

**Policy Committee  
Government Center Complex  
Large Conference Room, Building A**

**Oct. 11, 2012 - 4 p.m.**

**1. Roll Call**

**2. Minutes**

September 4, 2012

**3. Old Business**

**4. New Business**

a. Stockpiling Zoning Ordinance Amendment

b. Updates to the Housing Opportunities Policy and resulting implications for Residential and Multiple Use districts and Definitions

**5. Adjournment**

## MEMORANDUM

DATE: October 11, 2012  
TO: Policy Committee  
FROM: Jason Purse, Senior Planner II  
SUBJECT: Z0-0004-2012 - Soil Stockpile Areas

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In order to process applications for soil stockpile areas in a consistent manner, staff has drafted an ordinance to specify development standards for temporary soil stockpile areas associated with development plans. Typically, stockpiles are created on-site and then used to regrade other portions of the property to help maintain positive drainage patterns, without the need to bring in additional fill from off-site. These stockpile areas have been shown on Erosion and Sediment Control plans, but have not always included specific details about the height, size, and dimensions of the piles. In other instances, stockpile areas for large developments (New Town, Colonial Heritage) require multiple stockpile locations as different phases of development occur simultaneously. Staff has worked with developers to achieve desirable locations for these staging and storing areas; however, without Zoning Ordinance regulations in place, these situations have created uncertainty during the plan development stage of construction. In an effort to make the treatment of stockpile areas more consistent for developers and the community in general, staff has created a new section of the ordinance, which is included at the end of the Special Regulations section of the ordinance, that specifically provides guidance for all stockpiles associated with development plans.

The draft ordinance language establishes performance standards for all stockpile areas, including the following requirements:

- Stockpiles must be located on-site, at least 50' from property lines, and 100' from existing buildings;
- Must have a minimal impact on existing residential streets;
- Must have an absolute maximum height of 25' in a residential district and 40' in a commercial or industrial district;
- Must be temporary in nature and therefore limited to a two-year time period.

All stockpiles that meet these requirements are proposed to be approved administratively, under typical site plan review criteria. However, if an applicant wishes to get a waiver from one or more of the standards, a waiver provision has been included that allows approval by the Development Review Committee.

Staff believes the addition of development standards would help guide staff decisions and make the process more consistent and predictable. Staff recommends that the Policy Committee recommend approval of the soil stockpile language to the Planning Commission.

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Jason Purse, Senior Planner II

Attachments:

1. Draft Ordinance

## Chapter 24

### ARTICLE II. SPECIAL REGULATIONS

#### DIVISION 1. IN GENERAL

##### Sec. 24-46. Soil Stockpiling

(a) Applicability. When soil is placed on a parcel of land for the purpose of storage, whether temporary or long-term, and the deposits of soil cover a total cumulative land area exceeding 2,500 square feet, or the deposit exceeds eight (8) feet from the natural grade at its maximum height, then the activity shall be considered a “soil stockpile” and shall be subject to the permitting and performance standards set forth in this section. However, the following specific activities shall not be considered “soil stockpiling”:

(1) Placement of soil on a site for the purpose of changing the natural grade, such as filling low spots, improving drainage, or improving the suitability of the site for building;

(2) Placement of soil for temporary storage purposes at depths greater than one (1) foot, covering a cumulative area of less than 2,500 square feet, and when all of the following conditions are met:

a. the soil deposit is not mounded higher than eight (8) feet above the natural existing grade;

b. the soil deposit are no closer to any property line than the minimum principal building setback for the district in which the parcel is located;

c. the soil deposit does not block, encroach on or otherwise adversely affect stormwater drainage;

d. the soil deposit is not within the drip-line of any tree on or abutting the site; and

e. the soil deposit is removed from the site, or distributed and graded across the site to depths of less than one (1) foot, within one (1) year.

(3) Placement of soil associated with agricultural or mining activities on the site.

Any and all of the activities listed above shall be required to comply with all federal, state and local permit requirements including county and state erosion and sediment control, Chesapeake Bay Preservation Area, floodplain and virginia stormwater management permit regulations.

