director of planning to the development review committee which shall forward a recommendation to the planning commission.
- (c) The submittal of a site plan with insufficient information shall result in the return of the plans to the applicant without review; such deficiencies shall be noted in written form.

**Unapproved Minutes of the July 3, 2018  
Planning Commission Meeting**

**ZO-0001-2018 and SO-0001-2018. Zoning and Subdivision Ordinance Amendments for the Natural Resource Policy and ZO-0003-2018 and SO-0003-2018. Zoning and Subdivision Ordinance Amendments for the Archaeological Policy.**

Mr. José Ribeiro, Senior Planner, stated that James City County is endowed with many natural resources, including threatened and endangered species and rare natural communities. Mr. Ribeiro stated that the County is also one of the oldest settlement areas in the country and has numerous documented and unknown archeological sites. Mr. Ribeiro stated that in order to better protect these resources, the James City County Natural Resource and Archaeological Policies were adopted by the Board of Supervisors in 1999 and 1998.

Mr. Ribeiro stated that the Natural Resource Policy seeks to identify and conserve areas with significant natural resource potential and the Archaeological Policy seeks to identify and protect areas where significant archaeological potential exists. Mr. Ribeiro stated that if it is determined that a significant natural or cultural resource exists, the current policies require that conditions or proffers requiring compliance with the policy are included for all appropriate Rezoning and SUP applications.

Mr. Ribeiro stated that the Natural Resource policy requires that a natural resource inventory for a subject area be submitted for approval prior to land disturbance. Mr. Ribeiro stated that staff reviews the inventory in conjunction with the Department of Conservation and Recreation's Division of Natural Heritage (DCR/DNH). Mr. Ribeiro stated that if the inventory confirms that a natural heritage resource exists or could be supported, a conservation management plan and/or mitigation plan is submitted to the County for approval.

Mr. Ribeiro further stated that the Archaeological policy typically requires that requires a Phase I Archaeological Study be submitted for approval prior to land disturbing. Mr. Ribeiro stated that staff reviews the study in conjunction with the DHR which determines if the study meets its standards and has been conducted under the supervision of a qualified archaeologist. Mr. Ribeiro stated that if further archaeological study is required, the current Archaeological Policy provides standards for the study and/or for mitigation plans.

Mr. Ribeiro stated that these policies have helped staff evaluate applications and make recommendations on legislative cases.

Mr. Ribeiro stated that given the recent updates to the Code of Virginia which mandates that proffers may no longer be accepted for residential rezonings, staff has identified updates to incorporate parts of these policies in the Zoning and Subdivision Ordinances to ensure that natural and cultural resources are preserved.

Mr. Ribeiro stated that the Policy Committee reviewed the revisions to the Natural Resource and Archaeological language at its meetings in September 2017, February 2018 and April 2018. Mr. Ribeiro stated that the Policy Committee concurred with the recommendation to add the

requirement to complete and submit an initial species inventory for natural heritage resources and/or a Phase I Study for archaeological resources as a submittal requirement for site plans and major subdivisions. Mr. Ribeiro stated that the Policy Committee also provided guidance on different aspects of the proposed languages including exemption criteria.

Mr. Ribeiro stated that at the joint Planning Commission and Board of Supervisors work session on February 27, 2018, the Board of Supervisors concurred with the recommended language. Mr. Ribeiro stated that at the Board of Supervisors work session on May 22, 2018, the Board provided comments and additional guidance to move the revisions forward to the Planning Commission.

Mr. Ribeiro stated that staff recommends the Planning Commission recommend approval of the Subdivision and Zoning Ordinance revisions to the Board of Supervisors.

Mr. Richardson opened the Public Hearing.

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

Ms. Leverenz noted that the word “should” is used in several instances throughout the draft ordinance and inquired if the correct word is “shall.”

Ms. Leverenz referenced a footnote in Section 24-23 stating that “A total of 12 copies of the master plan should be submitted...”

Mr. Holt stated that in this instance “should” is correct since there are instances where fewer copied may be needed.

Ms. Leverenz further referenced a requirement that states “Supplemental information should be submitted in accordance with the "Supplemental Submittal Requirements for Special Use Permits and Rezonings".”

Mr. Holt stated that “should” is correct.

Ms. Leverenz next referenced a proposed requirement in Section 24-50 that states “The phase III study should identify in accordance with accepted practices...”

Mr. Holt stated that this for this particular instance the correct word is shall. Mr. Holt stated that the wording is “shall” in the adopted policy and that he does not note any discussion at the Policy Committee level to make the change to “should”. Mr. Holt stated that the correction would be made prior to consideration by the Board of Supervisors.

Ms. Leverenz further noted some concerns in Section 19-27. Ms. Leverenz stated that in subsections (q) (3) and (r) (3) the word “a” should be removed.

Mr. Holt noted that the changes would be made prior to consideration by the Board of Supervisors.

Mr. Haldeman made a motion to recommend approval of the Zoning Ordinance and Subdivision Ordinance amendments.

On a roll call vote, the Commission voted to recommend approval of 2. ZO-0001-2018 and SO-0001-2018. Zoning and Subdivision Ordinance Amendments for the Natural Resource Policy and ZO-0003-2018 and SO-0003-2018. Zoning and Subdivision Ordinance Amendments for the Archaeological Policy (7-0).

## RESOLUTION

### NATURAL RESOURCE POLICY

**WHEREAS,** the citizen-based Residential District Committee reviewed the residential districts in light of the 1997 Comprehensive Plan and recommended revisions to the districts; and

**WHEREAS,** the 1997 Comprehensive Plan calls for continuing efforts to protect and preserve natural resources; and

**WHEREAS,** the Residential District Committee recommended that developments be required to preserve habitats for rare, threatened, and endangered species; and

**WHEREAS,** the Planning Commission endorsed that requirement when it recommended approval of the residential districts on March 3, 1999, by a vote of 5 to 0; and

**WHEREAS,** staff developed the Natural Resource Policy which Board of Supervisors adopted along with the R-1, R-2, and Cluster Overlay Districts on May 25, 1999, by a vote of 5 to 0; and

**WHEREAS,** the Board of Supervisors wanted to allow an additional opportunity for public input, and the Natural Resource Policy has been advertised in the newspapers.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of James City County, Virginia, does hereby endorse the following Natural Resource Policy.

As part of the Chesapeake Bay ecosystem, James City County is endowed with many natural resources, including rare, threatened, and endangered species, and rare and exemplary natural communities. In order to better conserve these resources, James City County, along with York County and the City of Williamsburg, worked with the Virginia Department of Conservation and Recreation's Division of Natural Heritage (DCR/DNH) to identify habitats for rare species and natural communities. The result was a document entitled, Conservation Planning for the Natural Areas of the Lower Peninsula of Virginia.

Where the conservation plan indicates that significant natural resource potential exists the County seeks to protect these resources, and staff will recommend the following condition or proffer be added to all special use permit and rezoning cases. In making a final determination as to when studies may be required, staff will consult the conservation plan to see if the sites are located in any B1, B2, or B3 areas and will seek the recommendation of the DCR/DNH or other qualified persons if necessary.

*A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2, or G3 resources in the project area shall be submitted to the Director of Planning for his/her review and approval prior to land disturbance. If the inventory confirms that a natural heritage resource either exists or could be supported by a portion of the site, a conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. All inventories and conservation management plans shall meet the DCR/DNH's standards for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by the DCR/DNH or the United States Fish and Wildlife Service. All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or*

*construction activities thereon, to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may substitute for the incorporation of the conservation management plan into the plan of development for the site.*

I. In interpreting this proffer or condition, the following procedures and guidelines will be followed:

1. *A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2, or G3 resources in the project area shall be submitted to the Director of Planning for his review and approval prior to land disturbance. Since the County lacks the expertise to review such documents, the County will send the studies to the DCR/DNH for review. The DCR/DNH's responsibility is to determine if the study meets their standards and has been conducted under the supervision of a qualified biologist. This is the preferred option for review of these studies.*

The developer may request that staff hire an independent biologist to review the study. The Director of Planning shall select the independent biologist. The developer will pay the full costs of this review. It would be the independent biologist's responsibility to determine if the study meets the DCR/DNH's standards, and if it has been conducted under the supervision of a qualified biologist. The developer will take any risk in this matter. If at some point in the future the developer needs to go before the DCR/DNH, and comments are made regarding previous studies, it will be the County's position that all DCR/DNH issues need to be resolved. The County's biologist will not participate in this process other than to provide technical assistance to the County as requested by the County.

2. *If the inventory confirms that a natural heritage resource either exists or could be supported by a portion of the site, a conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. The conservation management plan shall consist of a site plan that indicates preservation boundaries, and with language that fully explains the safeguards intended to minimize impacts to the natural heritage resource. The plan shall be reviewed by staff who may, if necessary, consult with the DCR/DNH. The developer may request review by an independent biologist subject to the provisions of Guideline No. 1. Once identified concerns have been addressed, staff (not the DCR/DNH) will approve the study.*
3. *All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon, to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may substitute for the incorporation of the conservation management plan into the plan of development for the site. The preferred option for implementation of the conservation management plan is to fully incorporate it into the plan of development. However, should the recommendations of the conservation management plan severely impact the plan of development, the expectation is that all reasonable measures shall be taken to implement the conservation management plan. As an alternative under severe conditions, the Director of Planning may consider and approve a mitigation plan which provides for the permanent conservation of an equally or more rare resource off-site. The preference is for the same resource to be conserved.*

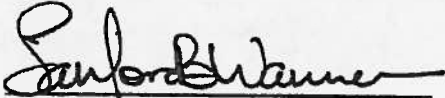
II. In Implementing and updating this condition, the following procedures and guidelines will be followed:

1. Maps indicating the general location of natural areas shall be included within the text of the Comprehensive Plan with appropriate cross-references to documents such as the Natural Areas Inventory and Natural Areas Conservation Planning Report.
2. A developer may advertise on-site preservation efforts in accordance with the regulations of the sign ordinance and after consultation with a professional biologist and the Director of Planning.



Jack D. Edwards  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Warner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NERVITT	AYE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 1999.



## RESOLUTION

### ARCHAEOLOGICAL POLICY

- WHEREAS, the task of revising the archaeological policy was undertaken by one of the four citizen committees charged with updating the Zoning Ordinance; and
- WHEREAS, the committee, in drafting the proposed policy, used the 1997 Comprehensive Plan and "Preserving Our Hidden Heritage: An Archaeological Assessment of James City County" for guidance; and
- WHEREAS, after meeting several weeks to discuss this topic, the Zoning Ordinance update committee responsible for developing this item recommends the following policy; and
- WHEREAS, on June 25, 1998, the site committee of the James City County Historical Commission endorsed the following policy; and
- WHEREAS, on August 3, 1998, the Planning Commission endorsed the policy by a vote of 4-0, with three absences.

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

As one of the oldest settlement areas in the United States, James City County has numerous documented and unknown archaeological and historic sites. Where it appears that significant archaeological potential exists, the County seeks to identify and protect these areas and staff will recommend the following condition be added to all special use permit and rezoning cases. In making a final determination of when studies may be required, staff will consult existing archaeological studies and will seek the recommendation of representatives of the County Historical Commission or other qualified archaeologists if necessary.

