

**A G E N D A**

**JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**July 27, 2004**

**7:00 P.M.**

---

**A. ROLL CALL**

**B. MOMENT OF SILENCE**

**C. PLEDGE OF ALLEGIANCE** - Emily Tobler, a 6th-grade student at Toano Middle School

**D. HIGHWAY MATTERS**

**E. PUBLIC COMMENT**

**F. CONSENT CALENDAR**

1. Minutes
  - a. June 22, 2004, Work Session
  - b. July 13, 2004, Regular Meeting
2. Installation of "Watch for Children" Sign - Elmwood Subdivision
3. Appropriation of Funds - Public Access Terminals - Clerk of the Circuit Court
4. Appropriation of Grant Funds - VDEM National Terrorism Preparedness Exercise
5. Expenditure of Grant Funds - Decontamination Shower Units
6. Fire and Rescue Services Mutual Aid Agreement between James City County and York County

**G. PUBLIC HEARINGS**

1. Case Nos. Z-15-03/MP-13-03/HW-2-03. The Station at Norge (continued from June 22, 2004)
2. Ordinance to Designate Hospice Support Care of Williamsburg, Inc., Tax Exempt

**H. BOARD CONSIDERATION**

1. Case Nos. SUP-11-04/MP-3-04. Freedom Park Master Plan (deferred from July 13, 2004)
2. Chesapeake Bay Preservation Ordinance Policies

**I. PUBLIC COMMENT**

**J. REPORTS OF THE COUNTY ADMINISTRATOR**

**- CONTINUED -**

**K. BOARD REQUESTS AND DIRECTIVES**

**L. CLOSED SESSION**

1. Consideration of Appointments of Individuals to County Boards and/or Commissions, Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
  - a. Economic Development Authority
  - b. Social Services Advisory Board

**M. ADJOURNMENT**

072704bs.age

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF JUNE, 2004, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

Bruce C. Goodson, Chairman, Roberts District  
Michael J. Brown, Vice Chairman, Powhatan District  
John J. McGlennon, Jamestown District  
M. Anderson Bradshaw, Stonehouse District  
Jay T. Harrison, Sr., Berkeley District

Sanford B. Wanner, County Administrator  
Frank M. Morton, III, County Attorney

**B. BOARD DISCUSSIONS**

1. Stormwater Management

Mr. John T. P. Horne, Manager of Development Management, provided an overview of previous information provided to the Board regarding Stormwater Management and presented an outline of assumptions associated with and approximate costs for a stormwater management program in the County.

Mr. Brown stated interest in keeping staffing and funding resources separate for stormwater management utility and other departmental resources.

The Board and staff discussed the cost estimates and anticipated revenue from the program compared to the current management efforts for stormwater; staffing associated with a stormwater management utility; potential impacts on the General Funds; credits to Homeowners Associations that maintain their own BMPs and provisions for Homeowners Associations to turn over BMPs to the County; and regional BMPs.

The Board discussed a Stormwater Management Utility; managing stormwater through a utility versus continuation of the current method of management; necessity to ensure BMPs are properly maintained; and funding allocations for Stormwater Management.

Mr. Wanner and the Board discussed a budget amendment recommendation on the utilization of the funds set aside for a Stormwater Management Utility study in FY 05 and FY 06.

Mr. Goodson directed staff to allocate the funds in FY 05 not utilized for the Stormwater Management Utility study.

2. Chesapeake Bay Preservation Ordinance Implementation

Mr. John T. P. Horne, Manager of Development Management, introduced Mr. Darryl Cook, Environmental Director, and Mr. Michael Woolson, Senior Watershed Planner.

Mr. Cook provided an overview of the development of the Chesapeake Bay Preservation Ordinance and the implementation of the Ordinance.

Mr. Brown requested an overview of the appeal process.

Mr. Cook stated that citizens may address issues with staff, then continue appeals through the Chesapeake Bay Preservation Board, and if further appeal is desired, it would go to the courts.

The Board and staff discussed disclosure methods to alert future owners that a Resource Protection Area exists on the site, threshold scoring to determine perennality of streams, how independent consultants determine if streams are perennial, and discussed the scoring threshold used by the County to determine a perennial stream.

The Board concurred on the single-family process letter of notification.

Mr. Bradshaw requested a straw vote on the reduction of the threshold scoring to 28.

Those in favor of reducing the threshold scoring to 28:

Mr. McGlennon

Mr. Bradshaw

Mr. Harrison

Those opposing the proposal to reduce the threshold scoring to 28:

Mr. Goodson

Mr. Brown

Mr. Morton requested the Board hold a straw vote on creation of a written policy document for the implementation of the perennial stream identification.

Those in favor of the creation of a written policy document on the implementation of the perennial stream identification:

Mr. Brown

Mr. Harrison

Mr. Bradshaw

Mr. Goodson

Mr. McGlennon

The Board requested staff bring forward the perennial stream written implementation policy for consideration on July 27 with the single-family dwelling unit notification letter of disclosure and a threshold scoring of 28.

### **C. RECESS**

At 6:22 p.m. the Board took a dinner break until 7 p.m.

---

Sanford B. Wanner  
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF JULY, 2004, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

Bruce C. Goodson, Chairman, Roberts District  
Michael J. Brown, Vice Chairman, Powhatan District  
John J. McGlennon, Jamestown District  
M. Anderson Bradshaw, Stonehouse District  
Jay T. Harrison, Sr., Chairman, Berkeley District, Absent

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

**B. MOMENT OF SILENCE**

Mr. Goodson requested the Board and citizens observe a moment of silence.

**C. PLEDGE OF ALLEGIANCE**

Gabriella and Devon Wood, fourth- and fifth-grade students at Norge Elementary School, led the Board and citizens in the Pledge of Allegiance.

**D. PRESENTATION**

1. July - Recreation and Parks Month

Mr. Brown presented a resolution to Mr. Needham S. Cheely, III, Director of Parks and Recreation, and Mr. James Dorsey, Vice-Chairman of the Parks and Recreation Advisory Commission, in recognition of July as Recreation and Parks Month

**E. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, commented on the number of fees assessed on tourists to the Williamsburg area, and inquired how emergency vehicles were to provide service to neighborhoods when Route 60 East is closed down.

Mr. McGlennon invited citizens to comment at this time on any item listed on the Agenda under Consent Calendar or Board Considerations.

**F. CONSENT CALENDAR**

Mr. Goodson inquired if a Board member wished to pull an item from the Consent Calendar.

Mr. Brown requested Item No. 12, Award of Schematic Design Contract - Stadium Facility, be pulled.

Mr. Goodson pulled Item No. 5, Appropriation of Funds - U. S. Department of Homeland Security (DHS), Law Enforcement Terrorism Prevention Program (LETPP).

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

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

1. Minutes - June 22, 2004, Regular Meeting
2. July - Recreation and Parks Month

**RESOLUTION**

**JULY - RECREATION AND PARKS MONTH**

WHEREAS, parks and recreation activities generate opportunities for people to come together and experience a sense of community through fun, recreational pursuits; and

WHEREAS, parks, playgrounds, ball fields, nature trails, open spaces, community and cultural centers, and historic sites make a community attractive and desirable places to live, work, play, and visit to contribute to our ongoing economic vitality; and

WHEREAS, parks and recreation agencies touch the lives of individuals, families, groups, and the entire community which positively impacts upon the social, economic, health, and environmental quality of our community.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims July as Recreation and Parks Month and encourages all citizens of James City County to utilize recreation and park services and recognize that they are essential to the quality of life.

3. Appointment of Assistant Fire Marshal, Authorization of Fire Prevention Powers, and Authorization of Police Powers

**RESOLUTION**

**APPOINTMENT OF ASSISTANT FIRE MARSHAL, AUTHORIZATION OF FIRE PREVENTION POWERS, AND AUTHORIZATION OF POLICE POWERS**

WHEREAS, Section 27-34.2 of the Code of Virginia, 1950, as amended, provides that James City County may authorize the local Fire Marshal to arrest, to procure, serve warrants of arrest, and to issue summonses in the manner authorized by general law for violation of local fire prevention and fire safety and related ordinances; and

WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended, provides that James City County may authorize the local fire marshal to have the same law enforcement powers as a police officer for the purpose of investigation and prosecution of all offenses involving fires, fire bombings, attempts to commit such offenses, false alarms relating to such offenses, and the possession and manufacture of explosive devices, substances, and fire bombs; and

WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended, provides that James City County may authorize the local fire marshal to exercise the powers authorized by the Fire Prevention Code; and

WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended, provides that James City County may appoint Assistant Fire Marshals, who, in the absence of the Fire Marshal, shall have the powers and perform the duties of the Fire Marshal; and

WHEREAS, Kendall L. Driscoll has completed all minimum training and certification requirements of the Department of Criminal Justice Services and the Department of Fire Programs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Kendall L. Driscoll as a James City County Assistant Fire Marshal with all such police powers and authority as provided in the Virginia Code Sections 27.30, et. seq.

4. Title V Grant - Beyond the Bell

**RESOLUTION**

**TITLE V GRANT - BEYOND THE BELL**

WHEREAS, the Virginia Department of Criminal Justice Services has made matching funds available for the development of youth-at-risk programs; and

WHEREAS, funds are needed for two staff positions to continue to operate the new middle school after-school program at the County's two community centers for referred youth-at-risk.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$56,465 grant awarded by the Virginia Department of Criminal Justice Services. BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund:

Revenues:

From the Commonwealth	\$56,465
From the County General Fund	<u>17,550</u>
	<u>\$74,015</u>

Expenditure:

Title V B Grant - Beyond the Bell	<u>\$74,015</u>
-----------------------------------	-----------------

- 6. Appropriation of Funds - U. S. Department of Homeland Security (DHS), State Homeland Security Grant Program (SHSGP)

**RESOLUTION**

**APPROPRIATION OF FUNDS - U.S. DEPARTMENT OF HOMELAND SECURITY (DHS).**

**STATE HOMELAND SECURITY GRANT PROGRAM (SHSGP)**

WHEREAS, James City County has been awarded grant funding in the amount of \$171,755.92 from the Department of Homeland Security (DHS), State Homeland Security Grant Program (SHSGP); and

WHEREAS, the grant requires no local matching funds; and

WHEREAS, the grant will allow for costs associated with equipment acquisitions, training, planning, and exercises; and

WHEREAS, the grant will be utilized by the Police and Fire Departments; and

WHEREAS, the grant program will be administered by the Virginia Department of Emergency Management, with the grant period being June 8, 2004, through November 30, 2005, thus allowing any unexpended funds as of June 30, 2004, to be carried forward to James City County's next fiscal year.

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

Revenue:

VDEM-DHS and SHSGP	<u>\$171,755.92</u>
--------------------	---------------------

Expenditure:

VDEM-DHS and SHSGP	<u>\$171,755.92</u>
--------------------	---------------------

- 7. Citizen Corps Grant Fund Award



**RESOLUTION**

**CITIZEN CORPS GRANT FUND AWARD**

WHEREAS, the Virginia Department of Emergency Management has awarded funding in the amount of \$12,000 under the Citizen Corps Grant Program; and

WHEREAS, the grant requires no local matching funds; and

WHEREAS, the grant period will be from June 8, 2004, through March 8, 2006, thus allowing any unexpended funds as of June 30, 2004, to be carried forward to James City County's next fiscal year.

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

Revenue:

VDEM - EST Citizen Corps \$12,000

Expenditure:

VDEM - EST Citizens Corps \$12,000

8. Dedication of Streets in Mallard Hill

**RESOLUTION**

**DEDICATION OF STREETS IN MALLARD HILL**

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

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

WHEREAS, the County and the Virginia Department of Transportation 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 the Virginia Department of Transportation to add the streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to § 33.1-229 of the Code of Virginia, and the Department's Subdivision Street Requirements.

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

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

9. Route 31 Limited Access Line

**RESOLUTION**

**ROUTE 31 LIMITED ACCESS LINE**

WHEREAS, the Jamestown-Yorktown Foundation and the Virginia Department of Transportation (VDOT) are working to transfer a portion of right-of-way along Route 31 between Route 359 and the James River; and

WHEREAS, prior to the transfer of the right-of-way, the limited access line must be moved westward; and

WHEREAS, moving the limited access line requires the approval of the Board of Supervisors of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the movement of the limited access line along Route 31 between the intersection of Route 359 and the James River from Line AA to Line BB as shown on the plat entitled "Dedication Plat Showing a Portion of Jamestown Road - Route 31 to be Conveyed to the Jamestown-Yorktown Foundation" dated June 18, 2003.

10. Appointment - 2004 County Fair Committee

**RESOLUTION**

**APPOINTMENT - 2004 COUNTY FAIR COMMITTEE**

WHEREAS, annually the Board of Supervisors appoints the James City County Fair Committee; and

WHEREAS, the 2004 County Fair will be held Friday, August 13, and Saturday, August 14.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint the attached list of volunteers to the 2004 James City County Fair Committee for the term of August 13, 2004, through August 14, 2004.

11. Change of Name from “Industrial Development Authority” to “Economic Development Authority”

**RESOLUTION**

**CHANGE OF NAME FROM “INDUSTRIAL DEVELOPMENT AUTHORITY” TO**

**“ECONOMIC DEVELOPMENT AUTHORITY”**

WHEREAS, the Industrial Development Authority of the County of James City, Virginia, desires to change its name to Economic Development Authority of James City County; and

WHEREAS, Section 15.2-4903 (C) of the Code of Virginia provides that the Board of Supervisors may change the name of the Authority to the Economic Development Authority of James City County, Virginia.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County Virginia, that the Industrial Development Authority of the County of James City, Virginia, shall be known from this point forward as the Economic Development Authority of James City County, Virginia.

12. Tower Site Lease Agreement - Hankins Industrial Park

**RESOLUTION**

**TOWER SITE LEASE AGREEMENT - HANKINS INDUSTRIAL PARK**

WHEREAS, James City County and York County are constructing a joint 800-MHz trunked radio system; and

WHEREAS, the radio system requires a tower to be located in the Stonehouse district in compliance with all applicable zoning requirements; and

WHEREAS, the Planning Commission and the Board of Supervisors have approved a special use permit for the construction of a tower at this location; and

WHEREAS, staff negotiated a 25-year land lease agreement with the property owner at 129 Industrial Boulevard for the location of the 800-MHz trunked radio system tower on that property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into a 25-year lease with the property owner to locate a radio system at 129 Industrial Boulevard, James City County, Virginia.

13. Memorandum of Understanding Regarding the Greensprings Trailhead

**RESOLUTION**

**MEMORANDUM OF UNDERSTANDING REGARDING THE GREENSPRINGS TRAILHEAD**

WHEREAS, the Greensprings Trail has had an increase in citizen usage during school hours but does not have any public parking to accommodate usage; and

WHEREAS, the Parks and Recreation Advisory Commission, County staff, and citizens recognize the need to construct a parking area for users of the Greensprings Trail; and

WHEREAS, County and School Division staff have developed operational procedures and a memorandum of understanding that supports the construction and operation of the Greensprings Trailhead on Jamestown High School property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to execute the Memorandum of Understanding between the Williamsburg-James City County Public Schools and James City County regarding the Greensprings Trailhead.