(b) Prohibited materials. Nothing herein shall be construed to allow the creation of stockpiles containing anything other than clean soil, including, but not limited to, the following specifically prohibited materials:

(1) the creation of stockpiles of any waste material, including: commercial/business waste; construction, clearing and/or demolition waste; garbage or trash; hazardous waste; household waste; industrial waste; institutional/governmental waste; solid waste; or, unacceptable waste as defined in Chapter 24 of the County Code;

(2) the creation of stockpiles of sand, gravel, stone, felled forestal debris, wood chips/mulch or similar materials.

(c) Development plans. The location, size and dimensions of all stockpiles shall be shown on any associated development plan and approved as part of a site plan or construction plan for a subdivision prior to development. At a minimum the plan shall include:

(1) A stockpile plan prepared in sufficient detail to demonstrate compliance with all applicable performance standards; and

(2) An operations plan information shall be included in the site plan submittal documents and shall contain the following information:

- a. The date on which the operation will commence, the date on which the operation will be completed, the date that all required stabilization measures are to be completed, and a statement as to the ultimate disposition of the stockpile and the length of time that the stockpile will remain on the site.
- b. A statement listing the public streets and highways to be used as access to the site and haul routes.
- c. The hours of operation each day and the days of operation during the week.
- d. A general description of the type and quantity of equipment to be used in connection with the use.
- e. Operating practices to be used to minimize noise, dust, air contaminants, and vibration including information on the treatment of access roads to eliminate dust and deposit of mud on public roads.
- f. Methods for ensuring that oil, grease, or other contaminating materials from equipment maintenance are not deposited on the ground or within the confines of any drainageways.

(d) Performance standards. All soil stockpiling shall be subject to the following conditions:

(1) Location. All soil stockpiles shall be located on the same parcel within the proposed development in the area under construction.

(2) Setbacks.

- a. Setback areas for soil stockpiles shall be:
  - i. Not less than fifty (50) feet from any property line in any zoning district; and
  - ii. Not less than one hundred (100) feet from any existing off-site structure;
- b. All existing trees, bushes, shrubs and other vegetation within such setback areas shall be protected and preserved during and after the stockpiling operation. The planning director may require the installation of trees or shrubs to help buffer the view of any stockpiles authorized on sites without sufficient screening.

(3) Access. Operation plan, as defined in section 24-46 (c) (2), shall include access information required below at site plan submittal.

- a. Local residential streets (i.e., those platted/created as a component of a recorded subdivision) shall not be used for access to the stockpile site. The developer shall be limited to using those routes specified in the application and approved by the county.
- b. All on-site access roads and driveways shall be maintained to prevent the creation of dust and shall have an appropriate surface treatment to prevent the depositing of mud, debris or dust onto any public street.
- c. Any access road shall be a minimum of twenty (20') feet from any property line except at the point of access to any public right-of-way.

d. If determined necessary by the Virginia Department of Transportation (VDOT), the operator shall be required to post a letter of credit to VDOT in an amount sufficient to cover any potential damages to the public road system attributable to the operation.

(4) Hours of operation. The activity shall be conducted between local sunrise and sunset and shall have no Sunday operations, unless for necessary maintenance of equipment essential for public health and safety.

(5) The height of the soil stockpile shall be limited by the following design parameters:

a. One (1) foot of stockpile height for each two (2) feet of setback from any perimeter property line;

b. Side slopes shall not exceed three feet in width to one foot in height (3H:1V; horizontal:vertical);

c. The maximum height of any stockpile shall be 25 feet in a residential district and 40 feet in a commercial or industrial district. In a mixed-use area, the maximum height shall be determined based on the predominant land use designation on the master plan; and

d. No stockpile shall exceed the height of the treeline on or abutting the stockpile site. If no treeline is located on-site or adjacent to the site, or if vegetation consists of under story growth or shrubs, the height of the stockpile shall not exceed 25 feet in height.

(6) Stockpiles shall be limited to a maximum term of two years. In the event the operator wishes to maintain the temporary soil stockpile beyond that term, he or she may apply to the development review committee for a time extension.

(7) No stockpile shall be located within 150 feet of a community character corridor. If the parcel is less than 300 feet in depth, the location of the stockpile may be reduced to 75 feet from a front property line along a community character corridor.