*A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to, and approved by, the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study area. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's*

Item No. 1

*Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.*

I. In interpreting this condition, the following procedures and guidelines will be followed

1. *A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for his review and approval prior to land disturbance. Since the County lacks the expertise to review such documents, the County will send the studies to the Virginia Division of Historic Resources (VDHR) for review. VDHR's responsibility is to determine if the study meets the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and has been conducted under the supervision of a qualified archaeologist who meets the qualification set forth in the Secretary of the Interior's Professional Qualification Standards. This is the preferred option for review of these studies.*

The developer may request staff to hire an independent archaeologist to review the study. The Director of Planning shall select the independent archaeologist. The developer will pay the full costs of this review. It would be the independent archaeologist's responsibility to determine if the study meets the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and has been conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. The developer will take risk in this matter. If at some point in the future the developer needs to go before the VDHR, and comments are made regarding previous studies, it will be the County's position that all VDHR issues need to be resolved. The County's archaeologist will not participate in this process.

2. *A treatment plan shall be submitted to, and approved by, the Director of Planning for all sites in the Phase I study, that are recommended for a Phase II evaluation and/or identified as being eligible for inclusion on the National Register of Historic Places. The treatment plan shall list treatment measures for each of the sites meeting the criteria listed in the condition and shall include, at a minimum, the extent of impact to the area, a description of the probable boundaries and recommendations for treatment of the area. These plans shall be reviewed by staff who may, if necessary, consult with VDHR. The developer may request review by an independent archaeologist subject to the provisions of Guideline No. 1. Once identified concerns have been addressed, staff (not VDHR) will approve the study. At this time acceptable treatment measures can include the preparation of a Phase II study or preservation of the site in situ. Site in situ can include leaving the site completely undisturbed and/or preserving the site in a manner acceptable to the Director of Planning.*
3. *If a Phase II study is undertaken, such a study shall be approved by the Planning Director and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for*

*inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. The study will be reviewed as outlined in Guideline No. 1.*

The treatment plan shall list treatment measures for each of the sites meeting the criteria listed in the condition. If there is a question as to whether or not sites are impacted by development, staff will examine these sites and determine if a treatment plan is necessary. These plans shall be reviewed by staff who may, if necessary, consult with VDHR. The developer may request review by an independent archaeologist subject to the provisions of Guideline No. 1. Once identified concerns have been addressed, staff (not VDHR) will approve the study. At this time acceptable treatment measures can include the preparation of a Phase III study or preservation of the site in situ. Site in situ can include leaving the site completely undisturbed and/or preservation of the site in a manner acceptable to the Director of Planning.

4. *If, in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. The developer shall pursue the nomination of eligible sites. However, submission of the application to initiate this process will fully satisfy the condition.*
5. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study area. The study will be reviewed as outlined in Guideline No. 1.
6. All approved treatment plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.

II. In Implementing and updating this condition, the following procedures and guidelines will be followed:

1. The policy and archaeological assessment shall be updated and revised as appropriate in advance of the Comprehensive Plan update to keep the documents current with new findings, professional archaeological standards and practices, and Virginia Department of historical Resources (VDHR) policy.
2. The following note shall be included on all future revisions of the Comprehensive Plan Land Use Map:

“Depending upon certain environmental conditions, highly-sensitive archaeological sites may occur within 3 km (1.9 mi.) of the James and Chickahominy rivers and within 2 km (1.2 mi.) of the York River. Ultrasensitive zones may occur where these high-sensitivity areas fall within the Primary Service Area. Please refer to the text of the Comprehensive Plan for further information.”

3. Maps indicating the general extent of high- and moderate-sensitivity areas shall be included within the text of the Comprehensive Plan with appropriate cross-

references to documents such as the James City County Archaeological Assessment.

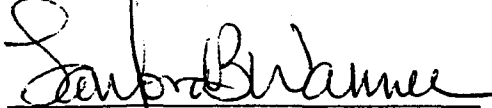
4. Upon nomination of a developer engaging in successful archaeological preservation, the Board of Supervisors shall consider the issuance of a resolution of appreciation.
5. A developer may advertise on-site preservation efforts in accordance with the regulations of the sign ordinance and after consultation with a professional archaeologist and the Director of Planning.
6. A developer may advertise on-site preservation efforts through promotional videos to be shown on the County's cable channel.
7. To the greatest extent possible, the County shall make display areas available in public areas of all County-owned and operated buildings.
8. Any developer who completes a Phase II study shall make available a portion of the artifacts for display in public buildings.



Jack D. Edwards  
Chairman, Board of Supervisors

SUPERVISOR	VOTE
SISK	AYE
MCLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

ATTEST:



Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of September, 1998.

archeolog.res

**ITEM SUMMARY**

DATE: 8/14/2018

TO: The Board of Supervisors

FROM: Alex Baruch, Senior Planner and Roberta Sulouff, Senior Planner

SUBJECT: ZO-0002-2018 and SO-0002-2018. Zoning and Subdivision Ordinance Amendments for Bicycle and Pedestrian Accommodations and Traffic Impact Analysis Policy Amendments

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**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Strikethrough Proposed Subdivision Ordinance Language	Ordinance
☐	Strikethrough Proposed Zoning Ordinance Language	Ordinance
☐	Resolution Adopting Proposed Amendments to the TIA Policy	Resolution
☐	Clean Proposed Subdivision Ordinance Language	Exhibit
☐	Clean Proposed Zoning Ordinance Language	Exhibit
☐	Strikethrough Proposed TIA Policy Language	Exhibit
☐	Clean Proposed TIA Policy Language	Exhibit
☐	Unapproved Minutes of the July 3, 2018, Planning Commission Meeting	Minutes
☐	Board of Supervisors Resolution adopting the TIA Submittal Requirements Policy	Exhibit
☐	Board of Supervisors Resolution adopting the Pedestrian Accommodations Master Plan, dated November 22, 2011	Exhibit
☐	Board of Supervisors Adopted Pedestrian Accommodations Master Plan	Exhibit
☐	Board of Supervisors Resolution adopting the Regional Bikeways Master Plan, dated September 10, 2013	Exhibit
☐	Board of Supervisors Adopted Regional Bikeways Master Plan	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
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Development Management	Holt, Paul	Approved	7/30/2018 - 12:24 PM
Publication Management	Daniel, Martha	Approved	7/30/2018 - 12:51 PM
Legal Review	Kinsman, Adam	Approved	8/6/2018 - 1:33 PM
Board Secretary	Fellows, Teresa	Approved	8/6/2018 - 3:53 PM
Board Secretary	Purse, Jason	Approved	8/7/2018 - 12:03 PM
Board Secretary	Fellows, Teresa	Approved	8/7/2018 - 12:36 PM

## MEMORANDUM

DATE: August 14, 2018

TO: The Board of Supervisors

FROM: Alex Baruch, Senior Planner  
Roberta Sulouff, Senior Planner

SUBJECT: Case Nos. ZO-0002-2018 and SO-0002-2018. Zoning and Subdivision Ordinance Amendments for Bicycle and Pedestrian Accommodations and Traffic Impact Analysis

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### Overview

The James City County Comprehensive Plan includes various goals, strategies and action items with the objective to provide citizens, businesses and visitors with effective and safe means of transportation through pedestrian, bicycle and pedestrian accommodations. Currently, transportation impacts created by developments requiring legislative approval are addressed by three administrative policies and corresponding submittal requirements. First, the James City County 2011 Pedestrian Accommodation Master Plan, adopted by the Board of Supervisors on November 22, 2011, implemented the Master Plan as a binding resource in determining pedestrian accommodation requirements external to a development unless otherwise required by the pedestrian accommodation section of the Zoning Ordinance (Section 24-35). Second, the Regional Bikeways Plan, adopted by the Board of Supervisors on June 21, 1993, encourages the coordinated development of a comprehensive system of bikeways throughout the region. The Regional Bikeways Plan was amended November 10, 1998 and September 10, 2013, to revise the map to provide bicycle access to major destinations, eliminate routes with dead ends, recommend realistic facility types and incorporate multi-use paths, which serve both cyclists and pedestrians. Third, the Traffic Impact Analysis (TIA) Submittal Requirement Policy was adopted on June 12, 2012, and was designed to provide guidance to applicants regarding the minimum content requirements for a TIA. Per the current submittal requirements for legislative cases, a TIA is required for any project which may generate 100 or more peak hour vehicle trips; any case that falls under this threshold may proffer general traffic improvements or may be subject to relevant special use permit conditions, but would not be required to submit a TIA.

Current policies and submittal requirements represent the desire of the County to ensure that development is responsive to the transportation needs of the community they are impacting. These policies ensure that applicants implement the adopted plans mentioned above and, when applicable, any improvements recommended by a TIA in the creation of their binding master plans and proffers. Staff uses the Board of Supervisors adopted policies to evaluate applications and make recommendations on legislative cases. Absent proffers, these policies have limited ability to address transportation impacts created by new residential development. Given the recent updates to the Code of Virginia through Virginia Senate Bill 549, staff has identified updates to incorporate parts of these policies into the Zoning Ordinance, Subdivision Ordinance and TIA Submittal Requirement Policy.

The Policy Committee reviewed the revisions to the Pedestrian and Bicycle Accommodations language at its meetings on September 14, 2017, February 8, 2018, April 12, 2018 and May 10, 2018. The Committee concurred with the approach of including provisions for bicycle accommodations in Section 24-35 and gave guidance on various aspects of the revised language including areas of connection and design specifications, as well as the new exception criteria that were added following the Board work session. At the joint Planning Commission/Board of Supervisors work session on February 27, 2018, the Board selected the

option of proceeding with the inclusion of bicycle accommodations. Following review of updated language at the joint Planning Commission/Board of Supervisors work session on May 22, 2018, the Board provided guidance to move the draft Ordinance forward to the Planning Commission.

For the Transportation items, which include the TIA Policy and the Ordinance language to clarify Virginia Department of Transportation (VDOT) and other agencies review in approving plans, the Policy Committee reviewed the language at its meetings on September 14, 2017, February 8, 2018 and April 12, 2018. The Committee asked staff to benchmark other localities to see how they handle traffic impacts. The results showed that most localities rely on VDOT to require on-site traffic improvements during the development stage, but they did not have a mechanism to obtain off-site traffic improvements without proffers at the legislative stage. The Committee agreed with the concept of the Adequate Transportation Facilities Test to provide the Planning Commission and Board of Supervisors with an assessment of the TIA and whether an application mitigated the impacts stated in the TIA. At the joint Planning Commission/Board of Supervisors work session on February 27, 2018, the Board requested that the TIA Policy be brought back to the next work session prior to moving forward to the Planning Commission for public hearing. Following review of the updated language at the joint Planning Commission/Board of Supervisors work session on May 22, 2018, the Board provided guidance to move the draft policy and Ordinance forward to the Planning Commission with minor changes.

All feedback from these meetings is reflected in the proposed Ordinance language as listed below.

### **Proposed Ordinance Language**

The proposed Subdivision Ordinance language is included as Attachment No. 1 and accomplishes the following:

- This revision amends Section 19-30 to clarify James City Service Authority (JCSA) and VDOT's role in approving plans.

The proposed Zoning Ordinance language is included as Attachment No. 3 and accomplishes the following:

- This revision amends Section 24-35 to add bicycle improvements to many of the required pedestrian accommodation improvements based on the Regional Bikeways Master Plan.
- This revision to Section 24-35 also amends the construction standards and exemptions sections to ensure clarity.
- This revision amends Section 24-151 to clarify JCSA's and VDOT's roles in approving plans.