5. Appropriation of Funds - U.S. Department of Homeland Security (DHS), Law Enforcement Prevention Program

Mr. Wanner stated that it is now a Federal requirement for the Board to designate the “applicant agent” by resolution in order for the Board to accept funding under this program.

Mr. Wanner recommended the Board adopt the two resolutions.

Mr. Goodson inquired how the funds will be utilized.

Mr. Stan Stout, Police Major, stated that the funds will be used to purchase equipment for officer protection and training for anti-terrorism.

Mr. Brown made a motion to adopt the resolutions.

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

**RESOLUTION**

**APPROPRIATION OF FUNDS - U.S. DEPARTMENT OF HOMELAND SECURITY (DHS),**

**LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM (LETPP)**

WHEREAS, the James City County Police Department has been awarded grant funding in the amount of \$157,057 from the Department of Homeland Security (DHS), Law Enforcement Terrorism Prevention Program (LETPP); and

WHEREAS, the grant will allow for cost associated with equipment acquisitions, training, planning, exercises, and organizational activities; and

WHEREAS, the grant requires no local matching funds; and

WHEREAS, the grant program will be administered by the Virginia Department of Criminal Justice Services with the grant period being May 28, 2004, through November 27, 2005, thus allowing any unexpended funds as of June 30, 2004, to be carried forward to James City County's next fiscal year.

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

Revenue:

DCJS - DHS and LETPP \$157,057

Expenditure:

DCJS - DHS and LETPP \$157,057

12. Award of Schematic Design Contract – Stadium Facility

Mr. Brown requested staff provide the status of the project.

Mr. Bernard M. Farmer, Capital Projects Administrator, stated that the stadium facility has been part of the County's Capital Improvement Projects (CIP) and allocation of funds has been made by the Board for the project; provided an overview of the design; and stated that the facility is a community facility that may be used for interscholastic activities and will be operated by the County for community-wide activities.

Mr. Farmer stated that the contract is for the schematic phase of the project, which will include meetings for the public to provide input on the stadium's design.

Mr. Farmer stated that staff expects to work on the schematic design phase this fall and winter, and have a completed stadium schematic design by spring of 2005.

Mr. Wanner commented on the briefing of the financial advisors; stated that the number of seats in the stadium will be contingent upon cost and constraints such as parking; and stated that staff anticipates the community stadium facility will be open in 2007.

Mr. Brown made a motion to adopt the resolution.

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

**RESOLUTION**

**AWARD OF SCHEMATIC DESIGN CONTRACT - STADIUM FACILITY**

WHEREAS, competitive proposal requests were advertised and received for the design of the James City County stadium facility to be located at Warhill Sports Complex; and

WHEREAS, two proposals were received and evaluated, with the best qualified proposer being Clough, Harbour & Associates LLP; and

WHEREAS, previously authorized Capital Improvements Program (CIP) budgeted funds are available to fund this portion of the design contract.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to execute the necessary contract documents for the schematic design of the stadium facility at the Warhill Sports Complex in the total amount of \$137,470.

## **G. PUBLIC HEARINGS**

### **1. Case Nos. SUP-17-03 & MP-5-03. Warhill Sports Complex Master Plan**

Mr. Christopher Johnson, Senior Planner, stated that Mr. Needham Cheely has applied on behalf of the James City County Division of Parks and Recreation for a Master Plan amendment for the Warhill Sports Complex and to amend and restate the existing special use permit conditions for the park at 5700 Warhill Trail on approximately 406 acres zoned R-8, Rural Residential, and further identified as Parcel No. (1-12) on James City County Real Estate Tax Map No. (32-1).

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

At its meeting on June 7, 2004, the Planning Commission voted 7-0 to recommend approval of the applications.

Staff believes that the amended conditions will sufficiently mitigate the impacts created by the proposed development and recommended approval of the applications.

Mr. Bradshaw inquired if the applicant will be held to the same perennial stream evaluations as private enterprises.

Mr. Johnson stated that they would be.

Mr. Brown inquired where the secondary park access to Centerville Road is located.

Mr. Johnson identified the secondary park access as potential use of the power line right-of-way and stated that it is preliminary and is recommended only as an option should the park be expanded.

Mr. Goodson opened the Public Hearing.

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

Mr. Brown made a motion to adoption of the resolution.

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

**RESOLUTION**

**CASE NOS. SUP-17-03 & MP-5-03. WARHILL SPORTS COMPLEX MASTER PLAN**

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

WHEREAS, public recreation facilities are a specially permitted use in the R-8, Rural Residential, zoning district; and

WHEREAS, the property is identified as Parcel No. (1-12) on James City County Real Estate Tax Map No. (32-1); and

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-15 of the James City County Zoning Ordinance, a Public Hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case Nos. SUP-17-03 and MP-5-03; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on June 7, 2004, recommended approval of Case Nos. SUP-17-03 and MP-5-03 by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Master Plan 5-03 and the issuance of Special Use Permit No. 17-03 as described herein with the following conditions:

1. Development of the site shall be generally in accordance with the Warhill Sports Complex Master Plan dated April 2004 with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
2. Prior to issuance of a land-disturbing permit for any portion of the site, the applicant shall provide written evidence to the County which demonstrates that the recommendations of a professional archaeologist have been implemented in a manner consistent with the preservation objectives of the Board of Supervisors Archaeological Policy, as determined by the Planning Director or his designee.
3. A minimum 150-foot buffer shall be maintained along all property lines of the park site. That buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, walking and hiking trails, and other uses specifically approved by the Development Review Committee.
4. All road improvements recommended by a traffic study approved by both the Planning Director and the Virginia Department of Transportation (VDOT) shall be constructed prior to the facilities requiring the improvements being utilized.
5. A lighting plan shall be reviewed and approved by the Planning Director for any lighting proposed adjacent to any athletic fields. This plan shall indicate that no glare, as determined by the Planning Director or his designee, is cast onto adjacent properties. For all parking lot luminaries and building mounted luminaries, mounted recessed fixtures shall be used with no lens, bulb, or globe extending below the casing or otherwise unshielded by the case so that the light is visible from the side of the fixture. This condition shall not apply to streetlights.

6. All public address speakers used on the site shall be oriented generally towards the interior of the property and away from exterior property lines.
7. The applicant shall submit a traffic impact study to the County within three years of the date of approval of this application, unless a study is required by VDOT prior to that date. VDOT shall have the authority to delay requiring the traffic study to be submitted beyond the three-year time period if construction of the proposed facilities at Warhill Sports Complex occurs at a slower pace than expected.
8. The applicant shall conduct a perennial stream evaluation and receive approval from the Environmental Director prior to preliminary site plan approval being granted for any of the following uses proposed for the site: B-Softball complex; D-Stadium complex; E-Sports Field complex; F-Multipurpose fields; H/I-Picnic Areas; or P-Maintenance Area. If perennial streams are present on the site, a 100-foot buffer will be required around them and any wetlands contiguous and connected by surface flow to the stream.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

2. Case Nos. SUP-11-04 & MP-3-04. Freedom Park Master Plan

Mr. Christopher Johnson, Senior Planner, stated that Mr. Needham Cheely has applied on behalf of the James City County Division of Parks and Recreation to amend the existing Master Plan for Freedom Park and amend and restate the existing special use permit conditions for the 690-acre park located at 5535, 5537, and 5981 Centerville Road, zoned A-1, General Agricultural, and LB, Limited Business, and further identified as Parcel Nos. (1-6), (1-9), and (1-10) on James City County Real Estate Tax Map No. (31-3).

Staff found the proposed use to be consistent with surrounding zoning and development, and consistent with the Comprehensive Plan.

At its meeting on June 7, 2004, the Planning Commission voted 7-0 to recommend approval of the applications.

Staff stated that the amended conditions will sufficiently mitigate the impacts created by the proposed development and recommended approval of the applications.

Mr. Goodson opened the Public Hearing.

1. Mr. George M. Eckle, 2608 Sir Thomas Way, stated support for the development of Freedom Park and requested the Board consider a golf course in the Park.

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

Mr. Goodson inquired about the consideration of a golf course at the Park.

Mr. Wanner stated that the County issued a Request for Proposal (RFP) for a development of a golf course and because the private developers wished the County to fully back the financial obligations of the course, the County rejected the construction of a golf course at the Park.

Mr. Wanner stated that the void for public-owned golf courses is being filled by the development of a public golf course in York County.



Mr. Goodson stated that Mr. Harrison has requested deferral of this item to July 27 so he can participate in the vote.

Without an objection from the Board, Mr. Goodson deferred action on the item to July 27, 2004.

## **H. BOARD CONSIDERATIONS**

### **1. Case No. AFD-12-86. Gospel Spreading Church AFD, Subdivision Consideration**

Ms. Sarah Weisiger, Planner, stated that Mr. Robert E. Gilley has requested Board consideration of a subdivision of less than 25 acres on property currently included in the Gospel Spreading Church Agricultural and Forestal District (AFD) to create a two-acre parcel for his daughter at the end of Gatehouse Boulevard and further identified as Parcel Nos. (1-40) and (1-41) on James City County Real Estate Tax Map No. (47-4).

On June 9, 2004, the Agricultural and Forestal District Advisory Committee recommended approval of the proposed subdivision request by a vote of 5 to 0.

Staff recommended approval of the subdivision.

Mr. McGlennon made a motion to adopt the resolution.

Mr. Bradshaw noted a correction to the resolution with the removal of the word "each" from the final paragraph of the body of the resolution.

Mr. McGlennon amended his motion to include the amendment.

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

## **RESOLUTION**

### **CASE NO. AFD-12-86. GOSPEL SPREADING CHURCH AFD.**

#### **SUBDIVISION CONSIDERATION**

WHEREAS, the owners of property located at 318 and 320 Neck O'Land Road and further identified as Parcel Nos. (1-40) and (1-41) on James City County Real Estate Tax Map No. (47-4) have requested Board consideration of a subdivision of less than 25 acres; and

WHEREAS, the property is in the Gospel Spreading Church Agricultural and Forestal District; and

WHEREAS, pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Agricultural and Forestal District be developed to a more intense use without prior approval of the Board; and

WHEREAS, the Board of Supervisors has adopted conditions for all properties in the Gospel Spreading Church Agricultural and Forestal District; and

WHEREAS, the adopted conditions for the Gospel Spreading Church Agricultural and Forestal District limit the subdivision of land to 25 acres or more, except where the Board of Supervisors

authorizes lots to be created for residential use by members of the owner's immediate family, as defined by the James City County Subdivision Ordinance; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on June 9, 2004, recommended approval of the application by a vote of 5 to 0 with one abstention.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the subdivision of one lot of approximately two acres to be conveyed to immediate family members of the owners as described herein.

2. Case No. AFD-5-86. Barnes Swamp AFD, Subdivision Consideration

Mr. Christopher Johnson, Senior Planner, stated that Mr. Dustin DeVore of Kaufman & Canoles, on behalf of property owners Dennis Leonituk, Sr., and Anna H. Hockaday, requested Board consideration of a subdivision of less than 25 acres on property currently included in the Barnes Swamp Agricultural and Forestal District (AFD) to create two 10-acre parcels to be conveyed to their children at 338 Racefield Drive and further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (3-1).

On June 9, 2004, the Agricultural and Forestal District Advisory Committee recommended approval of the proposed subdivision request by a vote of 6 to 0.

Staff recommended approval of the subdivision.

Mr. Bradshaw made a motion to adopt the resolution.

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

**RESOLUTION**

**CASE NO. AFD-5-86. BARNES SWAMP AFD, SUBDIVISION CONSIDERATION**

WHEREAS, the owners of property located at 338 Racefield Drive and further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (3-1) have requested Board consideration of the subdivision of less than 25 acres; and

WHEREAS, the property is in the Barnes Swamp Agricultural and Forestal District; and

WHEREAS, pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Barnes Swamp Agricultural and Forestal District be developed to a more intense use without prior approval of the Board; and

WHEREAS, the Board of Supervisors has adopted conditions for all properties in the Barnes Swamp Agricultural and Forestal District; and

WHEREAS, the adopted conditions for the Barnes Swamp Agricultural and Forestal District limit the subdivision of land to 25 acres or more, except where the Board of Supervisors authorizes lots to be created for residential use by members of the owners' immediate family, as defined by the James City County Subdivision Ordinance; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on June 9, 2004, recommended approval of the application by a vote of 6 to 0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the subdivision of two lots of approximately ten acres each to be conveyed to immediate family members of the owners as described herein.

3. Purchase of Ironbound Village Office Buildings

Mr. Wanner presented a resolution authorizing the acquisition of 1.39 acres and three 4,800-square-foot office buildings in Ironbound Village for the relocation of several administrative divisions from the Human Services Building and to create a new business incubator.

Mr. Wanner stated that the necessary rezoning application will be presented to the Planning Commission and commented that the office buildings met both BOCA and ADA requirements regarding accessibility.

Mr. Wanner requested the Board adopt the resolution.

Members of the Board stated support for the proposal.

Mr. Brown made a motion to adopt the resolution.

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

**RESOLUTION**

**IRONBOUND VILLAGE PURCHASE**

WHEREAS, Cutting Edge Development, L.L.C. ("Cutting Edge") currently owns real property and two office buildings located at 5300, 5320, 5324, and 5340 Palmer Lane in the Berkeley District designated as Tax Parcel Nos. 3911300001A, 3911300003, 3911300002B, and 3911300004; and

WHEREAS, George S. Hankins, Jr., and Howard B. Hankins ("Hankins") currently own real property and one office building located at 5304 Palmer Lane in the Berkeley District designated as Tax Parcel No. 3911300001B; and

WHEREAS, Cutting Edge and Hankins have offered to sell the above-referenced properties and office buildings ("Properties") to James City County for a combined price of \$1.32 million; and

WHEREAS, the Board of Supervisors is aware of several County administrative divisions in need of additional office space and is of the opinion that the County should purchase the Properties at the offered price.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the purchase agreements dated July 6, 2004, for the Properties and directs the County Administrator to execute all documents needed to purchase the Properties from Cutting Edge and Hankins for the sum of \$1.32 million.

**I. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, inquired about the vacated office spaces with the construction of Building F, stated opposition to the expenditure of funds for additional office space and the removal of structures from the tax rolls; and commented on a recent article indicating that eminent domain by localities are not being supported at the court levels.

**J. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner recommended that the Board go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to County Boards and/or Commissions.

**K. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon stated that a public informational meeting was held on June 30 regarding the progress of the Route 199 and Jamestown Road intersection improvement project and stated that signalization at the intersection will be able to detect bicycles and cycle them into the traffic pattern.

Mr. Bradshaw commented on Mr. Gulden's successful farming and participation in the Agricultural and Forestal District, commented on the typical summer weather the County is experiencing, and emphasized the need for the County to have a stormwater management program.

Mr. Bradshaw commented on the recent opening of three brand-name stores at the Williamsburg Outlet stores.