(8) Elimination of noise, dust, and vibration.

a. All equipment used for the transportation or movement/grading of soil shall be constructed, maintained and operated in such a manner as to minimize any noise, dust or vibration which would be harmful or a nuisance to persons living in the vicinity of the stockpile.

b. All service roads or other non-vegetated open areas within the boundaries of the site shall be maintained to prevent dust or other windblown air pollutants. Proposed methods of dust control and equipment proposed for such control shall be included in the operation plan and shall be located at the site during operation.

c. Trucks shall not be loaded beyond design capacity, as defined in the Department of Motor Vehicles Size, Weight and Equipment Requirements Manual DMV-109, and loads shall be covered as required by state law to prevent hauled materials from being deposited or spilled during transport across any public or private land or property.

(9) The approved exterior limits of all areas where soil will be stockpiled shall be delineated with construction fencing and adequate tree protection measures shall be used, as determined by the engineering and resource protection director, prior to beginning operation.

(10) The following drainage requirements shall be met during the operation of the stockpile:

a. The site shall be graded to prevent standing water which would or could reasonably be expected to constitute a safety or health hazard; and

b. Existing drainage channels shall not be altered in such a way that water backs up onto adjoining properties or that the peak flow of water leaving the site exceeds the capacity of the downstream drainage channel.

(11) The operation shall at all times comply with the applicable provisions of the Virginia Erosion and Sediment Control Handbook promulgated by the Virginia Soil and Water Conservation Board.

(12) Maintenance of equipment shall be conducted in such a fashion as to not allow the depositing of oil, grease, or other contaminating materials on the ground or into drainageways.

(e) Waivers.

(1) An applicant may request a waiver from the development review committee (DRC) from any of the provisions of section 24-46 (d) (1) through (7) above. The DRC shall only consider waivers that meet the following requirements:

a. Stockpiles shall not be visible from a community character corridor;

b. Stockpiles shall be screened from adjacent properties;

c. Stockpiles shall be located on a parcel that will have minimal impact on surrounding residential parcels, as determined by the DRC;

d. Stockpiles shall be located on a parcel that can be accessed without disruption to local residential streets, as determined by the DRC.

e. Stockpiles shall have no impacts to environmental inventory features as listed in section 23-10 (2) of the County Chesapeake Bay Preservation ordinance.

**Secs. 24-47 - 24-51. Reserved.**

## M E M O R A N D U M

DATE: October 11, 2011

TO: Policy Committee

FROM: Ellen Cook, Senior Planner II

SUBJECT: Updates to the Housing Opportunities Policy and resulting implications for Residential and Multiple Use districts and Definitions

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On July 11, 2012, the Planning Commission considered and recommended approval of the Residential districts, including the Workforce Housing Opportunities Policy, the Multiple Use districts, and the Definitions section. These ordinances then proceeded to the Board of Supervisor's September 11, 2012 meeting. At that meeting, the Board discussed the workforce housing policy and expressed concern about whether the policy sufficiently addressed the lower end of the targeted Area Median Income (AMI) range. The Board deferred the policy, along with two other items (the Cluster Overlay, and the R-3 Redevelopment Policy) which it considered would be most affected by any changes to the terminology or substance of the workforce housing policy. The Board adopted the other Residential districts and Multiple Use Districts, as well as the Definitions section (with the definition of "workforce" removed). Subsequently, staff made revisions to the Workforce Housing Opportunities Policy in the following respects:

- split the term "workforce" back into two terms--"affordable" and "workforce" (which correspond to percentages of Area Median Income),
- added a third row to the tables in Sections 2 and 5 to split out and specify a target for the 30 – 60% of AMI category, and
- adjusted the corresponding percentages of expected units within a development to focus on the affordable portion of the spectrum.

The Board considered these revisions at its September 25, 2012 work session and concurred with the changes.

The full text of the revised policy (now titled "Housing Opportunities Policy") is attached for the Policy Committee's review, with highlighted language indicating the changes. Staff also wanted to make the Committee aware that the return to the use of both the term "affordable" and "workforce" will have an effect throughout the Residential and Multiple Use districts and in the Definitions section. In the Residential and Multiple Use districts, staff will be bringing forward changes to include both terms where only "workforce" is currently included. In the Definitions section, the previous definition of "workforce" will be amended, and a new definition of affordable will be added (see the definitions portion of the attached policy which mirrors the changes that will be made to Definitions). Staff anticipates bringing forward the Housing Opportunities Policy and the associated changes to the November 7, 2012 Planning Commission meeting.