The proposed TIA Policy is included as Attachment No. 5 and accomplishes the following:

- This revision adds an Adequate Transportation Facilities Test to the policy to provide clarity in staff reports regarding what traffic improvements have been identified in the TIA and if those traffic improvements have been mitigated.
- This revision also changed the exceptions portion of the policy to state that a TIA is valid for five years if all assumptions made in the TIA remain valid.



- *Note:* General traffic impact improvements cannot be addressed through submittal or master plan requirements. There is enabling legislation in the Code of Virginia which would allow some, mostly on-site, traffic impact improvements to be required at the development stage through VDOT; however, the ability to capture off-site impacts and improvements will be severely limited, at most to those that are directly adjacent or those that are on-site and dedicated (and thus become “off-site”) after completion of the improvement.

### **Changes since the July 3, 2018, Planning Commission Meeting**

The Planning Commission asked staff to address minor grammatical issues prior to the Board’s adoption of the draft language. Those changes are reflected in the attached proposed Ordinance language.

### **Recommendation**

At its April 12, 2018 and May 10, 2018 meeting, the Policy Committee met to review the draft regulations, and upon no further requested substantive changes, directed staff to bring forward the regulations to the Planning Commission.

At its July 3, 2018 meeting, the Planning Commission voted to recommend approval to the Board of Supervisors of both ZO-0002-2018 and SO-0002-2018 and the proposed amendments for the TIA policy by a vote of 7-0.

Staff recommends the Board of Supervisors approve the attached Subdivision Ordinance, Zoning Ordinance and resolution for the TIA Policy revisions.

AB/RS/nb  
ZO-02-18andSO-02-18-mem

### Attachments:

1. ~~Strikethrough Proposed Subdivision Ordinance Language~~
2. ~~Strikethrough Proposed Zoning Ordinance Language~~
3. Resolution Adopting Proposed Amendments to the TIA Policy
4. Clean Proposed Subdivision Ordinance Language
5. Clean Proposed Zoning Ordinance Language
6. ~~Strikethrough Proposed TIA Policy Language~~
7. Clean Proposed TIA Policy Language
8. Unapproved Minutes of the July 3, 2018, Planning Commission Meeting
9. Board of Supervisors Resolution adopting the TIA Submittal Requirements Policy on June 12, 2012
10. Board of Supervisors Resolution adopting the Pedestrian Accommodations Master Plan, dated November 22, 2011
11. Board of Supervisors Adopted Pedestrian Accommodations Master Plan
12. Board of Supervisors Resolution adopting the Regional Bikeways Master Plan, dated September 10, 2013
13. Board of Supervisors Adopted Regional Bikeways Master Plan

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 19-30, PROCEDURE FOR APPROVAL OF FINAL PLAN.

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 19-30, Procedure for approval of final plan.

**Chapter 19. Subdivisions**

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

**Sec. 19-30. Procedure for approval of final plan.**

The subdivider shall submit for review and approval eight copies of the final plan for a major subdivision or as many copies of the final plat for minor subdivisions or multifamily subdivisions as deemed necessary by the agent. Upon approval of the final plan by the agent, the subdivider shall submit one reproducible copy plus eight prints of the record plat portion of the final plat to the agent for review and approval. The record plat shall not be approved until the applicant:

1. Has complied with the requirements and minimum standards of design set forth in this chapter;
2. Has incorporated such changes or complied with such conditions on the final plan as may have been stipulated in the letter of notification following action by the commission or agent on the preliminary plan;
3. Has made satisfactory arrangements for performance assurances as specified in article IV of this chapter, *including improvements required by agencies including the Virginia Department of Transportation and James City Service Authority*;
4. Has submitted data for major subdivisions in accordance with the "GIS Data Submittal Requirements for Major Subdivisions" policy, as approved by the governing body; and
5. Has executed all certificates required in section 19-29.

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Ruth M. Larson  
Chairman, Board of Supervisors

ATTEST:

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William C. 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 14th day of August, 2018.

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 19-30, PROCEDURE FOR APPROVAL OF FINAL PLAN.

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 19-30, Procedure for approval of final plan.

### **Chapter 19. Subdivisions**

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

##### **Sec. 19-30. Procedure for approval of final plan.**

The subdivider shall submit for review and approval eight copies of the final plan for a major subdivision or as many copies of the final plat for minor subdivisions or multifamily subdivisions as deemed necessary by the agent. Upon approval of the final plan by the agent, the subdivider shall submit one reproducible copy plus eight prints of the record plat portion of the final plat to the agent for review and approval. The record plat shall not be approved until the applicant:

1. Has complied with the requirements and minimum standards of design set forth in this chapter;
2. Has incorporated such changes or complied with such conditions on the final plan as may have been stipulated in the letter of notification following action by the commission or agent on the preliminary plan;
3. Has made satisfactory arrangements for performance assurances as specified in article IV of this chapter, including improvements required by agencies including the Virginia Department of Transportation and James City Service Authority;
4. Has submitted data for major subdivisions in accordance with the "GIS Data Submittal Requirements for Major Subdivisions" policy, as approved by the governing body; and
5. Has executed all certificates required in section 19-29.

SO-02-18BikePedTran-ord-final

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 1, IN GENERAL, BY AMENDING AND RENAMING SECTION 24-35, PEDESTRIAN ACCOMMODATIONS; AND BY AMENDING ARTICLE III, SITE PLAN, BY AMENDING SECTION 24-151, REVIEW CRITERIA GENERALLY.

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 1, In General, by amending and renaming Section 24-35, Pedestrian accommodations; and by amending Article III, Site Plan, by amending Section 24-151, Review criteria generally.

**Chapter 24. Zoning**

**Article II. Special Regulations**

**Division 1. In General**

**Sec. 24-35. Pedestrian *and bicycle* accommodations.**

- (a) Pedestrian *and bicycle* accommodations shall be required for all projects requiring site plan or major subdivision review in accordance with the following:
- (1) ~~External sidewalks.~~ Pedestrian *and bicycle* accommodations shall be required for the subject property(ies) along all public roads as shown on the pedestrian accommodation master plan *and the regional bikeways plan*. In addition to corridors identified on the pedestrian accommodation master plan, sidewalks shall be required along at least one side of all roads built within a community character area sidewalk inclusion zone as specified on the pedestrian accommodation master plan.
  - (2) *Internal public streets.* Pedestrian accommodation internal to a residential, commercial, office or industrial development with public streets shall be required pursuant to the Secondary Street Acceptance Requirements found in 24VAC30-92, as amended.
  - (3) *Internal private streets.*
    - a. Pedestrian accommodation internal to a residential, commercial, or office development with private streets shall be required on at least one side of all internal streets.
    - b. For development designated by the Comprehensive Plan as mixed use; moderate density residential; or the residential, commercial, and office sections of an economic opportunity area, pedestrian accommodations shall be required on both sides of the private streets.
    - c. Sidewalks on private streets shall not be required internal to industrial parks or industrial sections of areas designated economic opportunity on the Comprehensive Plan.
    - d. The planning director or his designee may approve alternative locations for pedestrian accommodations that are found to have equivalent connectivity as providing sidewalks along the roads internal to the development, such as paved connections between or from cul-de-sacs to other pedestrian accommodations.

- (4) *Interconnectivity internal to a parcel.* Pedestrian accommodations shall be required between parking areas, buildings, and public areas for residential, commercial, and office development sites. Pedestrian accommodation internal to a development shall link with any existing or master planned pedestrian accommodation along an abutting road external to the development and any existing public transit stops. Development within industrial parks and industrial sections of the economic opportunity zone shall be required to meet applicable Americans with Disabilities Act (ADA) connectivity standards.
  - (5) *Interconnectivity between parcels.* Pedestrian *and bicycle* accommodations shall be required between residential developments and adjoining schools, park, or recreational facilities as determined by the planning director or his designee. The property owner shall provide a connection internal to the development to the property line with the adjoining facility. This criterion may be waived by the planning director or his designee if the owner of the contiguous parcel objects to a connection or if a significant obstruction exists (such as wetlands, slopes exceeding 25 percent gradient and guardrails) that would make a connection impracticable.
- (b) Construction standards: Pedestrian *and bicycle* accommodations required by section 24-35(a) shall be built in accordance with the following construction standards:
- (1) ~~Pedestrian~~ *If accommodations are to be publicly maintained, the* accommodations shall be built to VDOT standards and located within VDOT right-of-way. ~~when they are to be publicly maintained. If accommodations are to be privately maintained, they shall be built to VDOT construction standards.~~
  - (2) ~~Right of way and pedestrian accommodations~~ *The accommodations* shall be shown on the final plat and/or site plan.
  - (3) ~~Sidewalks shall be paved and a minimum of five feet in width. Multi-use paths shall be paved and a minimum of eight feet in width. All pedestrian accommodations shall meet the requirements of the ADA's Accessibility Guidelines.~~
- (3) *If accommodations are to be privately maintained, they shall meet the following requirements:*
- (a) *Sidewalks shall be paved and a minimum of five feet in width and be built to VDOT construction standards;*
  - (b) *Multi-use paths shall be paved and a minimum of eight feet in width and shall be built to paved trail standards in the Parks and Recreation Greenways Master Plan;*
  - (c) *All pedestrian accommodations shall meet the requirements of the ADA's Accessibility Guidelines;*
  - (d) *Width criteria for private accommodations may be reduced with approval by the planning director or designee if a significant obstruction exists (such as wetlands, slopes exceeding 25 percent gradient and guardrails) that would make a connection impracticable.*
- (c) Exemptions: Exemptions to this section may be granted by the planning director or his designee if:
- (1) A proposed temporary structure(s) will not be erected for more than six months; or

- (2) A proposed addition to an existing structure is less than 1,000 square feet or no changes to the building footprint are proposed; or
- (3) The development is located within an office park with private streets in existence prior to November 22, 2011 and providing pedestrian accommodations along the frontage of the development site would not result in a safe and continuous connection to an existing or planned pedestrian accommodation or public transit stop; *or*

*(4) Land disturbance on the project area is less than 2,500 square feet; or*

*(5) The site plan submittal is for a project associated with an existing individual multi-family dwelling unit.*

(d) Exceptions: Exceptions to this section may be granted by the planning director or ~~his~~ designee if:

- (1) A pedestrian *or bicycle* accommodation is otherwise required by this section and would be substantially damaged or need to be replaced as a result of a fully engineered roadway construction project implemented by the county or VDOT. The planning director or ~~his~~ designee may request dedication of sufficient right-of-way for pedestrian *or bicycle* accommodations related to the road project in lieu of construction of the pedestrian *or bicycle* requirement. The requirement to dedicate right-of-way shall be based on existing right-of-way, the design of the engineered project, and additional right-of-way that is needed; or
- (2) In circumstances where topographical conditions make construction of pedestrian *or bicycle* accommodations impractical, the planning director or ~~his~~ designee may approve an alternative alignment that is accessible by the public that differs from the pedestrian accommodation master plan. The alternative alignment shall link with adjacent pedestrian accommodations; or
- (3) Pedestrian *or bicycle* accommodations *are* shown on a master plan *or corridor plan* approved by the board of supervisors that differs from the pedestrian accommodation master plan or the *regional bikeways plan*.

If an exception is granted for (d)(1) or (d)(2) above, the applicant shall be required to pay into the pedestrian *or bicycle* accommodation construction and maintenance fund in an amount determined by the county engineer or ~~his~~ designee. The amount shall be based on:

- a. projected engineering costs;
- b. projected material costs;
- c. projected labor and mobilization costs;
- d. current topographical conditions of the site; and
- e. linear feet of road frontage.