**L. CLOSED SESSION**

Mr. McGlennon made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to County Boards and/or Commissions.

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

Mr. Goodson adjourned the Board into Closed Session at 7:56 p.m.

Mr. Goodson reconvened the Board into Open Session at 8:06 p.m.

Mr. McGlennon made a motion to adopt the Closed Session resolution.

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

**RESOLUTION**

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and, (ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions.

Mr. McGlennon made a motion to reappoint Ms. Peggy Boarman to the Clean County Commission, term to expire on July 31, 2007; to reappoint Ms. Madelynn Herman and Ms. June Hagee to the Colonial Community Services Board, terms to expire on June 30, 2007; and to reappoint Ms. Virginia Hartmann to the Economic Development Authority, term to expire July 31, 2008.

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

**M. AJOURNMENT**

Mr. McGlennon made a motion to adjourn.

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

At 8:07 p.m. Mr. Goodson adjourned the Board until 4 p.m. on July 27, 2004.

---

Sanford B. Wanner  
Clerk to the Board

MEMORANDUM

DATE: July 27, 2004  
TO: The Board of Supervisors  
FROM: Darryl E. Cook, Environmental Director  
SUBJECT: Installation of "Watch for Children" Sign - Elmwood Subdivision

---

Effective July 1, 1997, the Code of Virginia was amended to allow counties to request that the Virginia Department of Transportation (VDOT) install and maintain "Watch for Children" signs. The law requires that a Board of Supervisors resolution be submitted to VDOT authorizing them to take this action and allocating secondary road system maintenance funds for this purpose.

Residents of the Elmwood community have requested the Board of Supervisors seek approval for a "Watch for Children" sign to be installed on Elmwood Lane at the location shown on the attached drawing. The attached resolution requests VDOT install and maintain one "Watch for Children" sign on Elmwood Lane.

Staff recommends adoption of the attached resolution.

---

Darryl E. Cook

CONCUR:

---

John T. P. Horne

DEC/gb  
elmwood.mem

Attachments

**RESOLUTION**

**INSTALLATION OF "WATCH FOR CHILDREN" SIGN - ELMWOOD SUBDIVISION**

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

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

WHEREAS, residents of the Elmwood community have requested that a "Watch for Children" sign be installed on Elmwood Lane as illustrated on the attached drawing titled "Elmwood Subdivision 'Watch for Children Sign'."

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

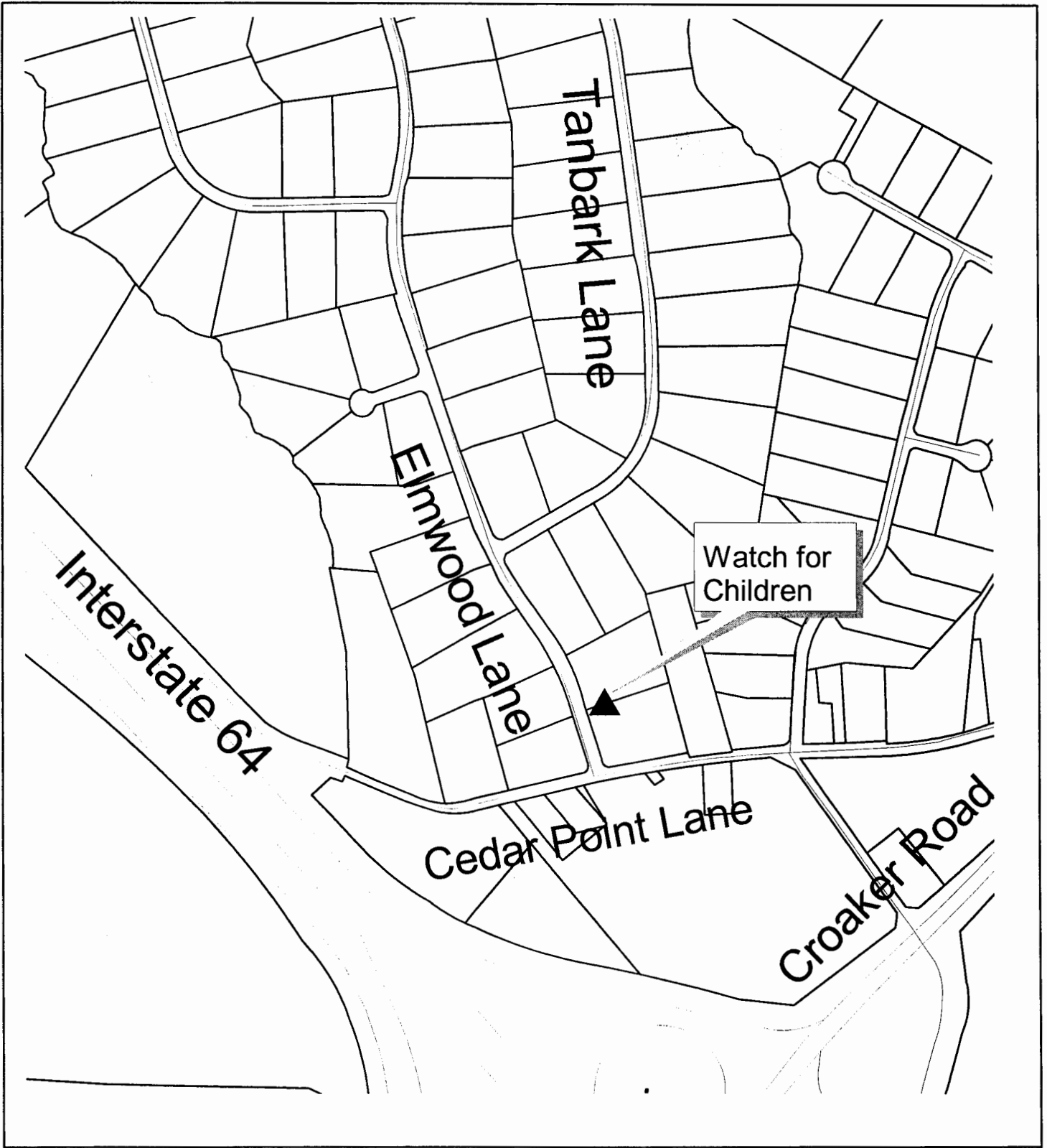
\_\_\_\_\_  
Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

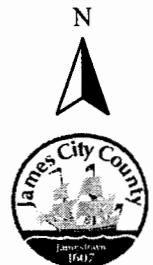
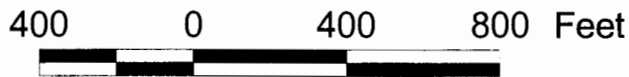
\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 2004.

elmwood.res



**ELMWOOD SUBDIVISION  
"WATCH FOR CHILDREN" SIGN**





MEMORANDUM

DATE: July 27, 2004  
TO: The Board of Supervisors  
FROM: John E. McDonald, Manager of Financial and Management Services  
SUBJECT: Appropriation of Funds - Public Access Terminals - Clerk of the Circuit Court

---

City and County staff have been working with the Clerk of the Circuit Court on a project that would purchase and install public access terminals. The terminals would be used by businesses and citizens to access tax and real estate information from both City and County real property and Treasurer's records. This should provide a dual benefit: helping customers access more information at the Courthouse, versus traveling to or calling two sites, and relieving the Treasurer, City Finance, and both Real Estate offices of many routine phone calls.

There are differences in how the County and City connections will be established. The County will use the County fiber network and the City a high-speed telephone connection. The total cost of the project is \$12,500 and would be funded using moneys in the City/County Courthouse Maintenance Fund. This Fund accumulates moneys from courthouse users, through fees, and can then be used for court-related activities. It is managed by the City but spending decisions must be approved by both City Council and the Board of Supervisors. City Council approved a resolution authorizing this expenditure on July 8.

Staff recommends approval of the attached resolution.

---

John E. McDonald

JEM/adw  
terminal.mem

Attachment

**RESOLUTION**

**APPROPRIATION OF FUNDS - PUBLIC ACCESS TERMINALS -**

**CLERK OF THE CIRCUIT COURT**

WHEREAS, the Board of Supervisors of James City County has been requested to authorize the expenditure of \$12,500 to acquire and install public access terminals in the office of the Clerk of the Circuit Court; and

WHEREAS, these terminals would allow the public to access both City and County real property and tax collection information to facilitate business interactions with the Clerk's Office; and

WHEREAS, the \$12,500 would be funded from the Courthouse Maintenance account, a City/County account funded by fees from court transactions, and City Council has already approved the expenditure.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes an expenditure of no more than \$12,500 to purchase and install public access terminals at the office of the Clerk of the Circuit Court, funded from the Courthouse Maintenance Fund, and appropriates the following to the Special Projects/Grants Fund:

Revenue:

Courthouse Maintenance Fund	<u>\$12,500</u>
-----------------------------	-----------------

Expenditure:

Public Access Terminals – Clerk	<u>\$12,500</u>
---------------------------------	-----------------

---

Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 2004.

terminal.res

MEMORANDUM


DATE: July 27, 2004  
TO: The Board of Supervisors  
FROM: Richard M. Miller, Fire Chief  
SUBJECT: Appropriation of Grant Funds - VDEM National Terrorism Preparedness Exercise

---

James City County has been awarded a \$9,000 pass through grant from the Virginia Department of Emergency Management to reimburse expenses related to County government participation with a national terrorism preparedness exercise.

This expenditure must be authorized by the Board of Supervisors. The attached resolution complies with all Commonwealth of Virginia requirements.

Staff recommends approval of the attached resolution.

  
Richard M. Miller

RMM/tlc  
grantexp.mem

Attachment

**RESOLUTION**

**APPROPRIATION OF GRANT FUNDS -**

**VDEM NATIONAL TERRORISM PREPAREDNESS EXERCISE**

WHEREAS, James City County applied for and received a Federal grant in the amount of \$9,000 for the purpose of reimbursing expenses related to the County government participation in a National Terrorism Preparedness Exercise during the summer of 2004; and

WHEREAS, the grant requires no local matching funds; and

WHEREAS, the grant period will be from June 1, 2004, to September 1, 2004.

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

Revenue:

V024-306-2631 VDEM-DP EXERCISE	<u>\$9,000</u>
--------------------------------	----------------

Expenditure:

VDEM-DP EXERCISE	<u>\$9,000</u>
------------------	----------------

---

Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 2004.

grantexp.res

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

DATE: July 27, 2004  
TO: The Board of Supervisors  
FROM: Richard M. Miller, Fire Chief  
SUBJECT: Expenditure of Grant Funds - Decontamination Shower Units

---

James City County and the City of Williamsburg were awarded a \$249,998 joint grant to purchase a number of items in response for a Weapons of Mass Destruction (WMD) event by both County and City police and fire agencies. A total of \$120,000 was identified for the purchase of a decontamination unit for each of the jurisdictions.

A joint committee of County and City representatives evaluated the current needs and made recommendations on the purchase of equipment in accordance with grant guidelines. Its recommendation is to purchase two 20-foot decontamination trailers from Advanced Containment Systems, Inc., at a cost of \$58,500 each. These trailers meet the established budget and will meet the police and fire agencies' needs for rapid deployment, quick setup, and serving multiple functions in a variety of emergencies. The Police and Fire Chiefs of the City and County have concurred with the committee recommendations and authorized the County to proceed with the purchase.

Upon consultation with the Purchasing Office, it was determined this is a sole source procurement. Advanced Containment Systems, Inc., is the only source practicably available to provide the trailers with the features required to meet the police and fire agencies' needs as determined by the joint committee. The cost has been determined to be reasonable through price comparison with similar units.

As a purchase exceeding \$100,000, this expenditure must be authorized by the Board of Supervisors.

Staff recommends approval of the attached resolution.

  
Richard M. Miller

RMM/gb  
expenditure.mem

Attachment

**RESOLUTION**

**EXPENDITURE OF GRANT FUNDS - DECONTAMINATION SHOWER UNITS**

WHEREAS, James City County and the City of Williamsburg jointly applied for and received a Federal grant in the amount of \$249,988 for the purpose of equipping members of their public safety agencies with appropriate personal protective equipment and the purchase of two decontamination shower units; and

WHEREAS, representatives of these agencies have evaluated a number of different decontamination shower units based on the objective criteria of rapid deployment, quick setup time, being able to be pulled to an emergency scene by vehicles already within our fleet, reasonable cost, and versatility; and

WHEREAS, this committee has selected a decontamination shower unit which fully meets the selection criteria and is within the available funds; and

WHEREAS, Advanced Containment Systems, Inc., is the only source practicably available to provide the trailers with the features required to meet the police and fire agencies' needs as determined by the joint committee and the cost has been determined to be reasonable.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the expenditure of Federal grant funds in the amount of \$117,000 for the purchase of two decontamination shower units.

\_\_\_\_\_  
Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 2004.

expenditure.res

MEMORANDUM

DATE: July 27, 2004  
TO: The Board of Supervisors  
FROM: Richard M. Miller, Fire Chief  
SUBJECT: Fire and Rescue Services Mutual Aid Agreement Between James City County and York County

---

James City County and York County staff have completed revisions and updates to the existing Mutual Aid Agreement to bring it into compliance with current practices and polices. A Fire and Rescue Services Mutual Aid Agreement has existed between James City County and York County since 1976 and has been revised periodically to reflect existing policies, procedures, and language authorized in State Code in effect at that time. The Agreement permits the sharing of resources between localities and has been approved and signed by York County.

The County Attorney's Office reviewed the agreement and approved its language and format.

A copy of the Mutual Aid Agreement is attached.

Staff recommends approval of the attached resolution.

  
Richard M. Miller

RMM/gb  
mutualaidagr.mem

Attachments

**RESOLUTION**

**FIRE AND LIFE SAFETY MUTUAL AID AGREEMENT BETWEEN**

**JAMES CITY COUNTY AND YORK COUNTY**

WHEREAS, James City County and York County provide mutual aid to each other on a regular operating basis; and

WHEREAS, a Mutual Aid Agreement has existed between the two localities since 1976; and

WHEREAS, the mutual aid provides for efficient and effective use of resources for each jurisdiction; and

WHEREAS, James City County and York County have revised the existing Mutual Aid Agreement to reflect current practices and policies.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into a Mutual Aid Agreement with York County for provision of fire, emergency medical, and emergency management functions.

\_\_\_\_\_  
Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 2004.

mutualaidagr.res



**AGREEMENT FOR MUTUAL AID FIRE AND RESCUE SERVICES**  
**Between**  
**York County, Virginia**  
**and**  
**James City County, Virginia**

This agreement is made and entered into this 27<sup>th</sup> day of May, 2004 between the County of James City, and the County of York, political subdivisions of the Commonwealth of Virginia (COUNTIES).

WHEREAS, the parties hereto desire to secure to each other the benefits of mutual aid in situations involving fire and rescue services (including emergency medical services); and

WHEREAS, the parties hereto are authorized to enter into this agreement by Section 27-1 and 27-3, Code of Virginia, 1950, as amended.