Staff requests the Policy Committee offer comment on the revised Housing Opportunities Policy and associated changes prior to consideration by the Planning Commission.

### Attachments

1. Revised Housing Opportunities Policy
2. Previous Workforce Housing Opportunities Policy endorsed by the Planning Commission on July 11, 2012 (for reference purposes)

## RESOLUTION

### HOUSING OPPORTUNITIES POLICY

WHEREAS, the 2009 Comprehensive Plan recognizes the importance of providing housing opportunities which are affordable for homeowners and renters with particular emphasis on households earning 30 to 120 percent of James City County's Area Median Income (AMI); and

WHEREAS, consideration of measures to promote affordable and workforce housing was included as part of the Zoning Ordinance update methodology adopted by the Board of Supervisors in May 2010; and

WHEREAS, the Policy Committee recommended X the Housing Opportunities Policy to the Planning Commission on October 11, 2011; and

WHEREAS, the James City County Planning Commission, after a public hearing, recommended X of the Housing Opportunities Policy on November 7, 2012 by a vote of X.

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby establishes the following Housing Opportunities Policy in order to identify criteria whereby the provision of workforce housing in residential and multiple-use rezoning cases is done in a consistent manner:

The Housing Section of the 2009 Comprehensive Plan sets the following goal for housing opportunities in the County: *"Achieve high quality in design and construction of all residential development and neighborhood design, and provide a wide range of choices in housing type, density, price range, and accessibility."* In order to address the objectives of this goal, this policy is designed to increase the range of housing choices in the County through the provision of **affordable and** workforce housing in all rezoning applications that include a residential component.

This policy identifies criteria whereby the provision of **affordable and** workforce housing (rental and ownership) in residential rezoning cases is consistent yet flexible. Provision of housing at different price ranges is a strategy to achieve the greater housing diversity goal described in the 2009 Comprehensive Plan.



1. Definitions

- a. Affordable Housing. Housing available at a sales price or rental amount that does not exceed 30 percent of the total monthly income of households earning between 30 percent and 80 percent of the area median income as determined by the U.S. Department of Housing and Urban Development (HUD).
- b. Workforce Housing. Housing available at a sales price or rental amount that does not exceed 30 percent of the total monthly income of households earning between 80 percent and 120 percent of the area median income as determined by the U.S. Department of Housing and Urban Development (HUD).

2. Provision and Integration of Housing Opportunity Dwelling Units

- a. At least 20 percent of a development’s proposed dwelling units should be offered for sale or made available for rent at prices that are targeted at households earning 30 to 120 percent of Area Median Income (AMI). Of that 20 percent, the units should be targeted at the AMI ranges specified below:

Units targeted to (percent of AMI):	Percent of the development’s proposed dwelling units expected
30 percent – 60 percent	8
Over 60 percent - 80 percent	7
Over 80 percent – 120 percent	5

- b. These units should be fully integrated in the development with regard to location, architectural detailing, quality of exterior materials, and general appearance.

3. Applicability of Cash Proffers for Housing Opportunity Dwelling Units

- a. Units targeted at household meeting 30 to 120 percent of AMI will have reduced expectations for cash proffers in accordance with the amounts set forth in the Cash Proffer Policy for Schools adopted by the Board of Supervisors on July of 2007, as amended, other cash proffers related for water and sewer improvements (typically proffered to the James City Service Authority), and other public facility and infrastructure capital improvement program items. The reductions in the expected proffer amounts would be as follows:

Units targeted to (percent of AMI):	Percent cash proffer reduction:
30 percent – 60 percent	100 percent
Over 60 percent - 80 percent	60 percent
Over 80 percent – 120 percent	30 percent

4. Retention of Housing Opportunity Units over time

- a. For rental units, units must be made available at the targeted rents for a period of at least 30 years.
- b. For-sale units, sales of all targeted units as specified in paragraph one shall include a soft second mortgage payable to the benefit of James City County or third party approved by the Office of Housing and Community Development and the County Attorney’s Office. The term of the soft second mortgage shall be at least 50 years. In addition, a provision shall be included in the deed that establishes a County right of first refusal in the event that the owner desires to sell the unit.