(e) Appeals: In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

## Article II. Special Regulations

### Sec. 24-151. Review criteria generally.

The planning director, zoning administrator, the planning commission, or its designee shall review and consider site plans with respect to:

- (1) Intensity of land use including developable acreage, density and adequate provisions for open space and recreational facilities as appropriate to the site usage and to the Comprehensive Plan Development Standards;
- (2) Design and layout of the site including all existing and proposed buildings, exterior signs, recreation facilities, garbage and trash disposal facilities, sedimentation and erosion controls, storm drainage, stormwater management, sanitary sewage disposal, and water supply locations on the site including line sizes, areas to be landscaped with approximate arrangement and plant types and sizes indicated, and provisions for pedestrian and vehicular traffic movements within and adjacent to the site. Particular emphasis shall be placed upon the review of on-site aesthetics; public safety features; environmental, historic and vegetative preservation; efficient layout of buildings, parking areas, and off-street loading and unloading, and movement of people, goods and vehicles (including emergency vehicles) from access roads within the site, between buildings and vehicles. Vehicular access to the site shall be designed to aid overall traffic flow and to permit vehicles, including emergency vehicles, safe means of ingress and egress;
- (3) Design standards contained in this chapter as they relate to traffic circulation, parking, lighting, performance standards, location of structures, building and landscape, setbacks, yard requirements, height and building coverage limits shall apply, where applicable, to site plan approval. The design criteria established in the county subdivision ordinance, *and improvements required by agencies including the Virginia Department of Transportation and the James City Service Authority shall be shown on the plan before final approval of the site plan.*

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August, 2018.

**RESOLUTION**

**AMENDMENTS TO THE TRAFFIC IMPACT ANALYSIS**

**SUBMITTAL REQUIREMENTS POLICY**

WHEREAS, on June 12, 2012, the Board of Supervisors of James City County, Virginia, adopted the Traffic Impacts Analysis (TIA) Submittal Requirements Policy (the “Policy”) which was designed to provide guidance to applicants regarding the minimum submittal requirements for a TIA; and

WHEREAS, at its May 23, 2017 joint work session with the Planning Commission, the Board of Supervisors asked staff to examine possible amendments to the Zoning Ordinance and administrative policies to address items typically associated with residential proffers; and

WHEREAS, at its November 1, 2017 meeting, the Planning Commission initiated, by resolution, consideration of amendments to the Subdivision and Zoning Ordinances and the Policy to ensure that development is responsive to the transportation needs of the community impacted by that development in the absence of voluntarily proffered conditions for residential rezonings and zoning map amendments; and

WHEREAS, at its May 10, 2018 meeting, the Policy Committee endorsed amendments to the Policy; and

WHEREAS, the Planning Commission, following its public hearing on July 3, 2018, voted 7-0 to recommend amendments to the Policy.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the TIA Submittal Requirements Policy, as amended.

\_\_\_\_\_  
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 14th day of August, 2018.





## **Traffic Impact Analysis Submittal Requirements Policy**

### **I. GENERAL**

In 2006, the Traffic Impact Analysis Regulations known as “Chapter 527” was approved by the General Assembly of Virginia to expand the role of the Virginia Department of Transportation (VDOT) in the land planning and development review process. Accordingly, James City County requires submission of all Traffic Impact Analyses (TIA’s) to be conformance with the aforementioned regulations. In addition, all TIA’s shall conform to the current versions of the Manual of Uniform Traffic Control Devices (MUTCD), the VDOT Road Design Manual, VDOT Access Management Regulations and Standards, the American Association of State Highway and Transportation Officials (AASHTO) and the Institute of Transportation Engineers (ITE) manuals unless otherwise approved by the Planning Director.

### **II. APPLICABILITY**

A. Submission of a TIA shall be required when one or more of the following apply:

- Projects that expect to generate 100 or more weekday peak hour trips to and from the site during the peak hour of operation based on the ITE manual’s trip generation rates.
- Projects with an entrance or exit onto a roadway with a Level of Service (LOS) “D” or lower operation.

*Note:* VDOT has different requirements that trigger a 527 TIA than County Ordinance. Should a TIA be required by VDOT, but not be triggered County requirements, this policy would not be applicable and no additional TIA is required.

### **III. EXCEPTIONS**

A TIA does not have to be updated/submitted if a TIA or 527 TIA was previously submitted for a rezoning or Special Use Permit *within the last five years* and all assumptions made in the TIA remain valid.

### **IV. PROCEDURE**

A scoping meeting with VDOT and the Planning Division staff is required for any proposal that requires the submission of a TIA. A scoping meeting is required when the proposed development generates more than 100 peak hour site trips. At this meeting the Planning Director will determine the minimum scope of work and if additional analyses pursuant to Section VI B are applicable. Fifteen paper copies and a digital copy of the TIA shall be submitted during application of the project with the County.

### **V. WHO PREPARES**

A TIA should be prepared by a professional engineer or a transportation planner. Generally, a licensed engineer prepares a TIA; however, for smaller applications, the Planning Director may approve TIAs that have not been certified by an engineer.

VI. CONTENTS OF A TRAFFIC IMPACT ANALYSIS

The Traffic Impact Analysis shall at minimum include the following:

A. Executive Summary

- Introduction
- Analysis of Existing Conditions
- Analysis of Future Conditions without Development
- Projected Trip Generation
- Analysis of Future Conditions with Development
- Signal Warrant Analysis
- Improvements necessary to achieve an overall LOS “C” on adjacent roadways/signalized intersections. The Planning Director may approve movements in certain lane groups of LOS “D” in urban environments.
- Conclusion

B. Supplemental Analysis

As determined at the scoping meeting, the Planning Director may also request the following analysis as a component of the TIA:

- Weaving Analysis
- Merge and Diverge Analysis
- Corridor Traffic Signal Progression Analysis
- Queuing/Turn Lane Analysis
- Expanded Study Area
- Examination of Transit and Travel Demand Management Measures
- Accident/Safety Analysis
- Sight Distance Analysis

VII. ADEQUATE TRANSPORTATION FACILITIES TEST

*All special use permit or rezoning applications are subject to the adequate transportation facilities test.*

A. *A proposed rezoning or special use permit application will be tested for adequate transportation facilities. A proposed rezoning or special use permit application will pass the test if:*

- i. *No off-site improvements are required by the TIA that is approved by both the Planning Director and the Virginia Department of Transportation; or*
- ii. *All off-site improvements recommended by a TIA that is approved by both the Planning Director and the Virginia Department of Transportation are guaranteed in a form approved by the Planning Director and County Attorney.*

B. *If the TIA recommends off-site improvements or indicates deficiencies which cannot be mitigated or guaranteed then the application will not pass the adequate transportation facilities test.*

Adopted by resolution of the Board of Supervisors of James City County, Virginia, dated July 14, 2018.

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Ruth M. Larson  
Chairman, Board of Supervisors



## **Traffic Impact Analysis Submittal Requirements Policy**

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- A. A proposed rezoning or special use permit application will be tested for adequate transportation facilities. A proposed rezoning or special use permit application will pass the test if:
- i. No off-site improvements are required by the TIA that is approved by both the Planning Director and the Virginia Department of Transportation; or
  - ii. All off-site improvements recommended by a TIA that is approved by both the Planning Director and the Virginia Department of Transportation are guaranteed in a form approved by the Planning Director and County Attorney.
- B. If the TIA recommends off-site improvements or indicates deficiencies which cannot be mitigated or guaranteed then the application will not pass the adequate transportation facilities test.

Adopted by resolution of the Board of Supervisors of James City County, Virginia, dated July 14, 2018.

**Unapproved Minutes of the July 3, 2018  
Planning Commission Meeting**

**ZO-0002-2018 and SO-0002-2018. Zoning and Subdivision Ordinance Amendments for Bicycle and Pedestrian Accommodations**

Mr. Alex Baruch, Senior Planner stated that at the May 23, 2017 Joint Work Session, the Board of Supervisors and the Commission directed Staff to research the possibility of adding bicycle and pedestrian accommodations as binding master plan elements along with revising the Zoning Ordinance. Mr. Baruch further stated that currently transportation impacts for legislative cases are addressed through three administrative policies and corresponding submittal requirements. Mr. Baruch stated that these policies include first, the Pedestrian Accommodations Master Plan which was implemented as a binding resource in determining pedestrian accommodation requirements external to a development unless otherwise required by the Pedestrian Accommodation Section of the Zoning Ordinance; second, the Regional Bikeways Master Plan which encourages the coordinated development of a comprehensive system of bikeways throughout the region; and third, the Traffic Impact Analysis Submittal Requirement Policy (TIA) which was designed to provide guidance to applicants regarding the minimum content requirements for a TIA. Mr. Baruch stated that the TIA and its recommendations often form the basis for transportation related proffers and Special Use Permit (SUP) conditions.

Mr. Baruch stated that examples of infrastructure these policies have guaranteed includes multi-use-paths, bicycle lanes, traffic lights and turn lanes, Mr. Baruch further stated that the ability to get these improvements, especially if located offsite is extremely limited without the use of proffers.

Mr. Baruch stated that after review of enabling legislation in State Code and the ordinances of peer localities, staff suggests that the Planning Commission consider including language in Section 24-35 Pedestrian accommodations, to extend the requirements of the section to bicycle facilities per the adopted Regional Bikeways Master Plan.

Mr. Baruch further stated that, unlike bicycle and pedestrian accommodations, most transportation improvements commonly identified through the TIA cannot be addressed through master plan requirements, submittal requirements, or other administrative processes, as many of those improvements are considered “off-site”. Mr. Baruch stated that staff recommends the addition of language which more explicitly addresses VDOT’s role in the site plan and subdivision approval process and states that the County cannot approve a site plan or subdivision plan unless VDOT has given their approval.

Mr. Baruch stated that staff also recommends the addition of language to the TIA policy to provide guidance in its use in a post-proffer framework. Mr. Baruch stated that, to date, the policy has been used as a tool to assess proffers and SUP conditions. Mr. Baruch stated that staff also recommends the addition of an adequate facilities test, similar to the adequate public schools facilities test, to provide clarity on how the policy should be used in cases without SUP or proffer options. Mr.

Baruch stated that the test would be applied to any case requiring a TIA per the submittal requirements. Mr. Baruch stated that if the TIA recommends any off-site improvements or identifies any off-site impacts, and the applicant can mitigate those impacts through the master plan or other processes, then the plan would pass the test. Mr. Baruch further stated that if any off-site impacts cannot be mitigated, the plan would fail the test. Mr. Baruch stated that in much the same spirit as the schools test, the additional language would not be an absolute divining rod, but a measure to take into consideration in the evaluation and recommendation process. Mr. Baruch stated that the policy currently outlines steps for identifying impacts, but does not give staff, the Commission, or the Board of Supervisors any direction for instances when those impacts cannot be addressed.

Mr. Baruch stated that at its May 10th meeting, the Policy Committee voted 5-0 to recommend approval of the draft Ordinances and policy language and forward the matter to the Commission. Mr. Baruch stated that staff recommends that the Planning Commission recommend approval of the ordinance amendments and policy language to the Board of Supervisors.

Ms. Julia Leverenz requested that staff take this opportunity to update references in Section 24-35 from “planning director or his designee” to “planning director or designee.”