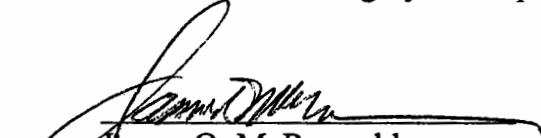
NOW, THEREFORE, it is mutually agreed as follows:

- a. On request to a representative of James City County Fire Department by a representative of the York County Department of Fire and Life Safety, equipment and personnel of the James City County Fire Department will be dispatched, when available, to any point within the area for which York County Department of Fire and Life Safety normally provides services as designated by the representative of York County.
- b. On request to a representative of the York County Department of Fire and Life Safety by a representative of James City County Fire Department, equipment and personnel of the York County Department of Fire and Life Safety will be dispatched, when available, to any point within the jurisdiction of James City County, Virginia as designated by the representative of the James City County.

- c. The rendering of assistance under the terms of this agreement shall not be mandatory, but the party receiving the request for assistance should immediately inform the requesting department if, for any reason, assistance cannot be rendered.
- d. Any dispatch of equipment and personnel pursuant to this agreement is subject to the following conditions:
  - (1) Any request for aid hereunder shall include a statement of the amount and type of equipment and personnel requested, and shall specify the location to which the equipment and personnel are to be dispatched, however, the amount and type of equipment and number of personnel to be furnished shall be determined by a representative of the responding organization.
  - (2) The personnel of the responding organization shall report to the officer in charge of the requesting organization at the location to which the equipment is dispatched, and shall be subject to the orders of that official.
  - (3) The personnel and equipment of the responding organization shall be released by the requesting organization when the services of the responding organization are no longer required or when the responding organization is needed within the area for which it normally provides services.
  - (4) Responses and/or services shall be provided as determined at the time of need and/or as pre-arranged for certain response areas (automatic responses).
- e. Each party waives all claims against every other party for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance of this agreement.

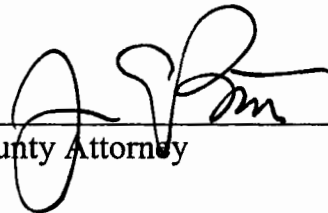
- f. To the extent allowed by law, each party agrees to indemnify and save harmless the other party from all claims by third parties for property damage or personal injury which may arise out of the activities of the other party outside of its jurisdiction when responding under this agreement.
- g. All personnel of the parties when acting pursuant to this agreement beyond their respective jurisdiction, shall have all immunities from liability and exemptions from laws, ordinances and regulations and shall have all of the pension, relief, disability, workers' compensation and other benefits, enjoyed by them while performing their respective duties. Each party agrees that all pension, relief, workers' compensation and other benefits shall remain the responsibility of the employing party.
- h. All equipment used by the York County Department of Fire and Life Safety in carrying out this agreement will, at the time of action hereunder, be owned by it; and all personnel acting for the York County Department of Fire and Life Safety under this agreement will, at the time of such action, be employees or volunteer members of the York County Department of Fire and Life Safety.
- i. All equipment used by the James City County Fire Department in carrying out this agreement will, at the time of action hereunder, be owned by it; and all personnel acting for the James City County Fire Department under this agreement will, at the time of such action, be employees or volunteer members of the James City County Fire Department.

This agreement rescinds and supersedes all previous written agreements and oral understandings relating to the provision of mutual aid and rescue services between the parties. This agreement shall remain in effect until superceded, amended or rescinded in writing by either party.

  
James O. McReynolds  
County Administrator  
County of York

\_\_\_\_\_  
Sanford B. Wanner  
County Administrator  
County of James City

APPROVED AS TO FORM:

  
\_\_\_\_\_  
County Attorney

\_\_\_\_\_  
County Attorney

**REZONING-15-03/MASTER PLAN-13-03/HEIGHT LIMITATION WAIVER-2-03. The Station at Norge  
Staff Report for the July 27, 2004, Board of Supervisors Public Hearing**

---

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

---

**PUBLIC HEARINGS Building F Board Room; County Government Center**

**Planning Commission:** February 2, 2004, 7:00 p.m. (deferred)  
March 1, 2004, 7:00 p.m.

**Board of Supervisors:** April 13, 2004, 7:00 p.m. (continued)  
May 11, 2004, 7:00 p.m. (continued)  
May 25, 2004, 7:00 p.m. (continued)  
June 22, 2004, 7:00 p.m. (continued)  
July 27, 2004, 7:00 p.m.

**SUMMARY FACTS**

**Applicant:** Ms. Lou Rowland, The Station at Norge, L.P.

**Land Owner:** Sixty-Four Associates

**Proposed Use:** To rezone a total of approximately 10.167 acres to allow for the construction of up to 104 apartments which, by proffer, are proposed to be affordable in rent. A height limitation waiver is also requested from the Board of Supervisors as the proposed apartment buildings exceed 35 feet in height.

**Location:** 7721 Croaker Road

**Tax Map/Parcel:** (13-4)(1-21)

**Primary Service Area:** Inside

**Parcel Size:** 10.167 acres

**Existing Zoning:** B-1

**Comprehensive Plan:** Moderate Density Residential

**STAFF RECOMMENDATION**

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property and is consistent the Comprehensive Plan Land Use Map designation. Staff recommends the Board of Supervisors approve the Rezoning and Master Plan applications, the acceptance of the voluntary proffers, and approval of the height limitation waiver.

**Staff Contact:** Matthew D. Arcieri, Planner Phone: 253-6685

**PLANNING COMMISSION RECOMMENDATION**

On March 1, 2004, the Planning Commission recommended denial of this case by a vote of 6-1.

Proffers: Are signed and submitted in accordance with the James City County Proffer Policy.

## **PROJECT DESCRIPTION**

The Station at Norge, L.P., has submitted an application to rezone approximately 10.167 acres located at 7721 Croaker Road from B-1, General Business, to R-5, Multi-family Residential, with proffers. If approved, the developer would construct a new affordable apartment housing complex. The development, to be known as The Station at Norge, would consist of up to 104 two- and three-bedroom apartments among nine buildings. The project is possible with support from the Low-Income Housing Tax Credit Program and financing by the Virginia Housing Development Authority.

A height limitation waiver is also requested from the Board of Supervisors as the proposed three-story apartment buildings exceed 35 feet in height. The apartments are proposed to be 39 feet in height. The attached elevations submitted by the developers indicate the architecture to be used on this project.

## **PROPOSED DENSITY BONUS**

Under the R-5 provisions of the Zoning Ordinance, a 10.167-acre site can only accommodate 86.76, three-story apartments by-right. However, the Ordinance permits density bonuses to be granted - up to an additional 20 percent more dwelling units per acre can be added to the by-right unit count. These bonuses will have to be granted by the Development Review Committee during the site plan review.

For this particular project, the developer seeks an additional nine percent increase in density by providing enhanced recreation. An additional 7.5 percent is also sought by providing enhanced building setbacks from the CSX railroad side of the property. Also, an additional 3.5 percent increase in density is sought by a landscaping proposal which exceeds the minimum ordinance standards. Only with these bonuses can the requested 104 units be built.

The landscape plan attached to the Master Plan is conceptual in nature. The final landscaping details, in support of the requested density bonus, are to be resolved during the site plan review process. Upon a preliminary review, staff finds the landscape plan generally consistent with the intent of the landscape ordinance and it forms a good foundation on which to grant a density bonus. Staff hopes to work with the applicant on developing a final landscape plan which utilizes native species and species which are drought-tolerant, and developing a plan which minimizes future maintenance costs on the residents of this development. In addition to the enhanced landscaping to achieve the density bonus, the applicant has proffered supplemental landscaping around the proposed BMP.

The recreation amenities provided, as indicated on the Master Plan and proffers, are planned to be provided as shown and also help to meet the recommendations of the Parks and Recreation Master Plan guidelines for residential development. Recommendations for multifamily developments include park land, biking/jogging trails, playgrounds, play courts, and softball fields.

The applicant proposes:

- A swimming pool and 1,800-square-foot clubhouse;
- bike racks;
- two passive recreational areas (to include picnic benches and BBQ grills);
- an active tot lot/playground area; and
- a 6-foot wide mulched walking and jogging trail running around the perimeter of the site.

The total recreation areas provided add up to 3.98 acres, which is 10 percent of the site area. Also an additional 2.95 acres or 29 percent of the site area is natural open space. The proposed recreation amenities are well in excess of applicable Zoning Ordinance requirements. Staff finds the recreation proposal acceptable for achieving the density bonus.

## **PUBLIC IMPACTS**

### **Archaeology**

The County archaeological policy is proffered.

### **Environmental Impacts**

Watershed: Yarmouth Creek/Ware Creek

Environmental Proffers: Conservation Area: The applicant will grant to the County a conservation easement over 2.95 acres of the property. This area shall remain undisturbed except for the proffered jogging trail.

Staff Comments: None

### **Housing**

Housing Proffer: For a period of 15 years after the first apartment is occupied, occupancy will be limited to only those individuals and families whose incomes do not exceed 60 percent of the area's median gross income (median gross income is \$55,200 in 2003). As shown on the Fiscal Impact Statement, this effectively means that the maximum rents in 2003 for the two-bedroom units would be \$745/month and would be \$861/month for the three-bedroom units.

Staff Comment: The James City County Office of Housing and Community Development (OHCD) finds the proposal is consistent with the Comprehensive Plan affordable housing goals and that use of the Low-Income Housing Tax Credit Program as proffered will provide assurance of affordable rental housing in this development for a 15-year period.

### **Public Utilities**

Primary Service Area (PSA): The site is inside the PSA and served by public water and sewer.

Public Utility Proffers: Sewer Service: The applicant has three options for public sewer service: the development will either (1) use the proposed Lift Station 9-9, (2) upgrade Lift Station 6-5, or (3) tie into the force main on the other side of the CSX railroad tracks. If the development uses proposed Lift Station 9-9, a cash proffer will be provided to the James City Service Authority (JCSA) to cover the projects share of the cost of construction.

Water Conservation: Water conservation measures will be developed and submitted to the JCSA for review and approval prior to any site plan approval.

JCSA Comments: The JCSA has reviewed these proffers and concurs with the proffers as proposed. It should be noted that with other recent residential proposals, a per-unit cash contribution has been proffered to help offset the costs of water supply facilities. However, as with affordable proposals at Michelle Point, Longhill Grove, and Pocahontas Square, the applicant has maintained that such a contribution would impair the ability to provide these units at the affordable rents proposed. Based on information presented to staff to date and other public benefits provided by this proposal, staff concurs with this statement and recommends acceptance of the proffers, as currently proposed.

**Property Values**

The James City County Division of Real Estate Assessments has reviewed this proposal and concluded that approval of this project should not produce a negative effect on surrounding property values.

**Fiscal Impact**

Information produced by the applicant indicated the project would generate \$38,000 in property taxes. No information was provided on specific costs of the development to County services.

Staff Comments: The Department of Financial and Management Services concludes that The Station at Norge would be a fiscal negative by definition. \$38,000 in annual real property taxes would be more than offset by the projected addition of 28 new public school students. Other residential revenues such as personal property taxes, sales/meals/telecommunications taxes, and fees typically do not pay for other residential services such as public safety, library, health/welfare, and community services.

**Schools**

Per the Adequate Public School Facilities Test policy adopted by the Board of Supervisors, all special use permit or rezoning applications should pass the test for adequate public school facilities. With respect to this test, the following information is offered by the applicant:

<i>School</i>	<i>Current Enrollment</i>	<i>Design Capacity</i>	<i>Projected Students Generated by</i>	<i>Enrollment + Projected</i>
Stonehouse Elementary	525	588	12	537
Toano Middle	783	775	7	790
Lafayette High	1,478	1,250	9	1,487

Staff Comments: The proposal does not pass the adequate public school test for the Middle or High School.

As with affordable proposals at Michelle Point, Longhill Grove, and Pocahontas Square, any capital contribution (i.e., cash proffer) to the school system to mitigate impacts would impair the ability to provide these units at the affordable rents proposed. Based on information presented to staff to date and other public benefits provided by this proposal, staff recommends acceptance of the proffers, as currently proposed.

The average student generation rate for apartments is 0.267 students per unit. This number used by the applicant is generated by the Department of Financial and Management Services in consultation with Williamsburg-James City County (WJC) Public Schools based on historical attendance data gathered from other apartment complexes in James City County. The number does not include non-school age children. As this number is an average, some apartment complexes will have more children while others have less.



## Pedestrian Circulation

Early on in the rezoning process, it was recognized by staff and the applicant that providing a sidewalk along the property's Croaker Road frontage was not practical given the steep topography of the site and since a sidewalk could not connect to adjoining properties to the east due to the railroad overpass. Based on staff's recommendation, the applicant provided a sidewalk along the entrance road to the project. This sidewalk will provide *future* connection to the adjacent property at the corner of Croaker and Richmond Road. Sidewalks will be required on that property when it develops.

The County has a Federal grant to partially fund a multiuse path and is in the preliminary planning stages for a multiuse path on the opposite side of Croaker Road. When constructed, this path is envisioned to extend from the James City County Library over the railroad tracks to the corner of Croaker and Richmond Road.

The Police Department reviewed accident data involving pedestrians on Croaker Road. From the period of January 1, 2001, through July 31, 2003, there were no accidents involving pedestrians on Croaker Road.

From the period of January 1, 2001, through July 31, 2003, there were no accidents involving pedestrians and trains.

Based on the topography and the affordable goals of the project, staff concludes that the proposed pedestrian facilities are acceptable. Staff realizes that residents of The Station at Norge will primarily utilize automobiles to attend facilities such as the James City County Library or shopping centers on Richmond Road until such time as adequate, safe pedestrian facilities exist on Croaker Road.

## Traffic

Although not required, an impact study was prepared for the applicant by Landmark Design Group to look at the impact of the project on the Richmond Road/Croaker Road intersection. According to the report, the proposed apartments will generate approximately 690 trips per day with 53 a.m. peak hour vehicle trips and approximately 64 p.m. peak hour vehicle trips. Although the study did not use recent traffic count data, it concludes these additional vehicle trips will have little effect on the capacity of the Croaker Road/Richmond Road intersection.

2003 Traffic Counts:	8,434 vehicles per day on Croaker Road between Rose Lane and Richmond Road. The road operates at a level of service C.
2026 Volume Projected:	13,000 vehicles per day on a two-lane road. The road is listed as a "watch" in the 2003 Comprehensive Plan but is not recommended for widening.
Speed:	The Police Department conducted a four-day analysis of traffic conditions on Croaker Road at the overpass beginning on March 28, 2004. The average vehicle speed over a four-day period was between 48.3 and 49.3 MPH. Ten percent to 13 percent of vehicles traveled over the posted speed limit of 55 MPH.
Road Improvements:	The project will utilize a shared entrance with the adjacent Speegle property; the preliminary agreement with the adjacent property owner has been completed. A right-turn taper from southbound Croaker Road and a left-turn lane from northbound Croaker Road built to Virginia Department of Transportation (VDOT) standards will be required for this project.