5. In-lieu Contribution to the Housing Fund

Applicants may choose to offer cash contributions in-lieu of the provision of the percentages of affordable and workforce housing units specified above. Such cash contributions shall be payable to the James City County Housing Fund. The Housing Fund will be used to increase the supply and availability of units targeted at households earning 30 to 120 percent of AMI in the County. If applicants choose to offer a cash contribution in-lieu of construction of the units, the guideline minimum amount per unit shall be:

Units targeted to (percent of AMI):	Cash in-lieu amount
30 percent – 60 percent	The cost to construct a 1,200 square foot dwelling as determined below
Over 60 percent - 80 percent	The cost to construct a 1,200 square foot dwelling as determined below
Over 80 percent - 120 percent	The cost to construct a 1,400 square foot dwelling as determined below

Beginning in February 2013, and continuing in every subsequent February, the Housing and Community Development Director shall establish the average square foot cost to construct a workforce dwelling unit plus the average costs of a lot in the subject development. The construction cost shall be determined based on the cost information provided by at least three builders of workforce dwellings in James City County. If no workforce housing costs are available from James City County builders, the Director at his sole discretion may consult builders from nearby localities.

6. Procedures

- a. For rental units, the developer shall provide assurances in a form acceptable to the County Attorney that the development will provide a statement of rental prices, demonstrating that they are within the specified affordable and workforce housing income range, for the proffered units for each year of the 30-year term.

b. For for-sale units, the developer shall offer units at prices that fit within the affordable and workforce housing price range as stated in the definitions<sup>1</sup>, which shall be calculated and made available on an annual basis by the County.

- i. With regard to the soft-second mortgages, the James City County Office of Housing and Community Development (“OHCD”) shall be named beneficiary of a second deed of trust for an amount equal to the sales price of the market rate unit and the sales price of the proffered unit. The soft second shall be a forgivable loan, upon the terms specified in Section 5 above, in a form approved by OHCD and the County Attorney. The soft second deed of trust, the deed of trust note, and the settlement statement shall be subject to the approval of the County Attorney and Housing and Community Development Director prior to closing. The original note and deed of trust and a copy of the settlement statement identifying the net sales price shall be delivered by the closing agent of the OHCD after the deed of trust is recorded and no later than 45 days after closing. If down-payment assistance loans are authorized by OHCD, the lien on the deed of trust for the soft second may be recorded in third priority.
- ii. Owner shall consult with and accept referrals of, and sell to qualified buyers from the OHCD on a noncommission basis.
- iii. Prior to closing, OHCD shall be provided with copies of the HUD deed and the original deed of trust and note for the soft second.

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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27<sup>th</sup> day of November, 2012.

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<sup>1</sup> The prices shall be established based on payment of 30 percent of household income toward housing cost.

## RESOLUTION

### WORKFORCE HOUSING OPPORTUNITIES POLICY

WHEREAS, the 2009 Comprehensive Plan recognizes the importance of providing housing opportunities which are affordable for homeowners and renters with particular emphasis on households earning 30 to 120 percent of James City County's Area Median Income (AMI); and

WHEREAS, consideration of measures to promote affordable and workforce housing was included as part of the Zoning Ordinance update methodology adopted by the Board of Supervisors in May 2010; and

WHEREAS, the Policy Committee recommended endorsement of the Workforce Housing Opportunities Policy to the Planning Commission on September 15, 2011; and

WHEREAS, the James City County Planning Commission, after a public hearing, recommended approval of the Workforce Housing Opportunities Policy on July 11, 2012 by a vote of 7-0.

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby establishes the following Workforce Housing Opportunities Policy in order to identify criteria whereby the provision of workforce housing in residential and mixed-use rezoning cases is done in a consistent manner:

The Housing Section of the 2009 Comprehensive Plan sets the following goal for housing opportunities in the County: *"Achieve high quality in design and construction of all residential development and neighborhood design, and provide a wide range of choices in housing type, density, price range, and accessibility."* In order to address the objectives of this goal, this policy is designed to increase the range of housing choices in the County through the provision of workforce housing in all rezoning applications that include a residential component.

This policy identifies criteria whereby the provision of workforce housing (rental and ownership) in residential rezoning cases is consistent yet flexible. Provision of housing at different price ranges is a strategy to achieve the greater housing diversity goal described in the 2009 Comprehensive Plan.