Ms. Roberta Sulouff, Senior Planner, stated that staff would make those changes prior to the Board of Supervisors meeting.

Mr. Richardson opened the Public Hearing.

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

Mr. Holt noted that the Commission would also need to vote on the amendments to the TIA policy.

Ms. Leverenz made a motion to recommend approval of both ordinance amendments and the policy amendment, as amended, to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend approval of ZO-0002-2018 and SO-0002-2018, Zoning and Subdivision Ordinance Amendments for Bicycle and Pedestrian Accommodations and amendments to the Traffic Impact Analysis Policy (7-0).

**RESOLUTION**

**TRAFFIC IMPACT ANALYSIS SUBMITTAL REQUIREMENTS POLICY**

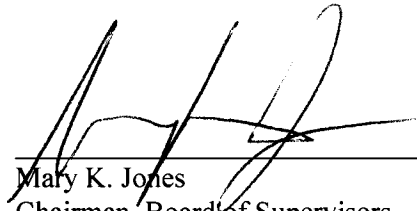
WHEREAS, the Traffic Impact Analysis Submittal Requirements Policy ("Policy") is designed to provide guidance to applicants regarding the minimum submittal requirements for a Traffic Impact Analysis (TIA); and

WHEREAS, the Policy is consistent with the Virginia Department of Transportation's Traffic Impact Statement (VTIS) submittal requirements; and

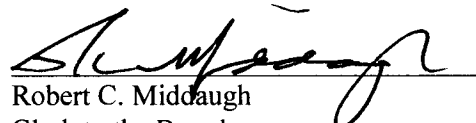
WHEREAS, the Policy Committee endorsed the Policy on September 15, 2011; and

WHEREAS, the James City County Planning Commission, after a public hearing, endorsed the Policy on \_\_\_\_\_ by a vote of \_\_\_\_\_.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the Traffic Impact Analysis Submittal Requirements Policy.

  
\_\_\_\_\_  
Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
Robert C. Middaugh  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of June, 2012.

ZO11-12-13-2011-2b\_res

**RESOLUTION**

**JAMES CITY COUNTY 2011 PEDESTRIAN ACCOMMODATION MASTER PLAN**


WHEREAS, Action T3.10 in the 2009 Comprehensive Plan recommended updating the James City County Sidewalk Master Plan and amending the Zoning Ordinance in a manner that would increase accessibility, provide for more design and construction flexibility, and incorporate multi-use paths as an option for pedestrian accommodation in James City County; and

WHEREAS, the James City County 2011 Pedestrian Accommodation Master Plan ("Master Plan") has been drafted to satisfy Action T3.10 and shall be the binding resource determining pedestrian accommodation requirements external to a development unless otherwise permitted by the pedestrian accommodation ordinance; and

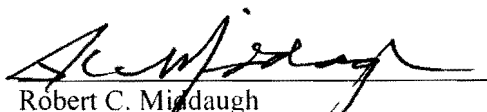
WHEREAS, on June 7, 2011, following a series of public meetings, the Policy Committee recommended approval of the Master Plan to the Planning Commission; and

WHEREAS, on October 5, 2011, following a public hearing, the Planning Commission recommended approval of the Master Plan by a vote of 6-1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the James City County 2011 Pedestrian Accommodation Master Plan dated September 2011 to be used as a binding document as referenced in the Zoning Ordinance amendments to Section 24-35 Pedestrian Accommodation to review subdivisions, site plans, special use permits, master plans, and rezonings in the County.

  
\_\_\_\_\_  
Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
Robert C. Mindaugh  
Clerk to the Board






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

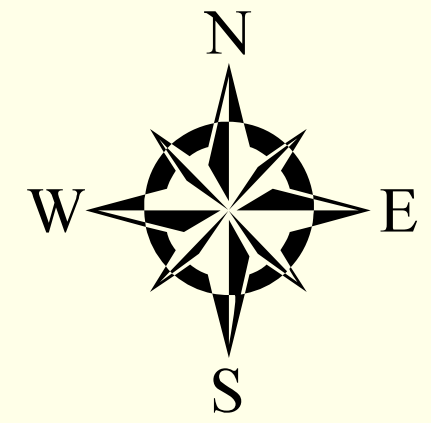
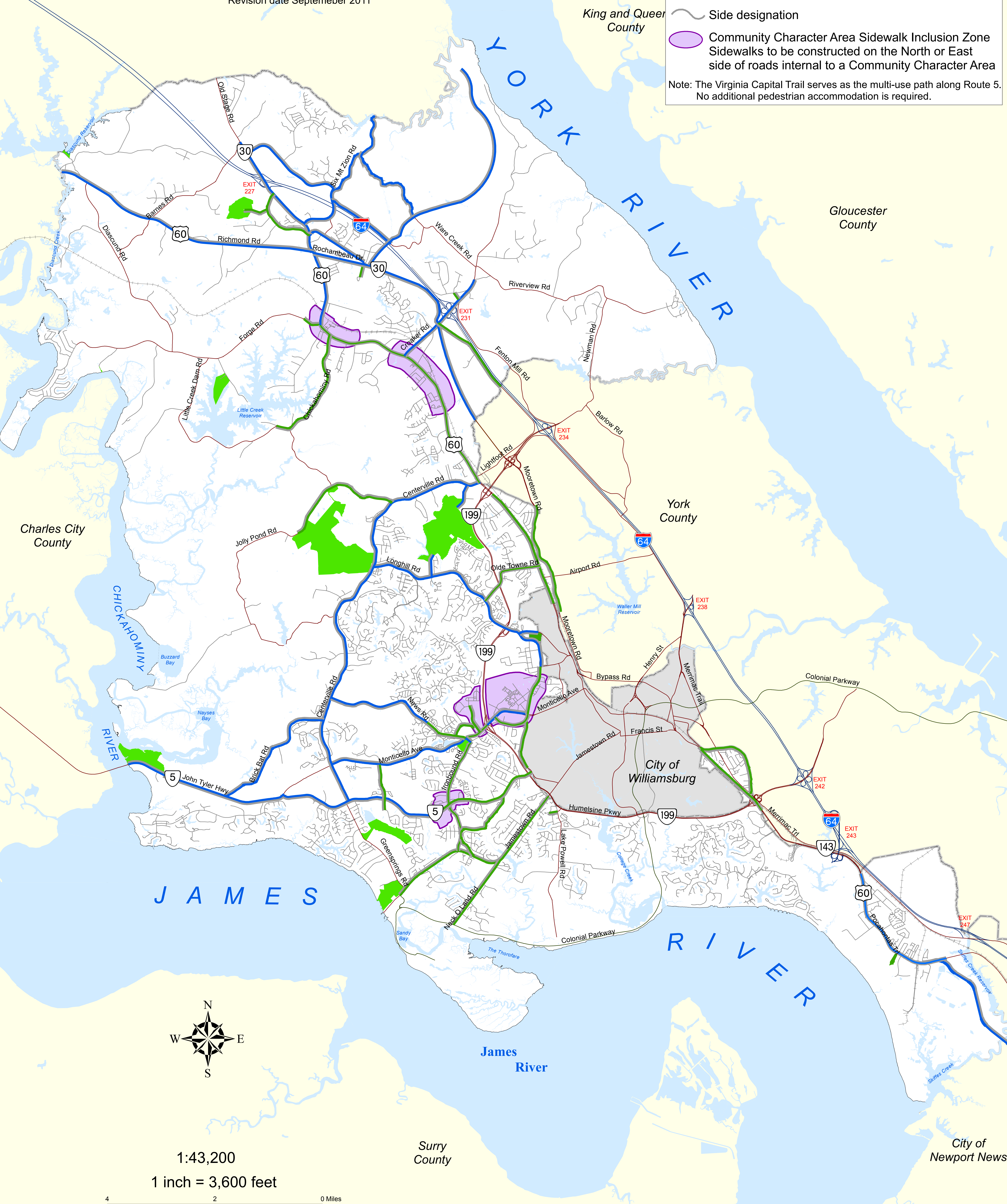
Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2011.



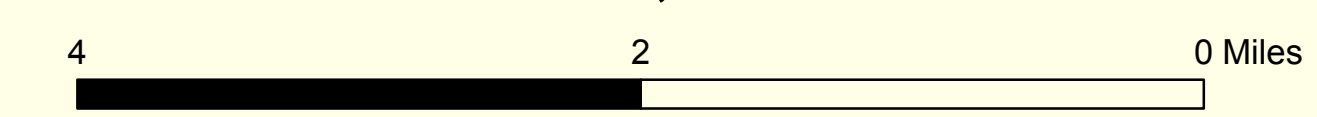
# James City County Draft 2011 Pedestrian Accommodation Master Plan

Revision date September 2011

-  Multi-Use
  -  Sidewalk
  -  Sidewalks both sides
  -  Side designation
  -  Community Character Area Sidewalk Inclusion Zone  
Sidewalks to be constructed on the North or East side of roads internal to a Community Character Area
- Note: The Virginia Capital Trail serves as the multi-use path along Route 5. No additional pedestrian accommodation is required.



1:43,200  
1 inch = 3,600 feet



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section.

Mr. Icenhour made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Bradshaw, Mr. Kennedy, Mr. McGlennon (4). NAY: Ms. Jones (1).

## RESOLUTION

### PROPOSED UPDATES TO THE WILLIAMSBURG, JAMES CITY COUNTY,

### AND YORK COUNTY REGIONAL BICYCLE FACILITY PLAN

WHEREAS, as part of the Historic Triangle coordinated Comprehensive Plan review process, James City County, the City of Williamsburg, and York County have updated the Regional Bicycle Facilities Plan; and

WHEREAS, staff from the three jurisdictions have developed a revised map that strives to provide bicycle access to major destinations, eliminate routes with dead ends, recommend realistic facility types, and incorporate the multi-use paths, which cyclists would be permitted to use, as shown on the County's newly adopted Pedestrian Accommodation Plan; and

WHEREAS, Action T2.2 of the Comprehensive Plan recommends continuing the efforts of James City County, the City of Williamsburg, York County, and the Historic Triangle Bicycle Advisory Committee to coordinate and implement a regional bicycle network, including further joint planning and development of regional funding proposals; and

WHEREAS, Action T1.2.5 of the Comprehensive Plan recommends implementing strategies that encourage shorter automobile trips and accommodate walking, bicycling, and use of public transit; and

WHEREAS, on January 28, 2013, the Historic Triangle Bicycle Advisory Committee (HTBAC) endorsed the Plan; and

WHEREAS, on July 17, 2013, the Parks and Recreation Advisory Commission endorsed the Plan; and

WHEREAS, on August 7, 2013, following a public hearing, the Planning Commission recommended approval of the plan by a vote of 5-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the Williamsburg, James City County, and York County Regional Bicycle Facility plan dated March 2013 to be used as the policy document identifying desired bikeway routes within the County.