- Traffic Proffers: Private Driveways: Roads internal to the project shall remain as private driveways - not VDOT streets.
- Road Improvements: The proffers provide for the road improvements listed above.
- VDOT Comments: Agrees that the level of service for the intersection and Croaker Road should not be significantly impacted by the proposed development.

## COMPREHENSIVE PLAN

The James City County Comprehensive Plan Land Use Map designates this property for Moderate-Density Residential development. Moderate-density areas are residential developments or land suitable for such developments with a minimum density of four dwelling units per acre, up to a maximum of 12 dwelling units per acre, depending on the character and density of surrounding development, physical attributes of the property, buffers, and the degree to which the development is consistent with the Comprehensive Plan. The location criteria for moderate-density residential require that these developments be located within the PSA where utilities are available. Optimum sites are near the intersections of collector streets, have natural characteristics such as terrain and soil suitable for compact residential development, and provide sufficient buffering so that the higher-density development is compatible with nearby development and the natural and wooded character of the County. These moderate-density residential areas may serve as transitional uses, primarily to neighborhood commercial, general commercial, or mixed-use areas. The timing and density of development for a moderate-density residential site may be conditioned on the provision of least-cost housing or the provision of open space. Suggested land uses include townhouses, apartments, attached cluster housing, and recreation areas.

Staff Comments: During the 1991 Comprehensive Plan update, this property was re-designated from low-density residential to moderate-density residential. This represented an effort to identify and increase the amount of land designated moderate-density residential in James City County in recognition of a significant lack of opportunities. In addition, the moderate-density residential designation was intended to help establish the limits of the Norge Community Character Area and to provide a transitional land use between the Community Commercial area (Norge Crossing Shopping Center) and low-density residential property further west along Richmond Road. Language was added in subsequent Comprehensive Plan updates to encourage land use and development patterns that reinforce the visual separation between Community Character Areas. An important way to achieve this is by encouraging development which does not require a high degree of visibility from the road.

During the 2003 Comprehensive Plan, staff re-evaluated all of the undeveloped moderate-density residential property in the County. Again, it was determined that the County has very few opportunities for multifamily development, especially in affordable ranges. Based on the location of the site, it was determined that the site was preferable for a residential development. The site is lower than the adjacent road, which would impede the visibility of any business located on the site and limit its access from Croaker Road. In addition, there is more than 30 acres of undeveloped B-1 property designated community commercial (rezoned in 1987) in the Norge Crossing Shopping Center.

The proposal is consistent with both the Land Use and Housing policies of the Comprehensive Plan.

## **ADDITIONAL CONSIDERATIONS**

To assist the Board in its full review of this project, these additional considerations are offered by the Office of Economic Development since the Planning Commission meeting. While market forces in the vicinity of this property have not yet supported extensive business development, the Board may wish to consider the property's future potential if the existing B-1 zoning were to remain. A business use would typically generate local taxes that would include real estate, business personal property, Business and Professional Occupation License(s), and sales tax (if retail). By comparison, an apartment complex would typically generate real estate tax and some personal property tax on residents' cars. Businesses typically require less in public services than they generate in taxes, while residential uses tend to require more. Depending on the nature of the business use, jobs can be created for which local citizens can compete, and the overall business base of the County can be increased.

In addition to removing approximately ten acres from commercial inventory, another potential consideration might be the effect of allowing a new residential use in the immediate vicinity of an existing industrial use. Close proximity of residential and industrial uses has, in some instances in the past, caused residents to call for constraints on industrial activity.

## **HEIGHT LIMITATION WAIVER**

The applicant has also requested a Height Limitation Waiver from the Board of Supervisors. On property zoned R-5, structures may be constructed up to 35 feet as a matter of right; however, structures in excess of 35 feet may be constructed only if specifically approved by the Board. The applicant has specifically requested that a Height Limitation Waiver be granted to allow for the construction of structures up to 39 feet tall.

Section 24-314(j) of the James City County Zoning Ordinance states that structures in excess of 35 feet in height may be erected only upon the granting of a height limitation waiver by the Board of Supervisors and upon finding that:

Such structure will not obstruct light from adjacent property;

Staff Comment: Given the proposed building setbacks and given that this development will consist of multiple buildings (instead of one large and tall single building), staff finds that light would not be obstructed from adjacent property.

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

Staff Comment: There are no immediately adjacent aboveground historic attractions or other areas of significant historic interest. Staff believes the ability to enjoy surrounding historic attractions and developments will not be impaired.

Such structure will not impair property values in the area;

Staff Comment: According to Real Estate Assessments, there is no indication that the construction of apartments on this site will have a detrimental effect on surrounding residential properties.

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

Staff Comment: The project, if approved, will be subject to full County review processes. Staff feels confident this review process will ensure the structure is adequately designed from a safety standpoint. Basic fire and rescue services will be provided from the James City/Bruton Volunteer Fire Department with backup from the other James City County fire stations and the York County Fire Department.

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

Staff Comment: Based on the current proposal, information submitted by the applicant and the proffers, staff believes the development will not adversely affect the public health, safety, or general welfare.

### **CONCLUSIONS**

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal consistent with the Land Use and Housing policies of the Comprehensive Plan and consistent with the Comprehensive Plan Land Use Map designation. Staff also finds that the added benefit of affordable housing will meet an important need in James City County. Staff recommends the Board of Supervisors approve the Rezoning and Master Plan applications, the acceptance of the voluntary proffers, and the height limitation waiver.

On March 1, 2004, the Planning Commission recommended denial of this case by a vote of 6-1.

---

Matthew D. Arcieri

CONCUR:

---

O. Marvin Sowers, Jr.

MDA/adw  
z15-03.wpd

#### **ATTACHMENTS:**

1. Planning Commission Minutes
2. Location map
3. Elevations
4. Master Plan (under separate cover)
5. Community Impact Statement
6. Proffers
7. Resolutions

## **APPROVED MINUTES TO THE MARCH 1, 2004 PLANNING COMMISSION MEETING**

### CASE NO. Z-15-03 & MP-13-03 - Stonehouse Station at Norge

Mr. Arcieri delivered the staff report. Ms. Lou Rowland applied on behalf of Stonehouse Station L.P. to rezone approximately 10.167 acres from B-1 General Business to R-5, Multifamily Residential, with proffers. The site is generally located at **7721 Croaker Road**. This case was deferred at the Planning Commission's February 2004 meeting in order to provide additional info on pedestrian safety and the impact on the school system. Up to 104 apartments are proposed for construction, yielding an overall density of approximately 10.23 units an acre. The site is designated for Moderate Density Residential development on the James City County Comprehensive Plan Land Use Map. The application also requests a Height Limitation Waiver from the Board of Supervisors to allow for the construction of structures which exceed 35 feet in height. Mr. Arcieri summarized the additional info and stated that staff continued to recommend approval contingent upon the agreement between adjacent property owners and the developer as to the proposed shared driveway.

Mr. Poole opened the public hearing.

Mr. Vernon Geddy, representing the applicant, concurred with the staff report, citing that the primary issues raised previously, specifically safety, crime, and the potential impact to the school system, had been addressed and did not outweigh the benefits of the application, especially in light of the need for affordable housing identified in the Comprehensive Plan. Further, given the slow commercial growth in the Croaker Road area, Mr. Geddy stated that the proposed apartments constituted the most appropriate use of this property.

Mr. Poole opened the public hearing.

Mr. Jack Fitzpatrick, of PO Box 295 Norge, speaking for Stonehouse Homeowner's Association, spoke to the nuisance crimes and trespassing that would be brought by the proposal. He continued to address the problem of Mirror Lakes youth on CSX right of way, focusing on safety concerns, pedestrian safety, and the increased burden on the school system.

Mr. Jeff Nelson, of 94 Meadowcrest, spoke about the danger presented by the railroad tracks to playing children and to questions of upkeep to the apartments.

Mr. George Lee, 3146 Saturn House Road, spoke of the additional burden placed on the schools by this proposal and urged the Planning Commission to recommend to the Board of Supervisors that the Adequate Schools test be adhered to..

Mr. Michael Edwards, 4204 Rose Lane, expressed his concerns as to the effects on property values, safety, and on the burden placed on the school system.

Mr. Tony Dion, 102 Fairmount Drive, expressed his concerns as to public safety, the impact on schools, and the possible burden to taxpayers.

Mr. Jim Brown, 4 Long Leaf Circle, concurred with the previous citizen speakers, stating that this proposal might negatively affect the economy.

Mr. Jim Stam, 104 Woodmont Place, spoke to the economic viability of the proposed location and urged denial of the request.

Mr. Dick Jones, 110 Wilderness Lane, questioned whether the James City County Comprehensive Plan supports the application. He further re-iterated the previous concerns regarding public safety and urged the Planning Commission to recommend denial.

Mr. McCleary clarified the distinction between the Land Use Designation of the site, Moderate Density Residential, and the zoning, General Business.

Mr. Fraley pointed out that the Land Use change on the parcel was from the 1991 update and that subsequent updates have not addressed those changes.

Mr. Kale referred to another recent case where the zoning of a property did not match the current land use designation.

Mr. McCleary pointed out that the zoning designation is the current law while the Comprehensive Plan addresses future uses.

Mr. Sowers provided background information on the 1991 land use plan change and subsequent plan updates, and stated the change for this area was one of several deliberate policy decisions which made the plan inconsistent with the zoning.

Mr. Ray Bruit, 9800 Hit Nest Road, expressed his concern over the increase in proposed housing units in Stonehouse and urged the Planning Commission to further consider the burden on schools and the tax base.

Mr. Poole, seeing no additional speakers, closed the public hearing.

Mr. Kale opened the floor for any response from the applicant.

Mr. Geddy spoke to the expectation that the project pay for itself and pointed out that this housing fits a need outside of that expectation.

Mr. Poole expressed his support of such projects which are also redevelopment plans but stressed his concern that no revenue stream exists to support this application. He voiced his opposition to the case on the basis of fiscal concerns, the additional burden to the schools, the underlying B-1 zoning, and the location.

Mr. Kale expressed his concerns over public safety, specifically regarding the situation of Croaker Road and the proximity of the CSX rail line. He stated he felt the location was wrong for this project at this time; that low-income persons need to be able to walk to other areas, and Croaker Road and the rail line posed hazards. Mr. Kale stated that road and pedestrian facilities need to be provided before this area is developed for residential use. He also seconded Mr. Poole's concerns regarding the additional students that would be added to the school system. After briefly touching on pedestrian safety concerns, Mr. Kale stated that he could not support the application.

Mr. Fraley complimented the applicant and citizens for their dialogue but spoke to the danger posed by Croaker Road to pedestrians and concern for the pace of development. Mr. Fraley cited that the County must respect the Adequate Facilities test and voiced his opposition to the proposal.

Mrs. Wildman agreed with Mr. Fraley's concerns regarding the schools and, though complimenting the applicant on the proposal, could not support the location of moderate density along such high-traffic corridors at this time. Mrs. Wildman credited the quality of the application but cited the problem as being the location of the proposal.

Mr. McCleary pointed out the distinction between affordable and low-cost housing and stressed that the intent of the Comprehensive Plan and the citizen survey data collected strongly supported diversifying and increasing affordable housing opportunities. And while this proposal does not provide an ownership option, it does offer another needed housing option. Mr. McCleary further stated his doubt that the property would be developed as a B-1 use and cautioned against using the Adequate Public Facilities test as a litmus test for development. Citing a need for clarification of the policy, however, Mr. McCleary stated his intent to vote to recommend denial.

Mr. Hunt stated that James City County needs affordable housing but, since the project fails the Adequate Facilities Test, the policy requires further thought.

Mr. Billups reiterated the distinction between low-income housing and affordable housing and stressed that these efforts were targeting entry-level workers and young professionals. He questioned the location of the proposal, though, as potentially unsafe and undesirable to the population that would be served. Mr. Billups questioned how the project would address the problem in the larger context of the County and stressed that this need would be better served by a home-buyer instead of a renter proposal.

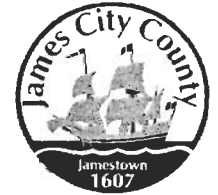
Mr. Fraley motioned to recommend denial of the application. Mrs. Wildman seconded the motion.

Mr. Sowers took roll. In a roll call vote the motioned passed 6:1. AYE: Poole, McCleary, Wildman, Fraley, Kale, Billups (6). NAY: Hunt, (1).

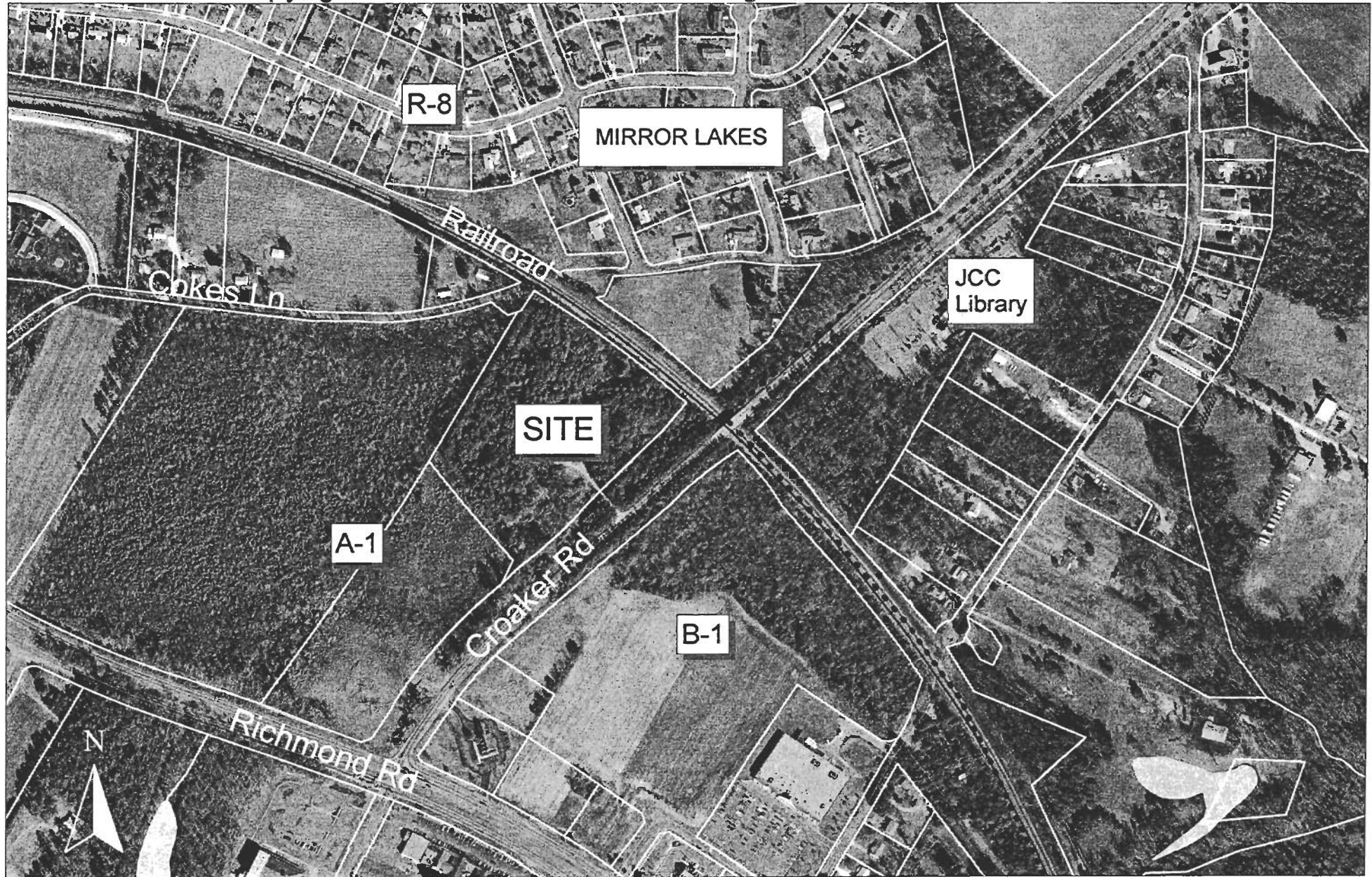
Z-15-03/MP-13-03/HW-2-03

# The Station at Norge

Aerial View Copyright 2002 Commonwealth of Virginia



48





THE STATION AT NORGE



TYPICAL SIDE ELEVATION 1  
SCALE: 1/4"=1'-0"