1. Provision and Integration of Workforce Housing Opportunity Dwelling Units

- a. At least 20 percent of a development’s proposed dwelling units should be offered for sale or made available for rent at prices that are targeted at households earning 30 to 120 percent of Area Median Income (AMI). Of that 20 percent, the units should be targeted at the AMI ranges specified below:

Units targeted at:	Percent of the development’s proposed dwelling units expected
30 percent - 80 percent of AMI	10 percent
80 percent – 120 percent of AMI	10 percent

- b. These units should be fully integrated in the development with regard to location, architectural detailing, quality of exterior materials, and general appearance.

2. Applicability of Cash Proffers for Workforce Housing Units

- a. Units targeted at household meeting 30 to 120 percent of AMI will have reduced expectations for cash proffers in accordance with the amounts set forth in the Cash Proffer Policy for Schools adopted by the Board of Supervisors on July of 2007, as amended, other cash proffers related for water and sewer improvements (typically proffered to the James City Service Authority), and other public facility and infrastructure capital improvement program items. The reductions in the expected proffer amounts would be as follows:

Units targeted to:	Percent cash proffer reduction:
30 percent – 60 percent of AMI	100 percent
61 percent - 80 percent of AMI	60 percent
81 percent – 120 percent of AMI	30 percent

3. Retention of Workforce Housing Opportunity Units over time

- a. For rental units, units must be made available at rents that are targeted at households earning 30 to 60 percent of AMI for a period of at least 30 years.
- b. For-sale units, sales of all targeted units as specified in paragraph one shall include a soft second mortgage payable to the benefit of James City County or third party approved by the Office of Housing and Community Development and the County Attorney’s Office. The term of the soft second mortgage shall be at least 50 years. In addition, a provision shall be included in the deed that establishes a County right of first refusal in the event that the owner desires to sell the unit.

4. In-lieu Contribution to the Housing Fund

Applicants may choose to offer cash contributions in-lieu of the provision of the percentages of workforce housing units specified above. Such cash contributions shall be payable to the James City County Housing Fund. The Housing Fund will be used to increase the supply and availability of units targeted at households earning 30 to 120 percent of AMI in the County. If applicants choose to offer a cash contribution in-lieu of construction of the units, the guideline minimum amount per unit shall be:

Units targeted at:	Cash in-lieu amount
30 percent – 80 percent of AMI	The cost to construct a 1,200 square foot dwelling as determined below
81 percent - 120 percent	The cost to construct a 1,400 square foot dwelling as determined below

Beginning in February 2013, and continuing in every subsequent February, the Housing and Community Development Director shall establish the average square foot cost to construct a workforce dwelling unit plus the average costs of a lot in the subject development. The construction cost shall be determined based on the cost information provided by at least three builders of workforce dwellings in James City County. If no workforce housing costs are available from James City County builders, the Director at his sole discretion may consult builders from nearby localities.

5. Procedures

a. For rental units, the developer shall provide assurances in a form acceptable to the County Attorney that the development will provide a statement of rental prices, demonstrating that they are within the specified workforce housing income range, for the proffered workforce units for each year of the 30-year term.

b. For for-sale units, the developer shall offer units at prices that fit within the workforce housing price range as stated in the definitions<sup>1</sup>, which shall be calculated and made available on an annual basis by the County.

i. With regard to the soft-second mortgages, the James City County Office of Housing and Community Development (“OHCD”) shall be named beneficiary of a second deed of trust for an amount equal to the sales price of the market rate unit and the sales price of the proffered unit. The soft second shall be a forgivable loan, upon the terms specified in Section 5 above, in a form approved by OHCD and the County Attorney. The soft second deed of trust, the deed of trust note, and the settlement statement shall be subject to the approval of the County Attorney and Housing and Community Development Director prior to closing. The original note and deed of trust and a copy of the settlement

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<sup>1</sup> The prices shall be established based on payment of 30 percent of household income toward housing cost.

statement identifying the net sales price shall be delivered by the closing agent of the OHCD after the deed of trust is recorded and no later than 45 days after closing. If down-payment assistance loans are authorized by OHCD, the lien on the deed of trust for the soft second may be recorded in third priority.

- ii. Owner shall consult with and accept referrals of, and sell to qualified buyers from the OHCD on a noncommission basis.
- iii. Prior to closing, OHCD shall be provided with copies of the HUD deed and the original deed of trust and note for the soft second.

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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2012.