## **J. BOARD CONSIDERATION**

### 1. Operating Contingency Transfer - St. George's Hundred Drainage Improvement

Mr. John Horne, Director of General Services, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

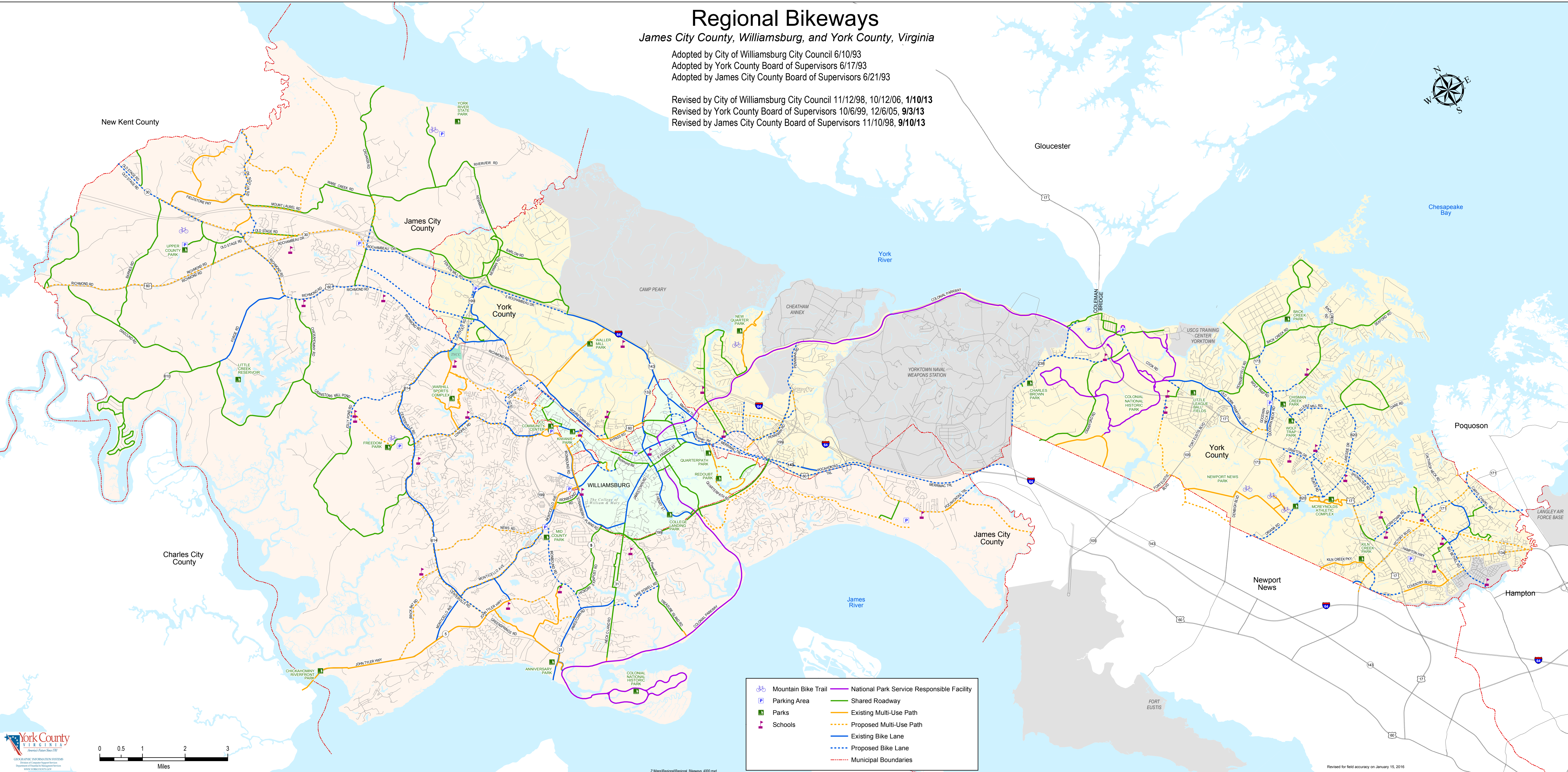
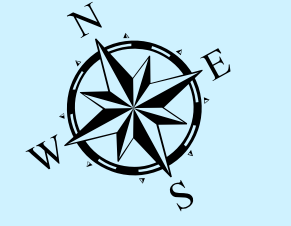
Mr. Kennedy asked for an explanation regarding the similarities between the situation before the Board and the situation in the Fernbrook neighborhood.

# Regional Bikeways

James City County, Williamsburg, and York County, Virginia

Adopted by City of Williamsburg City Council 6/10/93  
 Adopted by York County Board of Supervisors 6/17/93  
 Adopted by James City County Board of Supervisors 6/21/93

Revised by City of Williamsburg City Council 11/12/98, 10/12/06, 1/10/13  
 Revised by York County Board of Supervisors 10/6/99, 12/6/05, 9/3/13  
 Revised by James City County Board of Supervisors 11/10/98, 9/10/13



- Mountain Bike Trail
- Shared Roadway
- Existing Multi-Use Path
- Proposed Multi-Use Path
- Existing Bike Lane
- Proposed Bike Lane
- National Park Service Responsible Facility
- Parking Area
- Parks
- Schools

**ITEM SUMMARY**

DATE: 8/14/2018  
TO: Board of Supervisors  
FROM: Rebecca Vinroot, Director of Social Services  
SUBJECT: Medicaid Expansion Additional Allocation - \$112,400

---

**ATTACHMENTS:**

	Description	Type
☐	Medicaid Expansion Additional Allocation - \$112,400	Cover Memo
☐	Medicaid Expansion Additional Allocation - \$112,400	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	8/3/2018 - 4:15 PM
Community Services	Vinroot, Rebecca	Approved	8/3/2018 - 4:16 PM
Publication Management	Daniel, Martha	Approved	8/3/2018 - 4:22 PM
Legal Review	Kinsman, Adam	Approved	8/6/2018 - 1:33 PM
Board Secretary	Fellows, Teresa	Approved	8/6/2018 - 3:52 PM
Board Secretary	Purse, Jason	Approved	8/7/2018 - 12:03 PM
Board Secretary	Fellows, Teresa	Approved	8/7/2018 - 12:36 PM

## MEMORANDUM

DATE: August 14, 2018  
TO: The Board of Supervisors  
FROM: Rebecca Vinroot, Director of Social Services  
SUBJECT: Medicaid Expansion Additional Allocation - \$112,400

---

On May 30, 2018, the Virginia General Assembly passed a FY 2019-2020 biennium budget that includes Medicaid expansion. In James City County, the anticipated increase in new Medicaid recipients is approximately 1,700 residents based on the eligibility criteria of adults ages 19-64 whose income is up to 138% of the Federal Poverty Level. For a single adult that equates to earnings up to \$16,753. For a parent in a family of four, that equates to earnings up to \$34,638.

Additional administrative funding to assist with the increased volume of Medicaid applications is provided in the biennium budget to pay for local Departments of Social Services staff and operations. James City County's FY 2019 share of this allocation is \$112,400. For FY 2019, this additional funding from the state will not require a local match. For FY 2020, funding will require a 15.5% local match.

These funds are to be used for any activity related to Medicaid expansion such as hiring staff. Due to the anticipated increased volume in new client applications and ongoing monitoring requirements, the Department of Social Services is requesting the creation of two new positions - Benefit Programs Specialist I/II and Benefit Programs Assistant.

Staff respectfully requests that the Board accept the additional allocation in the amount of \$112,400 and approve the creation of two new positions for FY 2019.

RV/md  
MedicaidExpAlloc-mem

Attachment:

1. Resolution

**RESOLUTION**

**ADDITIONAL ALLOCATION - MEDICAID EXPANSION**

WHEREAS, the Virginia General Assembly passed a FY 2019-2020 biennium budget that includes Medicaid expansion and additional administrative funding for local Departments of Social Services to assist with the increased volume of Medicaid applications; and

WHEREAS, the James City County Department of Social Services (the “Department”) is allocated \$112,400 for FY 2019 to pay for staff and operations related to Medicaid expansion with no local match funds required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the additional allocation, the creation of two new positions and the following appropriation amendment to the Virginia Public Assistance Fund:

Revenue:

From The Commonwealth \$112,400

Expenditure:

Administration - Staff and Operations \$112,400

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

ATTEST:

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

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August, 2018.

MedicaidExpAlloc-res

**ITEM SUMMARY**

DATE: 8/14/2018  
TO: The Board of Supervisors  
FROM: Ruth M. Larson, Chair  
SUBJECT: Appointment of County Administrator

---

**ATTACHMENTS:**

	Description	Type
☐	memo	Cover Memo
☐	Reso	Resolution
☐	Contract	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	8/6/2018 - 1:53 PM
Publication Management	Daniel, Martha	Approved	8/6/2018 - 1:59 PM
Legal Review	Kinsman, Adam	Approved	8/6/2018 - 2:00 PM
Board Secretary	Fellows, Teresa	Approved	8/6/2018 - 3:50 PM
Board Secretary	Purse, Jason	Approved	8/7/2018 - 12:01 PM
Board Secretary	Fellows, Teresa	Approved	8/7/2018 - 12:35 PM

**MEMORANDUM**

DATE: August 14, 2018  
TO: The Board of Supervisors  
FROM: Ruth M. Larson, Chairman  
SUBJECT: Resolution Appointing \_\_\_\_\_ as County Administrator  
\_\_\_\_\_

Attached for your consideration is a resolution hiring and appointing \_\_\_\_\_ as County Administrator, effective October 1, 2018. As my fellow Board members are aware, the County has concluded a nationwide search to find the best person to serve as the next County Administrator. At the conclusion of the process, the Board unanimously agreed that \_\_\_\_\_ should serve as the next County Administrator. \_\_\_\_\_ and the Board of Supervisors have agreed on the terms and conditions of his employment.

I request that my fellow Board members unanimously approve the attached resolution hiring and appointing \_\_\_\_\_ as County Administrator, effective October 1, 2018.

ARK/md  
CtyAdminstr-mem

Attachment:  
1. Resolution



**RESOLUTION**

APPOINTING \_\_\_\_\_ AS COUNTY ADMINISTRATOR

WHEREAS, the Board of Supervisors recently concluded a nationwide search to find a new County Administrator; and

WHEREAS, the Board of Supervisors is unanimous in its enthusiastic support for \_\_\_\_\_ to serve as the County Administrator of James City County commencing October 1, 2018; and

WHEREAS, the Board of Supervisors is of the unanimous and unqualified opinion that \_\_\_\_\_ has the education, experience and training to fulfill the duties of County Administrator for James City County; and

WHEREAS, the Board of Supervisors and \_\_\_\_\_ have agreed to terms of an employment agreement for \_\_\_\_\_ to serve as County Administrator for a three-year term effective October 1, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia that \_\_\_\_\_ is appointed to the position of County Administrator of James City County effective October 1, 2018.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Chairman of the Board of Supervisors is hereby authorized to execute an employment agreement with \_\_\_\_\_ based on the terms and conditions agreed to by the Board of Supervisors.

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

ATTEST:		<u>VOTES</u>		
		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
	_____	_____	_____	_____
	William C. Porter	_____	_____	_____
	Clerk to the Board	_____	_____	_____
		_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August, 2018.

# **COUNTY ADMINISTRATOR EMPLOYMENT AGREEMENT**

## **INTRODUCTION**

This Agreement is made and entered into this 14 day of August, 2018, by and between the County of James City, a political subdivision of the Commonwealth of Virginia, (“Employer” or “County”) and \_\_\_\_\_ (“Employee”) an individual who has the education, training and experience in local government management, both of whom agree as follows:

## **SECTION 1: TERM**

The term of this Agreement shall be for an initial period of three (3) years commencing on October 1, 2018 and ending October 1, 2021. In the event the Agreement is not renewed, such nonrenewal shall not be considered a termination pursuant to Section 9 of this Agreement and Employee shall be due only the compensation and benefits set forth in Section 11(D) of this Agreement. In the event that the Employee is terminated as described in Section 9 of this Agreement, the Employee shall be entitled to the compensation and benefits provided for in Section 10 of this Agreement as full and final settlement of all obligations due under this Agreement.