THE STATION AT NORGE



TYPICAL SIDE ELEVATION 2  
SCALE: 1/4"=1'-0"

THE STATION AT NORGE



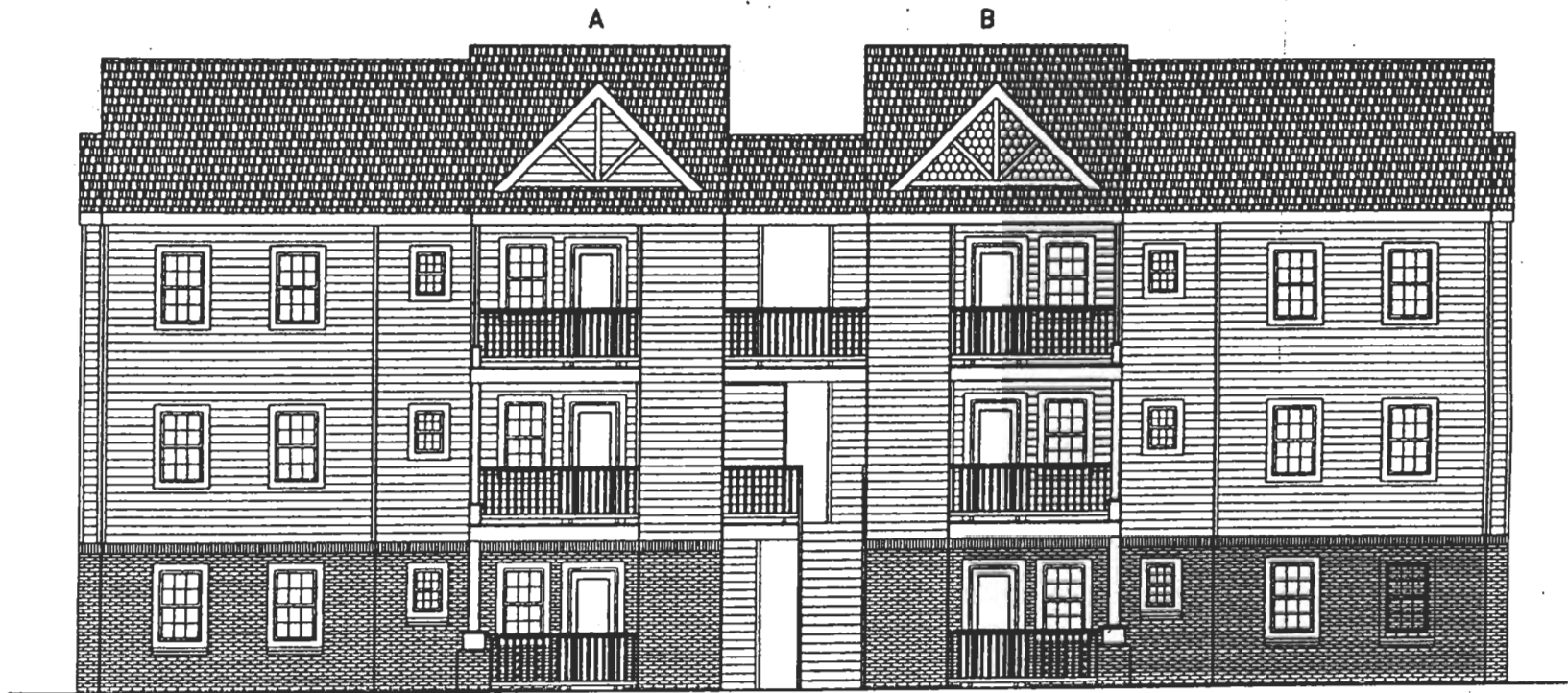
TYPICAL SIDE ELEVATION 3  
SCALE: 1/4"=1'-0"

THE STATION AT NORGE



TYPICAL SIDE ELEVATION 4  
SCALE: 1/4"=1'-0"

THE STATION AT NORGE



TYPICAL SIDE ELEVATION 5  
SCALE: 1/4"=1'-0"

THE STATION AT NORGE



TYPICAL SIDE ELEVATION 6

SCALE: 1/4"=1'-0"



# COMMUNITY IMPACT STUDY

## STONEHOUSE STATION AT NORGE

*Prepared for*

***Ripley Heatwole Company, Inc.***



### **PINNACLE GROUP ENGINEERING, INC.**

2006 Old Greenbrier Road, Suite 6

Tel. 757.424.7724

Fax 757.424.5606

[Pinnaclepc1@aol.com](mailto:Pinnaclepc1@aol.com)

*December 19, 2003*

*(Revised January 23, 2004)*

## **TABLE OF CONTENTS**

<b><i>Section</i></b>	<b><i>Content</i></b>	<b><i>Page(s)</i></b>
1	Introduction .....	3
2	Project Description .....	3
3	Analysis of Impacts to Public Facilities and Services .....	4
4	Analysis of Impacts to Other Services .....	6
5	Analysis of Impacts to Environmental Topics .....	7
6	Storm Water Management Impacts .....	8
7	Analysis of Traffic Impacts .....	10
8	Conclusion .....	10
9	Exhibits, Tables, and Calculations .....	12



## **1. Introduction:**

The Ripley Heatwole Company, Inc. is proud to announce the proposed apartment development named Stonehouse Station at Norge. The 10.17 acre property (tax parcel ID 13-4,1-21) is zoned B-1 General Business District and a proposed conditional rezoning to R-5 Multi-Family Residential is applied for. The proposed development consists of eight 3-story and one 2-story apartment buildings with four units per floor totaling 104 units. These apartments consist of 2 and 3-bedroom units. The site is located at 7721 Croaker Road (Rte 607) about 725 ft south of Richmond Road (U.S. Route 60) (see Master Plan for location map)

This study references the following information sources:

1. James City County Zoning Ordinance
2. James City County Public Works Standards and Specifications
3. James City Service Authority Public Utilities Standards and Specifications
4. Virginia Erosion and Sediment Control Manual
5. VDOT Highway Plans, Drainage Manual, and Traffic Counts
6. ADC location maps.

## **2. Project Description:**

As stated above, the property is a 10.17 acre single parcel currently zoned B-1, General Business with a tax parcel number of (13-4)(1-21). The property is wooded with an access driveway from Croaker Road. There is an 1-story frame dwelling on-site that is served by well water. The property is bounded by a vacant A-1 zoned 7.86- acre parcel(13-4)(1-21) to the south; a vacant A-1 zoned parcel (13-4)(1-20) to the northwest; a 100' C&O Railway R/W to the north; and Croaker Road to the east.

A review of the James City County's Comprehensive Land Use Plan indicates that this site is suited for a multi-family development. The transition from single family use across the rail road right of way to a multi-family use provides for a good transition and complements the use of the adjacent properties and overall land use plan.

With the proposed rezoning, the subject parcel will be rezoned to R-5 Multi-Family District. The entire 10.17-acre parcel will be developed into an apartment development as stated above. The density of the site is based on the maximum bonus density units allowed for a total of 104-units. The development will utilize the existing pond as a natural BMP and will provide the following amenities on-site: mulched multipurpose trails connecting the apartment areas to the recreational/natural areas, full landscape plan that greatly exceeds code requirements, buildings, and parking areas, untouched natural buffers along the railroad r/w and Croaker Road, recreational areas with picnic areas and playground, bookmobile parking area and ample lighting. The buildings will have the architectural theme of the local area and will be presented to the County for review.

The site does not appear to lie in any special overlay districts and the preliminary layout has been designed within the requirements and restrictions of the proposed R-5 zoning. There are probable wetlands on the site and the areas are shown on the preliminary site plan. U.S. Army Corps of Engineering confirmation of these areas is pending.

### **3. Analysis of Impacts to Public Facilities and Services:**

The site can be served by public water and sewer and thus is located in the Primary Service Area of James City County Service Authority.

#### **A. Public Water Facilities:**

The proposed development will be served by the JCSA water distribution facility. To adequately support and provide the required water pressure and volume for fire protection and domestic water demand, the site will use the existing public 12" water main located on the east side and within the right-of-way in Croaker Road. From previous conversations with Mr. Michael Vergakis, of the JCSA, the development will have to jack and bore and extend a 10-inch water main across Croaker Road into the site. The development will require a 10" water service line into the site to serve the fire and domestic requirements of the development. Redundant on-site internal loops of the water system may be required. Additionally, the site will be master metered and a fire line will be provided for the fire sprinkler and fire hydrants on site.

The 104-units development has a projected fire demand of 2,500 gpm and the following domestic day water demands (24-hr flow duration) are:

Average Day Water Demand:  $104 \text{ units} \times 250 \text{ gpd/unit} = 26,000 \text{ gpd}$  or 18.05 gpm

Maximum Day Water Demand:  $1.7 \times \text{Avg. Day Water Demand} = 30.69 \text{ gpm}$

Peak Hour Water Demand:  $4.0 \times \text{Avg. Day Water Demand} = 72.2 \text{ gpm}$

Based on the demand from this development, the existing system is capable of providing adequate water service to the proposed development and there should be only minor impacts to the existing water system.

#### **B. Public Sewer Facilities:**

Based on preliminary review of the flows, the existing system should have adequate capacity to accept the proposed development. Based on the conversation with Mr. Danny Poe, of the JCSA, there are two feasible options to provide sewer service to the site. Both options will require a on-site gravity sewage collection system that will discharge into a private grinder pump station. The development's 104 units would contribute an average daily flow of 18.05 gpm and a peak flow of 45.13 gpm for a 24-hr period.

Based on the sewer flows, terrain, easements, constructibility, and cost there are two options that we will analyze during the final site plan design phase of this project. The *first option* would locate the private pump station towards the northern section of the development and would jack and bore the private force main under the rail road tracks run the approximately 500 ft of force main parallel on the north side of the tracks and to the 24" HRSD force main on Croaker Road. *Option two*, would locate the private pump station near the center of the of the development and would run approximately 785 ft. of force main along the existing driveway and jack and bore under Croaker Road and connect to the existing County force main to the south. Either option will adequately serve our site with respect to water per JCSA.

We anticipate that all required easements will be granted and that all potential design conflicts can be addressed for both options.

**C. Public Schools:**

The proposed 104-unit apartment development is located within the following school attendance area: Stonehouse Elementary, Toano Middle School, and Lafayette High School. The development will generate a total of (0.27 students/unit x 104 units) 28 students and will be distributed throughout the schools as statistically shown with the enrollment data. The numbers below were provided by the James City County School Administration and reflect the current enrollment numbers as of 9/30/2003 and the design and program student capacity of each school.

SCHOOL	Projected Number of Students Generated by Proposed Development #	Current Enrollment (9/30/2003)*	Historical Distribution Numbers based on Apartment Data @	Student Capacity (Design)**	Student Capacity (Program)**
Stonehouse Elementary	12	525	22	588	516
Toano Middle School	7	783	2	775	782
Lafayette High School	9	1,478	4	1,250	1,290

\* Information taken from James City County Public Schools.

\*\* Information taken from Williamsburg-James City County Public Schools 2003-2004 Fall Membership"

# Based on actual distribution numbers for 9/30/2003 enrollment (Elem 44%, M.S. 24.6%, H.S. 31.4%)

@ Historical Data collected by Ripley Heatwole Company for similar apartment developments (958 units, multiple developments) (Elem 78%, M.S. 7%, H.S. 15%)

The historical data was provided from Ripley Heatwole apartment developments. The data was collected from very similar apartment developments as the proposed project. These apartment developments tend to generate more elementary age students,

due in fact that younger families utilize rental property than families with older children. Families with older children and larger family typically transition into single family developments.

The resulting data indicates that the Toano Middle and Lafayette High School were both above the program and design student capacity for each school, before this development's generated students were added. It should be noted that this development generally draws tenants from the existing residential population base within the same and surrounding school districts. The overall impact of this development to the school system should be minimal and would be more of a redistribution of the schools population rather than an increase.

#### **D. Fire Protection and Emergency Medical Services:**

The closest fire station to the proposed 104-unit apartment development is the Bruton No. 1 Fire Station which located approximately 2 miles away on Richmond Road. The estimated response time would be less than four minutes. The next closest fire station would be the Skimino Co. 5 Station located off of Newman Road at the Lightfoot exit on Interstate 64. The response time would be longer but is satisfactory.

A comprehensive review of the station coverage from these two fire stations and the medical staff availability should provide satisfactory response to any emergency situations.

The site has a single entrance that has an 18' wide ingress and 18' wide egress lane separated by a 15' wide island. In the event of an emergency and the ingress lane is blocked the egress lane can accommodate a typical fire/emergency vehicle into the site.

#### **4. Analysis of Impacts to Other Services:**

##### **A. Solid Waste:**

The proposed 104 unit apartment development will generate a significant amount of solid waste that will require a collection and disposal system to adequately service the site on a routine and timely basis. Collection and disposal of solid waste will be contracted by a private reputable contractor. The development will have at least three dumpster facilities as shown on the preliminary site plan. Both house trash as well as recyclable material will be removed from the development by a contractor and disposed of at the nearest transfer station.

##### **B. Utility Service Provider:**

Dominion Virginia Power, Virginia Natural Gas, Cox Communications and Verizon shall provide all required franchise utilities to the development. These services will be extended to the site as feasible by the franchise utilities at no cost to the County. The franchise new utilities are typically placed underground and clearly marked on an "as

built" plan. All required off-site and on-site easement will be coordinated by the County, Developer and Engineer during the final site plan design phase.

## **5. Analysis of Impacts to Environmental Topics:**

### **A. Preliminary Wetlands Determination:**

Bay Environmental, Inc. completed the delineation of the limits of wetlands on the site on December 12, 2003. Utilizing the criteria established in the 1987 *Federal Wetland Delineation Manual*, the limits of wetlands and waters of the U.S. under the jurisdiction of the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality were identified and flagged. The surveyed limits of these wetlands and waters of the U.S. are shown on the preliminary site plan for the proposed development.