## **SECTION 2: DUTIES AND AUTHORITY**

Employer agrees to employ Employee as County Administrator to perform the functions and duties specified in the Code of Virginia, the Charter of James City County, and the James City County Code, and to perform other legally permissible and proper duties and functions assigned to him by the Employer.

### **SECTION 3: COMPENSATION**

A. Base Salary: Employer agrees to pay Employee an annual base salary of ONE HUNDRED AND EIGHTY THOUSAND DOLLARS AND 00/100 CENTS (\$180,000.00), payable in installments at the same time that the other management employees of the Employer are paid.

B. This Agreement shall be automatically amended to reflect any salary adjustments or bonuses that Employer may provide after the Employee's annual evaluation.

### **SECTION 4: HEALTH, DISABILITY AND LIFE INSURANCE BENEFITS**

The Employer agrees to provide and to pay the premiums for health, hospitalization, surgical, vision, dental, comprehensive medical insurance, and life insurance in the same manner as provided to all other employees of James City County. The Employee shall name the beneficiary of his life insurance policy.

### **SECTION 5: LEAVE**

A. Upon commencing employment, the Employee shall earn and shall be allowed to accrue leave equal to that of an employee as provided under the County's Personnel Policies and Procedures Manual, or sixteen (16) hours of personal time off (PTO) per month, whichever is greater. However, upon commencing employment, the Employee shall be credited with ten (10) days of paid time off.

B. The Employee shall report to the Board Chair any planned leave at least one (1) week prior to taking such leave or, in the event of an emergency, as soon as practicable. The Employee's request shall be approved or denied by the Board Chair or his or her designee, who shall communicate such approval or denial to the County Attorney or the Assistant County Administrator, either of whom may enter such approval or denial into the County's timesheet program (currently, myTIME).

C. The Employee is entitled to accrue all unused leave in accordance with the County's Personnel Policies and Procedures Manual and in the event the Employee's employment is terminated voluntarily, involuntarily, or by nonrenewal of this

Agreement, the Employee shall be compensated for all accrued paid time off pursuant to the County's Personnel Policies and Procedures Manual.

## **SECTION 6: AUTOMOBILE**

A. Allowance. The Employer agrees to pay to the Employee, during the term of this Agreement and in addition to other salary and benefits herein provided, the sum of SEVEN THOUSAND FIVE HUNDRED DOLLARS AND 00/100 CENTS (\$7,500.00) per year, payable in equal installments at the same time as his compensation is paid pursuant to Section 3, as a vehicle allowance to be used to purchase, lease, or own, operate and maintain a vehicle. The Employee shall be responsible for paying for liability, property damage, and comprehensive insurance coverage upon such vehicle and shall further be responsible for all expenses attendant to the purchase, operation, maintenance, repair, and regular replacement of said vehicle.

B. Vehicle Use. Because the Employer is providing the Employee with a vehicle allowance, the Employee shall use his personal vehicle for all County duties and functions, including attendance at local and regional meetings. The Employee shall not use a County-owned vehicle except in inclement weather and emergency situations or as otherwise may permitted by the Chair on a case-by-case basis.

## **SECTION 7: RETIREMENT**

A. The Employer agrees to enroll the Employee into the applicable state retirement system and to make all the appropriate contributions on the Employee's behalf in compliance with the Virginia Retirement System ("VRS") rules and regulations. The Employee shall make the required VRS employee contributions.

B. In addition to the Employer's payment to the state retirement system (as applicable) referenced above, Employer agrees to execute all necessary agreements provided by ICMA Retirement Corporation [ICMA-RC] or other Section 457 deferred compensation plan for Employee's participation in said supplementary retirement plan and, in addition to the base salary paid by the Employer to Employee, Employer agrees to pay to Employee's Section 457 deferred compensation plan or other qualified Section 401(a) plan FIVE PERCENT (5%) of his annual base pay per year, payable in equal installments at the same time as his compensation is paid pursuant to Section 3. The parties shall fully disclose to each other the financial impact of any amendment to the terms of Employee's retirement benefit.

## **SECTION 8: GENERAL BUSINESS EXPENSES**

A. Employer agrees to budget as it deems appropriate to pay for professional dues and subscriptions of the Employee necessary for continuation and full participation in national, regional, state, and local associations, and organizations necessary and desirable for the Employee's continued professional participation, growth, and advancement, and for the good of the Employer.

B. Employer agrees to budget as it deems appropriate to pay for travel and subsistence expenses of Employee for professional and official travel, meetings, and occasions to adequately continue the professional development of Employee and to pursue necessary official functions for Employer.

C. Employer also agrees to budget as it deems appropriate to pay for travel and subsistence expenses of Employee for short courses, institutes, and seminars that are necessary for the Employee's professional development and for the good of the Employer.

D. Expense Report and P-card review and approval.

1. Expense Report. A comprehensive expense report shall be prepared monthly and shall be submitted to the Board Chair for review and approval. The report shall include all County Administrator expenses including but not limited to: use of any County pool car, p-card expenses, travel and training expenses, reimbursement requests, telephone and internet data expenses, dues and membership costs, meal reimbursements, and technology purchases (e.g., computers, tablets, phones, and accessories). The Board Chair shall approve or deny the report or may request additional information as deemed necessary by the Board Chair.

2. P-card. The Board Chair shall be forwarded the Employee's monthly p-card statement for review and approval.

## **SECTION 9: TERMINATION**

For the purpose of this Agreement, termination shall occur when:

A. The majority of the governing body votes to terminate the Employee at a duly authorized public meeting.

B. The Employer reduces the base salary, compensation or any other financial benefit of the Employee, unless it is applied in no greater percentage than the average reduction of all department heads, such action shall constitute a breach of this Agreement and will be regarded as a termination.

C. The Employee resigns following an offer to accept resignation, whether formal or informal, by the Employer as representative of the majority of the governing body that the Employee resigns then the Employee may declare a termination as of the date of the suggestion.

D. The Employee declared Employer in default under this Agreement and the Employer fails to cure the default within fourteen (14) days of receiving written notice. Written notice of a breach of this Agreement shall be provided in accordance with the provisions of Section 19.

#### **SECTION 10: COMPENSATION AFTER TERMINATION**

A. Severance shall be paid to the Employee when employment is terminated as described in Section 9.

B. If the Employee is terminated as described in Section 9, the Employer shall provide severance payment equal to six month's salary at the current rate of pay. This severance shall be paid as agreed to by the Employer and the Employee.

C. The Employee shall also be compensated for benefits as provided in the County's Personnel Policies and Procedures Manual.

D. If the Employee is terminated because of three (3) poor performance reviews, breach of this Agreement where Employee has not cured the breach within fourteen (14) days of notice as provided pursuant to Section 19, a conviction or an arrest based upon credible evidence of a felony or a crime of moral turpitude, or conduct unbecoming of a County employee as evidenced by a violation of the County's Personnel Policies and Procedures Manual, then the Employer is not obligated to pay severance under this Section.

## **SECTION 11: RESIGNATION**

In the event that the Employee voluntarily resigns his position with the Employer, the Employee shall provide a minimum of thirty (30) days prior to the desired date of resignation unless the parties agree otherwise in writing.

A. Notice of Resignation. The Employee shall deliver a written Notice of Resignation to the Board Chair, which shall include the desired effective date of resignation (the “Resignation Date”).

B. Date of Resignation. The Resignation Date shall occur on the 15<sup>th</sup> day of the month or the last day of the month to align with a regular County pay period. If the Employee’s desired Resignation Date is not on the 15<sup>th</sup> day of the month or the last date of the month, the Board Chair may change the Resignation Date to align with a regular County pay date. Such a change shall not constitute a termination under this Agreement and shall not trigger severance pay.

C. Work after Notice of Resignation. The Employer may, at its sole discretion and without constituting a termination or triggering severance pay, determine whether the Employee shall be permitted to remain at the County workplace during any portion of the period between the Employer’s receipt of Notice of Resignation and the Resignation Date.

D. Benefits. All benefits due upon the Resignation Date shall be paid in accordance with applicable County policies.

## **SECTION 12: PERFORMANCE EVALUATION**

Employer shall annually review the performance of the Employee in October of each year of this Agreement, and may, in Employer’s sole discretion, perform more frequent reviews. At a minimum, the review process shall include the opportunity for both parties to: (1) prepare a written evaluation, (2) meet and discuss the evaluation, and (3) present a written summary of the evaluation results. The final written evaluation should be completed and delivered to the Employee within thirty (30) days of the evaluation meeting.

### **SECTION 13: HOURS OF WORK**

It is recognized that the Employee must devote a great deal of time outside the normal office hours on business for the Employer, and to that end Employee shall be allowed to establish an appropriate work schedule. It is anticipated that Employee will work at least forty (40) hours per week and shall generally maintain office hours from 8:00AM to 5:00PM, Monday through Friday.

### **SECTION 14: OUTSIDE ACTIVITIES**

The employment provided for by this Agreement shall be the Employee's sole employment. Recognizing that certain outside consulting or teaching opportunities provide indirect benefits to the Employer and the community, the Employee may, with the prior concurrence of the Employer and in accordance with applicable County policies and procedures, accept limited teaching, consulting or other business opportunities with the understanding that such arrangements shall not constitute interference with or a conflict of interest with his or her responsibilities under this Agreement. In no event shall approved outside employment exceed eight (8) hours per week.

### **SECTION 15: MOVING AND RELOCATION EXPENSES; RESIDENCE IN THE COUNTY**

- A. Residence. Employee agrees to establish temporary residence within the jurisdictional boundaries of James City County, Virginia within thirty (30) days of commencing employment, establish permanent residence within two hundred and forty (240) days of commencing employment and thereafter to maintain residence within the jurisdictional boundaries of the County during his employment tenure.
- B. Relocation Expenses. Employer shall reimburse Employee for up to \$15,000.00 of moving and traveling expenses provided the following criteria are met:
  - a. Employee shall submit to the County at least three (3) bids from qualified companies for the moving of his/his family's personal property from the Employee's current home to James City County, Virginia; and



- b. Moving expenses shall be limited to the moving, storing, packing, unpacking, insuring of Employee's families household and personal effects; and
- c. Actual traveling, lodging, and meal expenses for Employee and Employee's family to come to James City County from Employee's current home.

## **SECTION 16: INSURANCE AND LIABILITY PROTECTION**

Beyond that required under federal, state or local law, Employer shall be responsible for defending, insuring, and providing legal counsel to Employee to protect against liability for any tort, professional liability claim, demand, or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as County Administrator or resulting from the exercise of judgment or discretion in connection with the performance of program duties or responsibilities, unless the act or omission involved willful or wanton conduct. Legal representation, provided by Employer for Employee, shall extend until a final determination of the legal action including any appeal if the Employer, in its sole discretion, agrees to such appeal. The Employer must insure or otherwise be responsible for any and all losses, damages, judgments, interest, settlements, fines, court costs and other reasonable costs and expenses of legal proceedings including attorney's fees, and any other liabilities incurred by, imposed upon, or suffered by such Employee in connection with or resulting from any claim, action, suit, or proceeding, actual or threatened, arising out of or in connection with the performance of his duties. Any settlement of any claim must be made with prior approval of the Employer in order for indemnification, as provided in this Section, to be available.