The site consisted of a residential dwelling, forested uplands dominated by Loblolly pine (*Pinus taeda*) and mixed hardwoods, forested wetlands dominated by red maple (*Acer rubrum*), flooded timber wetlands containing red maple, black willow (*Salix nigra*), and river birch (*Betula nigra*), and an intermittent stream. The wetlands are all complexes associated with the intermittent stream. A portion of the stream was dammed with an earthen dam to create a pond in the southeastern corner of the property. Soils on the site range from sandy loams (2.5Y4/3 to 2.5Y5/4) within the upland portions of the site to sandy clay (10YR5/1) within the wetland portions of the site. Hydrology on the site ranges from water table depths deeper than 36 inches to full soil saturation and inundation in the vicinity of the stream.

As access to the property from Croaker Road (Route 607) is limited to the existing narrow private driveway, it is likely that a road crossing of the wetland area and stream will be required. Road crossings impacting less than two acres of wetlands and less than 1,500 linear feet of intermittent stream may qualify for the Virginia Department of Environmental Quality's General Virginia Water Protection Permit for Transportation. Impacts that qualify for this General Permit that are less than 1/3<sup>rd</sup> acre may not require additional authorization from the U.S. Army Corps of Engineers, as the impacts may be verified under the Corps' State Programmatic General Permit for Linear Transportation Projects. In addition, wetlands and/or waters of the U.S. may be impacted through the development of stormwater management facilities. These impacts may qualify for the Virginia Department of Environmental Quality's General Virginia Water Protection Permit for General Development, as the stream is non-perennial. Compensatory mitigation is required for all permanent impacts greater than 1/10<sup>th</sup> of an acre, and may be satisfied through the purchase of wetland mitigation bank credits or payment to in-lieu fee funds if onsite restoration and/or creation are not practicable. At this time, it is anticipated that permanent impacts will be greater than 1/10<sup>th</sup> of an acre such that compensation will be required.

### **B. Sensitive Areas and Rare Species:**

It shall be proffered that the issues shall be addressed prior to any land disturbances. It is of some note that the issues are also a standard requirement of the USACOE/DEQ permitting.

### **C. Resource Protection Area:**

After an analysis of the on-site resources and the a review of the off-site drainage basin, the site is determined not to be in the RPA feature subject to the jurisdiction under the Chesapeake Bay Preservation Act.

### **D. Yarmouth Creek Watershed:**

The proposed development is located in Sub-watershed 103 and based on the report prepared by James City County (Yarmouth Final Watershed Plan), it is projected that the buildout of the area should shift the imperviousness to 11.4% and consider the watershed impacted. The watershed is lightly developed in the upper western portion and is moderately developed in the upper eastern section with agricultural, residential, and commercial areas. The upper eastern tributary is characterized by degraded stream conditions due to trash and dumping issues and invasive plants species such as *Nepa microrstegium*. The upper western tributary is in good condition with good quality forested areas and shell marl ravine forest. Stream condition tend to improve as you progress downstream.

Some management and improvements identified by the report include:

- i. Addition to existing wet ponds
- ii. Provide infiltration basins/dry ponds along the Route 60 corridor.
- iii. Bioretention facilities in the median or roadside to treat runoff prior to entering creek.
- iv. Stabilize channel erosion in the vicinity of the Candle Factory property.

Per the requirements of the County's Stormwater Management Ordinance, the proposed development will treat the on-site storm water runoff for quality and quantity purposes.

## **6. Storm Water Management Impacts:**

The proposed development provides some unique storm water management issues and a our preliminary drainage analysis of the site addresses these issues.

The general criteria of the James City County's storm water requirements and the States requirements have been reviewed and will be used to design the facilities for the storm water management plan.

The design of the storm water drainage system will utilize all the requirements using Best Management Practices (BMP's) while minimizing the impact to the surrounding environment. From a review of the topographical survey and on-site observations, the majority of the drainage flows in the shallow ditch near the eastern portion of the property and flows into the pond on the southern property line. With a majority of the site undeveloped the property has a high pervious value and more of the runoff is absorbed into the land.

The proposed development will increase the impervious area of the site and will subsequently increase the flow. The storm water management system has identified the following areas to address:

- ◆ Based on preliminary analysis, the post development runoff will be routed through an on-site drainage system consisting of pipes, grass swales, curb and gutters, ditches, and retention pond. The discharge flow from the site will be limited to the post developed 1-year storm event.
- ◆ The runoff from eastern property line will be routed into the retention pond.
- ◆ The existing pond will be enlarged to accommodate the site. The final design will have minimal impact to the existing ditch and natural vegetated area. The pond will be sized to limit the discharge to the post developed 1-year storm event and avoid any damage to surrounding property under the required storm conditions.
- ◆ The natural buffer along the northern property line adjacent to the rail road tracks will be left intact and undisturbed to all for a natural drainage buffer strip.
- ◆ Impact to probable wetlands shall be minimized and appropriate permitting procedures will be followed.

A more detailed analysis of the storm water management system for the subject property can be achieved by utilizing the existing pond allowing the natural contour of the land and drainage conveyances to be used with minimal disturbance to surrounding areas.

- ◆ The pond is at the low point at the southeast corner of the property and the proposed conveyance system drains towards the expanded pond.
- ◆ The drainage along the natural buffer maintained adjacent to the railroad tracks remain undisturbed and drains towards the existing on-site ditch.
- ◆ The drainage along buildings 1 thru 4 will be collected with grass swales, drop and curb inlets and routed southeast through pipes toward the pond.
- ◆ The natural existing drainage buffer along the eastern property line will remain routed to the existing ditch. The existing driveway will likely be removed and an open ditch restored.
- ◆ The parking lot and drainage around Buildings 7 through 9, including the clubhouse will be collected with grass swales, drop and curb inlets and routed southeast through pipes toward the pond.
- ◆ The pond will restrict the discharge to the post developed 1-year flow utilizing a modified drop inlet with a series of weirs or orifices. The storm water facilities will be designed to prevent any damage to on-site and down stream properties.

The development will utilize all approved erosion and sediment control methods applicable to prevent discharge of sediment during construction. These methods include, construction entrances, sediment basin, silt fence, inlet and outlet protection, ground stabilization, etc. An E&S plan will be submitted during final site plan design.

The outfall from the site shall be a pipe that will discharge toward Croaker Road, and then run along Croaker Road down to Richmond Road (within a ditch), where the ultimate outfall exists. We will also examine the possibility of gaining easement through the adjacent parcel to the south to build a similar drainage system.

## **7. Analysis of Traffic Impacts:**

Based on a preliminary review of the traffic data provided by VDOT the level of service for Croaker Road is a "C". This level of service indicates that the existing Croaker Road has moderate traffic volumes and can adequately serve the site. Under the existing B-1 zoning we can generate 1,463 trips per day compared with the proposed development (rezoning to R-5) would only generate 690 trips per day or less than half the trips of a typical B-1 business.

Additionally, we have analyzed the requirements for a turn lane, and the results indicate that the development will require a left turn lane and a right turn taper from Croaker Road. A preliminary review indicates that there is ample right-of-way on our half of Croaker Road available for turn lane offsets. We will thoroughly review the options available for the site during final site plan design. Please see turn lane analysis with the attached exhibits.

## **8. Conclusion:**

In summary, the finding of this study are:

- The proposed rezoning of the subject property from B-1 General Business District to R-5 Multi-Family District with proffers is in conformance with the Comprehensive Land Use Plan of James City County.
- Adequate public facilities (water, sewer, fire) and utility service providers (gas, electrical, telephone, cable) are found at or in the vicinity of the subject property.
- Adequate schools and roads are available to serve the site.
- Very minor impacts to the headwater wetland environment will be minimized and offset by the expansion of the existing retention pond BMP.
- The development is located in the portion of the Yarmouth Watershed that is appropriate for continued growth because of the existing storm water management, and proposed onsite BMP facilities as stated by the Watershed plan.
- The proposed rezoning and subsequent development of the subject property will not threaten unique and sensitive habitats.
- Storm water from the site and adjacent property will be controlled to an acceptable levels utilizing BMP facilities.



- **Natural landscape buffers and drainage areas shall be undisturbed. Additionally, proposed landscaping and recreational areas shall provided a natural and open development.**

**9. Exhibits, Tables, and Calculations:**

**FISCAL IMPACT STATEMENT**

Stonehouse Station at Norge will utilize Housing Tax Credits and taxable bonds through Virginia Housing Development Authority. There will be 104 apartment homes in the community.

The Housing Tax Credit program is authorized under Section 42 of the Internal Revenue Code of 1986. This program is administered by the U.S. Treasury Department. The state allocating agency is the Virginia Housing Development Authority (VHDA). The Section 42 Housing Tax Credit program encourages the development of affordable housing and serves as an incentive for private investors to participate with developers in the construction and rehabilitation of affordable housing. Under this program the community will house individuals with maximum incomes at 60% of the Area Median Income (AMI) of the MSA. The Median Income is adjusted annually. The following is the maximum income adjusted for household size that is applicable for 2003.

**James City County / Hampton Roads AMI: \$55200 – 2003: Maximum Income Limits**

# of persons	One	Two	Three	Four	Five	Six	Seven	Eight
60%	\$23160	\$26520	\$29820	\$33120	\$35760	\$38400	\$41040	\$43740

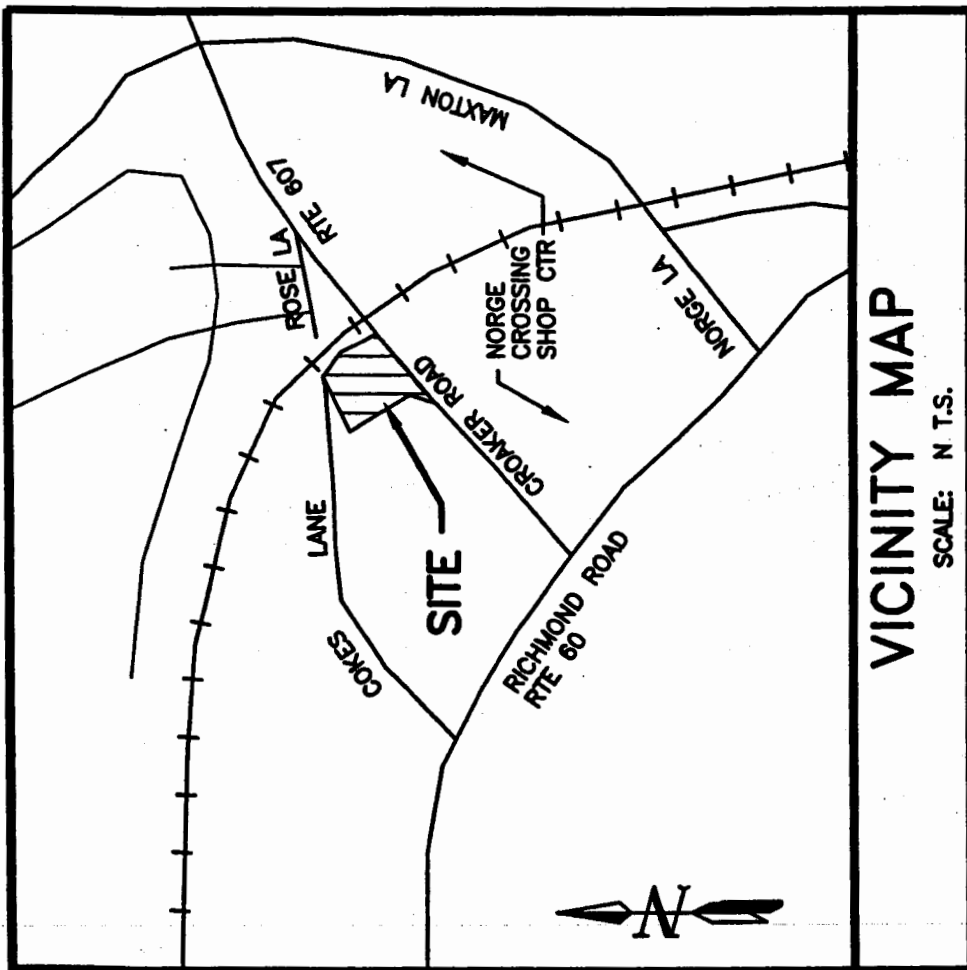
Final rents will be determined by comparable rent studies for similar properties, in the James City County area. Maximum rents are determined annually, based on the Median Income of the MSA.

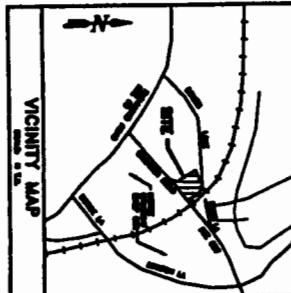
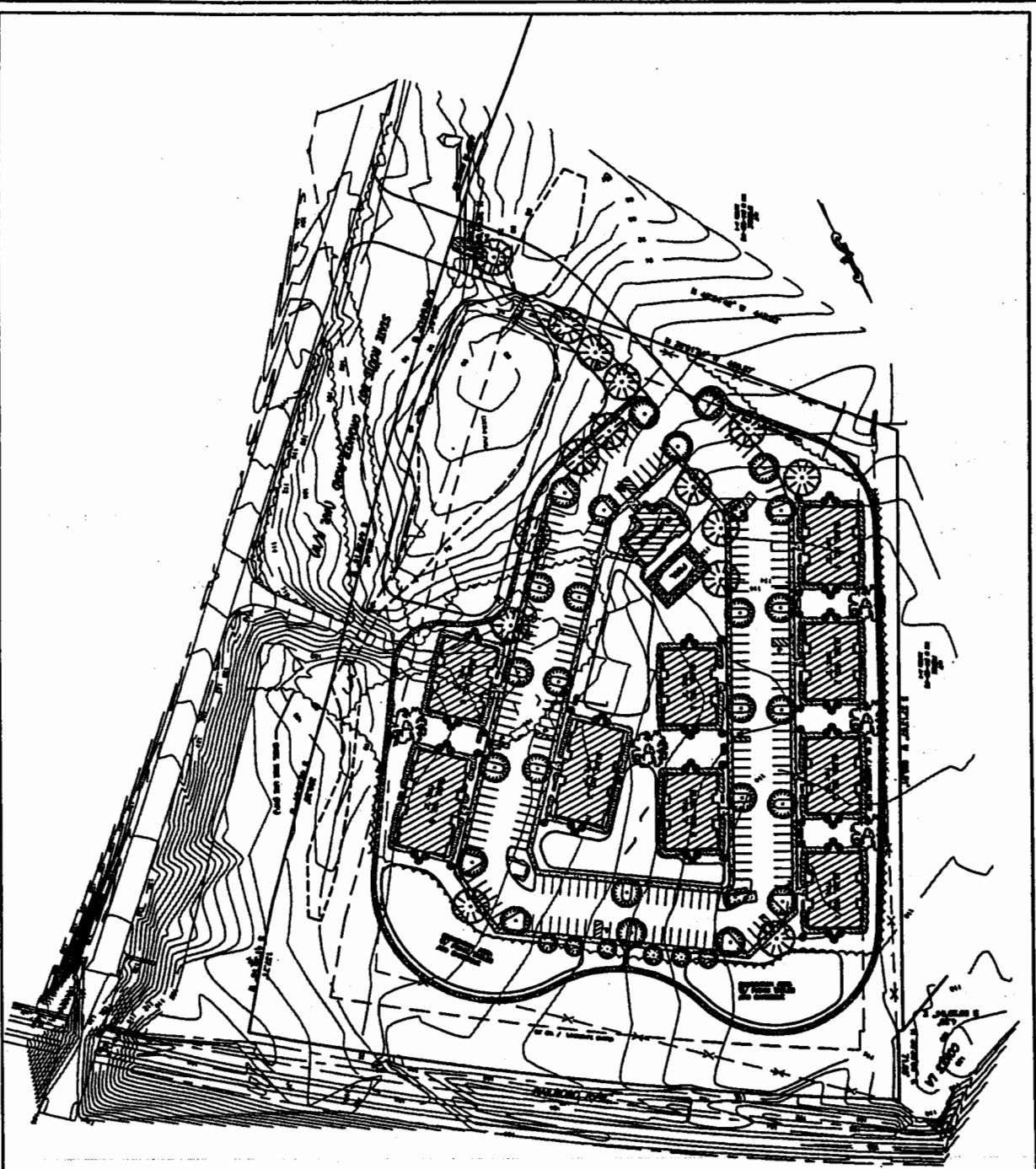
**James City County / Hampton Roads AMI: \$55200 – 2003: Maximum Rent Limits**

	Efficiency	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom
30% of 50%	482	517	621	717	800	883
30% of 60%	579	621	745	861	960	1059

**REVENUE**

Despite limited investor income Stonehouse Station at Norge will pay local estimated real estate taxes of approximately 38,000.00. This estimate is based on current tax rates and the assessment of similar property owned by the developer. The development will have private trash removal and will not require trash removal service from the County.