The Employer has the sole authority to select the attorney who will defend the claim or suit on behalf of the Employee. The Employee shall not admit liability for or settle any claim or suit or incur any cost or expense without the prior written consent of the Employer, and the Employer shall have the right to make such investigations and conduct negotiations and enter into such settlement of any claim or suit as the Employer deems expedient. If the Employee refuses any settlement recommended by the Employer, the Employee shall thereafter at his own expense negotiate or defend such claim or suit independently of the Employer, and the Employer's liability shall not exceed the amount for which the claim or suit could have been settled plus the costs and expenses incurred with the Employer's consent

up to the date of such refusal; however, the Employer does not have the duty of defending an allegation of a criminal act in a criminal court proceeding.

**SECTION 17: BONDING**

Employer shall bear the full cost of any fidelity or other bonds required of the Employee under any law or ordinance.

**SECTION 18: OTHER TERMS AND CONDITIONS OF EMPLOYMENT**

The Employer may fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of the Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the James City County Charter or any state or federal law.

**SECTION 19: NOTICES**

Notice pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service, First Class, postage prepaid, addressed as follows, or to such other address as either party may designate in writing:

**EMPLOYER:**

Board of Supervisors  
James City County  
P.O. Box 8784  
Williamsburg, Virginia 23187-8784

With a copy to:

County Attorney  
P.O. Box 8784  
Williamsburg, Virginia 23187-8784

EMPLOYEE:

Alternatively, notice required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as the date of deposit of such written notice in the course of transmission in the United States Postal Service.

**SECTION 20: GENERAL PROVISIONS**

A. Integration. This Agreement sets forth and establishes the entire understanding between the Employer and the Employee relating to the employment of the Employee by the Employer. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual written agreement may amend any provision of this agreement during the life of the agreement. Such amendments shall be incorporated and made a part of this Agreement.

B. Effective Date. This Agreement shall be effective as of the date first above written with employment commencing October 1, 2018

C. Severability. The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.

*[signature page follows]*

EMPLOYER:

COUNTY OF JAMES CITY, VIRGINIA

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

Ruth Larson,  
Chairman of the Board of Supervisors

EMPLOYEE:

EMPLOYEE NAME

\_\_\_\_\_

**ITEM SUMMARY**

DATE: 8/14/2018  
TO: The Board of Supervisors  
FROM: Adam R. Kinsman, County Attorney  
SUBJECT: Appointment of Clerk to the Board

---

**ATTACHMENTS:**

	Description	Type
☐	Memo	Cover Memo
☐	Reso	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	8/6/2018 - 1:38 PM
Publication Management	Burcham, Nan	Approved	8/6/2018 - 1:43 PM
Legal Review	Kinsman, Adam	Approved	8/6/2018 - 1:43 PM
Board Secretary	Fellows, Teresa	Approved	8/6/2018 - 3:50 PM
Board Secretary	Purse, Jason	Approved	8/7/2018 - 12:01 PM
Board Secretary	Fellows, Teresa	Approved	8/7/2018 - 12:34 PM

## MEMORANDUM

DATE: August 14, 2018  
TO: The Board of Supervisors  
FROM: Adam R. Kinsman, County Attorney  
SUBJECT: Resolution Appointing [REDACTED] as County Clerk

---

The County Clerk serves as the custodian of the corporate seal of the County, records the proceedings of the Board in a book provided for that purpose and preserves and files all accounts and papers acted upon by the Board with its action thereon.

Section 3.7 of the Charter of James City County (the "Charter") states that "the Board of Supervisors may appoint a County Clerk who shall serve at the pleasure of the Board." If the Board does not appoint a County Clerk, then, pursuant to the Charter, the County Administrator becomes the County Clerk by default.

Section 15.2-407 of the Code of Virginia, 1950, as amended, states that "the Board may designate the County Administrator as Clerk of the Board by resolution." [REDACTED] begins employment as the County Administrator on October 1, 2018; accordingly, the Board should appoint [REDACTED] as County Clerk, effective October 1, 2018. Mr. Jason Purse was appointed as a Deputy Clerk on May 10, 2016 and Ms. Teresa Fellows was appointed as Deputy Clerk on January 2, 2018. Both may continue to serve as a backup to [REDACTED].

I recommend adoption of the attached resolution appointing [REDACTED] as County Clerk effective October 1, 2018.

ARK/nb  
ApptCClerk-mem

Attachment:

1. Resolution

**RESOLUTION**

**APPOINTING [REDACTED] AS COUNTY CLERK**

WHEREAS, on August 14, 2018, [REDACTED] was appointed as the County Administrator effective October 1, 2018; and

WHEREAS, the James City County Charter and the Code of Virginia grants the Board of Supervisors the power and discretion to appoint a County Clerk.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints [REDACTED], County Administrator, to the position of County Clerk of James City County effective October 1, 2018.

\_\_\_\_\_  
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 14th day of August, 2018.

ApptCClerk-res

**ITEM SUMMARY**

DATE: 8/14/2018  
TO: The Board of Supervisors  
FROM: Adam R. Kinsman, County Attorney  
SUBJECT: Bank Resolution Amendment

---

**ATTACHMENTS:**

	Description	Type
☐	Memo	Cover Memo
☐	Reso	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	8/6/2018 - 1:38 PM
Publication Management	Burcham, Nan	Approved	8/6/2018 - 1:43 PM
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Board Secretary	Fellows, Teresa	Approved	8/6/2018 - 3:51 PM
Board Secretary	Purse, Jason	Approved	8/7/2018 - 12:02 PM
Board Secretary	Fellows, Teresa	Approved	8/7/2018 - 12:35 PM



## MEMORANDUM

DATE: August 14, 2018  
TO: The Board of Supervisors  
FROM: Adam R. Kinsman, County Attorney  
SUBJECT: Bank Resolution Amendment

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The James City County (the "County") bank resolution needs to be updated to reflect the changes in County Administration.

I recommend approving the attached resolution amending the County bank resolution to include the County Administrator,                      as an authorized signer of County checks.

ARK/nb  
BankResAmnd-res

Attachment:  
1. Resolution

**RESOLUTION**

**BANK RESOLUTION AMENDMENT**

WHEREAS, James City County (the “County”) has multiple financial institutions designated as depositories for the County funds and that funds so deposited may be withdrawn upon a check, draft, note, or order of the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that all checks, drafts, notes, or orders drawn against said accounts be signed by two of the following:

Jennifer D. Tomes, Treasurer

OR

, County Administrator

OR

Jason Purse, Assistant County Administrator

OR

Barbara S. Miller, Senior Accountant

whose signatures shall be duly certified to these financial institutions and that no checks, drafts, notes, or orders drawn against these financial institutions shall be valid unless so signed.

BE IT FURTHER RESOLVED, that these financial institutions are hereby authorized and directed to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes, or orders be payable to the order of any such persons signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not and whether such checks, drafts, notes, or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes, or orders, or the individual credit of any of the other officers or not. For cash investment purposes, the institution is also authorized and directed to honor requests for the transfer of money from savings to checking, checking to savings, and transfers from checking or savings to purchase Certificates of Deposit, repurchase agreements or to make other lawful investments when requested by Jennifer D. Tomes, Treasurer, or Barbara S. Miller, Senior Accountant. This resolution shall continue in force and these financial institutions may consider the facts concerning the holders of said offices, respectively, and their signatures to be and continue as set forth in the Certificate of the Secretary, accompanying a copy of this resolution when delivered to these financial institutions or in any similar subsequent certificate, until written notice to the contrary is duly served on these financial institutions.

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Ruth M. Larson  
Chairman, Board of Supervisors

ATTEST:

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Teresa J. Fellows  
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August, 2018.

BankResAmnd-res

**ITEM SUMMARY**

DATE: 8/14/2018  
TO: The Board of Supervisors  
FROM: William C. Porter, Interim County Administrator  
SUBJECT: County Administrator's Report

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**ATTACHMENTS:**

	Description	Type
☐	CA Report	Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	8/7/2018 - 5:47 PM

## MEMORANDUM

DATE: August 14, 2018  
TO: The Board of Supervisors  
FROM: William C. Porter, Interim County Administrator  
SUBJECT: County Administrator's Report

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The following is a summary of activities that took place July 9, 2018 through August 7, 2018:

### July 9, 2018 (Monday)

- Met with the Continuance of Operations Staff Committee
- Met with LaRS, AMT Engineers and Fulton Bank
- Met with Sue Mellen, Financial and Management Services (FMS) Director
- Met with Patrick Teague, Human Resources (HR) Director
- Met with Paul Holt, Community Development Director

### July 10, 2018 (Tuesday)

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

### July 11, 2018 (Wednesday)

- Grace Boone, General Services (GS) Director
- Tour of James Blair Middle School
- Attended Neighborhood Leaders Forum

### July 12, 2018 (Thursday)

- Attended Economic Development Authority meeting
- Attended Executive Leadership Team (ELT) meeting

### July 13, 2018 (Friday)

- County Administrator candidate interviews

### July 23, 2018 (Monday)

- Attended Peninsula Mayors and Chairs meeting
- Met with Sue Mellen, FMS Director
- Met with Nate Green, Commonwealth's Attorney
- Met with Patrick Teague, HR Director

July 24, 2018 (Tuesday)

- Attended agenda meeting
- Met with Grace Boone, GS director
- Attended Transit meeting with Williamsburg Area Transit Authority (WATA)
- Attended BOS work session

July 25, 2018 (Wednesday)

- Continuance of Operations Staff Committee Meeting
- Attended Greater Williamsburg Partnership meeting
- Met with Betsy Fowler, Williamsburg Regional Library Director

July 26, 2018 (Thursday)

- Attended ELT meeting

July 27, 2018 (Friday)

- Met with Brad Rinehimer, Police Chief
- Met with James City County Police staff

July 30, 2018 (Monday)

- Attended Tourism Task Force meeting
- Met with Sue Mellen, FMS Director
- Met with Ryan Ashe, Fire Chief
- Conference Call with Chris Knowles

July 31, 2018 (Tuesday)

- Attended County Administrator interviews

August 1, 2018 (Wednesday)

- Met with Patrick Page, Information Resources Management Director
- Attended Hampton Roads Planning District Commission Chief Administrative Officers meeting
- Met with Neil Morgan, York County Administrator, Andrew Trivette, Williamsburg City Manager and Economic Development Directors

August 2, 2018 (Thursday)

- Met with Sam Sadler
- Attended Community Meeting at Fire Station 1

August 3, 2018 (Friday)

- Met with Rebecca Vinroot, Social Services Director

County Administrator's Report

August 14, 2018

Page 3

- Attended Patriots Colony Presidents Pavilion Ribbon Cutting Ceremony
- Met with County staff; WATA cost allocation agreement

August 6, 2018 (Monday)

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

August 7, 2018 (Tuesday)

- Met with Adam Kinsman, County Attorney
- Met with Sue Mellen, FMS Director
- Met with Carol Sale, President and CEO of Williamsburg Health Foundation

WCP/md

CARpt-Aug2018-mem

**ITEM SUMMARY**

DATE: 8/14/2018  
TO: The Board of Supervisors  
FROM: Teresa J. Fellows, Deputy Clerk  
SUBJECT: Adjourn until 5 p.m. on September 11, 2018 for the Regular Meeting

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	8/7/2018 - 5:42 PM