C2

ILLUSTRATIVE  
MASTER PLAN  
FOR REZONING

STONEHOUSE STATION  
AT NORGE  
NO. 10 0110-01-00  
WILLIAMSBURG, VIRGINIA



PINNACLE GROUP  
ENGINEERING, INC.  
200 Old Courthouse Road, Suite 4  
Norfolk, VA 23502-1100  
Phone: (757) 441-4100 Fax: (757) 441-4101  
E-mail: pinnacle@att.net

## Traffic Impact Study

**Ref:** James City County Zoning Ordinance  
 VDOT Road Design Manual, Vol. 1  
 Traffic Generation Software  
 VDOT Traffic Data

### Introduction:

The purpose of this traffic impact study is to identify the impacts of the proposed development to the capacity, level of service, safety and overall traffic operations. The proposed 108-unit apartment development is located on Croaker Road (Rte 607) approximately 725 ft from the intersection of Richmond Road (U.S. Rte 60).

This study will analyze the Weekday AM/PM Peak hour traffic.

The development will have exiting/entering with the peak AM entering traffic split of 60% making a left turn and 40% making a right turn into the site. The peak PM traffic split includes residents returning home from work with a split of 60% heading south bound I-64 making a right turn into the site and 40% heading north from Richmond Road making a left turn into the site. In addition the traffic volumes from VDOT will be split as follows:

### A. The AM traffic along Croaker Road is divided into the following split:

Southbound Traffic	40 %
Northbound Traffic (a majority of the traffic)	60 %

ia.) 2003 Average Daily Traffic (Croaker Rd.) *see sheet T-3* 8434 VPD  
 2003 AM Peak Hour Volume (10% 2003 Daily Avg.)= 843 AM PHV

North Bound Traffic	506 AM PHV
South Bound Traffic	337 AM PHV

Northbound Volume= 60% (2003 AM PHV) 506 AM VPH NB

Southbound Volume= 40% (2003 AM PHV) 337 AM VPH SB

lia.) AM Peak Hour Enter= 8 AM PHV *see sheet T-1*

1. Assume 60% enter entrance from the north (i.e. southbound right turn)  
 AM right turn @ entrance (RT1)= 60%(AM PHE)= 5 AM RTV SB

2. Assume 40% enter entrance from the south (i.e. northbound left turn)  
 AM left turn @ entrance (LT1)= 40%(AM PHE)= 3 AM LTV NB

IIIa.) Determine Va, Vo and %L

a.) AM right turns @ entrance:

$$Va1 = \text{AM PHV SB} + RT1 = 342 \text{ AM PHV SB}$$

b.) AM left turns @ entrance:

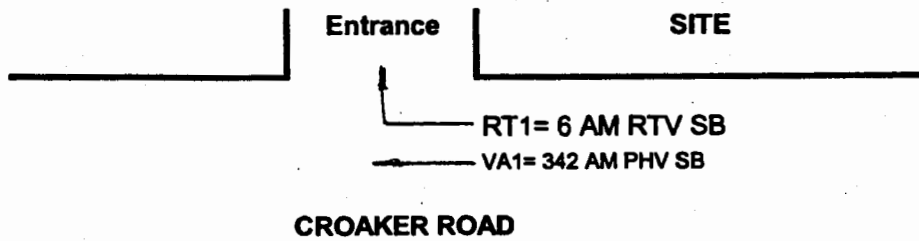
$$Va2 = \text{AM PHV NB} + LT1 = 509 \text{ AM PHV NB}$$

$$Vo1 = Va1 = 342 \text{ AM PHV SB}$$

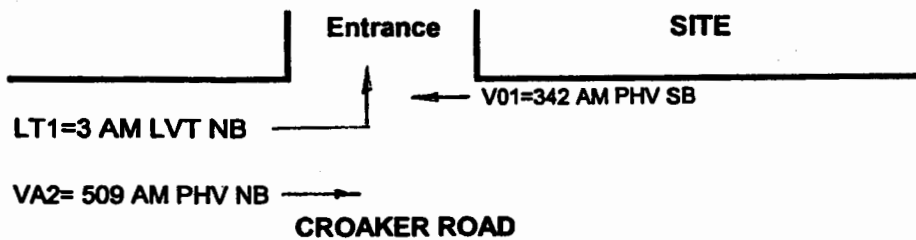
$$\%L1 = (LT1/Va3) * 100 = 0.63 \% \quad \text{Use } 5\% \text{ @ } 55 \text{ MPH}$$

Iva.) Diagrams

a.) AM Right Turns:



b.) AM Left Turns:



Va.) Based on the VDOT Guidelines Fig C-1-1.14 there is requirement for a left turn lane based on peak weekday AM traffic. *see sheet T-4*

**B. The PM traffic along Croaker Road is divided into the following split:**

Southbound Traffic (a majority of the traffic)	60 %
Northbound Traffic	40 %

lb.) 2003 Average Daily Traffic (Croaker Rd.) *see sheet T-3* 8434 VPD  
 2003 PM Peak Hour Volume (10% 2003 Daily Avg.)= 843 PM PHV

North Bound Traffic	337 PM PHV
South Bound Traffic	506 PM PHV

Northbound Volume= 40% (2003 PM PHV) 337 PM VPH NB

Southbound Volume= 60% (2003 PM PHV) 506 PM VPH SB

lib.) AM Peak Hour Enter= 44 PM PHV *See sheet T-1*

1. Assume 60% enter entrance from the north (i.e. southbound right turn)  
 PM right turn @ entrance (RT1)= 60%(PM PHE)= 26 PM RTV SB

2. Assume 40% enter entrance from the south (i.e. northbound left turn)  
 PM left turn @ entrance (LT1)= 40%(PM PHE)= 18 PM LTV NB

IIlb.) Determine Va, Vo and %L

a.) PM right turns @ entrance:  
 Va1= PM PHV SB + RT1= 532 PM PHV SB

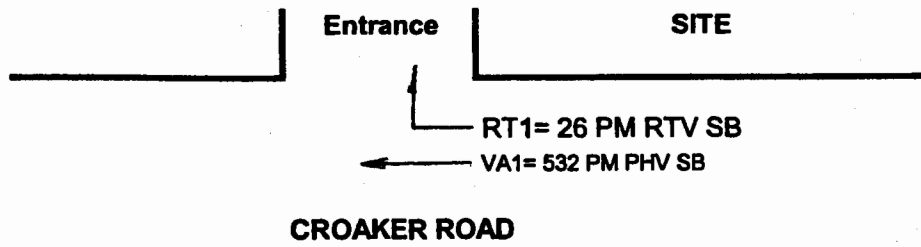
b.) PM left turns @ entrance:  
 Va2= PM PHV NB + LT1= 355 PM PHV NB  
 Vo1=Va1= 532 PM PHV SB  
 %L1=(LT1/Va3)\*100 4.96 %

**Use 5% @ 55 MPH**

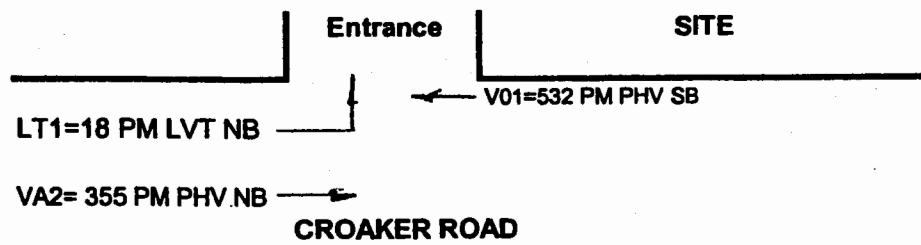


ivb.) Diagrams

a.) PM Right Turns:



b.) PM Left Turns:



Vb.) Based on the VDOT Guidelines Fig C-1-1.14 there is a requirement for a left turn lane and a right turn taper based on peak weekday PM traffic. See sheet T-4 & T-5

Norge Apartments  
 Summary of Trip Generation Calculation  
 For 104 Dwelling Units of Apartments  
 December 12, 2003

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	6.63	2.98	1.00	690
7-9 AM Peak Hour Enter	0.08	0.00	1.00	8
7-9 AM Peak Hour Exit	0.43	0.00	1.00	45
7-9 AM Peak Hour Total	0.51	0.73	1.00	53
4-6 PM Peak Hour Enter	0.42	0.00	1.00	44
4-6 PM Peak Hour Exit	0.20	0.00	1.00	21
4-6 PM Peak Hour Total	0.62	0.82	1.00	64
Saturday 2-Way Volume	6.39	2.99	1.00	665
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.52	0.74	1.00	54

Note: A zero indicates no data available.  
 Source: Institute of Transportation Engineers  
 Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

Norge site  
 Summary of Trip Generation Calculation  
 For 132.9 Th.Gr.Sq.Ft. of General Office Building  
 December 21, 2003

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	11.01	6.13	1.00	1463
7-9 AM Peak Hour Enter	1.37	0.00	1.00	182
7-9 AM Peak Hour Exit	0.19	0.00	1.00	25
7-9 AM Peak Hour Total	1.56	1.40	1.00	207
4-6 PM Peak Hour Enter	0.25	0.00	1.00	33
4-6 PM Peak Hour Exit	1.24	0.00	1.00	165
4-6 PM Peak Hour Total	1.49	1.37	1.00	198
Saturday 2-Way Volume	2.37	2.08	1.00	315
Saturday Peak Hour Enter	0.22	0.00	1.00	29
Saturday Peak Hour Exit	0.19	0.00	1.00	25
Saturday Peak Hour Total	0.41	0.68	1.00	54

Note: A zero indicates no data available.  
 Source: Institute of Transportation Engineers  
 Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

James City County  
Traffic Count Summary  
1992, 1994, 1996, 1999, 2000, 2001, 2002, and 2003

Location	Road	Approximate		# of Lanes	% Change from 1998 to 2003											
		From	To		1992	1994	1996	1999	2000	2001	2002	2003	1998	2003	1998	2003
1	Richmond Road (Route 66)	New Kent Ct	Barnes Road (Route 601)	4	4,274	4,427	4,921	4,617	4,313	5,242	5,167	5,054	2,706	11.96%	2.70%	11.96%
2		Barnes Road (Route 601)	Barnesville Road (Route 30) - Anderson's Corner	4	5,242	5,158	6,048	5,441	6,022	6,010	5,728	5,816	2,116	13.94%	1.11%	13.94%
3		Forge Road (Route 610)	Forge Road (Route 610)	4	9,013	9,247	12,313	10,106	9,242	9,529	10,024	9,555	23,404	3.31%	23.40%	3.31%
4		Cracker Road (Route 607)	Cracker Road (Route 607)	4	13,353	14,528	14,278	14,511	14,357	13,703	13,689	16,184	27,578	26.68%	27.57%	26.68%
5		Lightfoot Road (Route 646)	Lightfoot Road (Route 646)	4	16,972	16,919	22,775	19,948	17,703	18,818	19,389	18,828	17,324	6.35%	na	6.35%
5A		Carrollville Road	Carrollville Road	4	27,665	23,951	na	na	na	na	24,235	25,703	na	na	na	27.27%
6		Old Towne Road (Route 659)	Old Towne Road (Route 659)	4	na	na	16,122	21,109	20,673	22,629	22,618	20,272	75,966	37.34%	37.34%	37.34%
6	Phase 1000 station near Route 198 on north side	Lightfoot Road (Route 646)	Old Towne Road (Route 659)	4	na	na	15,802	23,370	19,179	17,886	17,886	17,191	7,944	13.13%	7.94%	13.13%
7	Phase 1000 station near Route 198 on north side	Lightfoot Road (Route 646)	Old Towne Road (Route 659)	4	na	na	23,821	24,298	24,671	22,083	22,812	22,175	22,044	10.89%	10.89%	10.89%
8		Richmond Road (Route 60)	Richmond Road (Route 60)	4	6,320	7,394	9,287	9,357	7,996	8,303	8,356	8,434	9,194	5.61%	9.19%	5.61%
9	Cracker Road (Route 607)	Richmond Road (Route 60)	Richmond Road (Route 60)	2	na	na	na	na	8,261	8,456	8,063	8,722	na	5.58%	8.17%	5.58%
10		Herron Lakes	Herron Lakes	2	na	na	na	na	1,079	3,762	3,621	3,564	88,239	230.34%	88.23%	230.34%
11		Woods Lane (Route 609 north)	Woods Lane (Route 609)	2	na	na	na	na	1,893	1,195	1,215	1,193	45.96%	na	45.96%	na
12		Massena Drive (Route 1575)	Massena Drive (Route 1575)	2	na	na	817	na	na	1,215	1,220	1,193	45.96%	na	45.96%	na
13		Route 60	Route 678 (Rush Lane)	2	5,821	6,025	9,890	12,144	7,669	9,154	9,933	9,279	8,706	31.88%	8.70%	31.88%
14		Jolly Pond Road (Route 611)	Route 1507 (Forest Glen subdivision)	2	4,800	na	8,766	11,888	6,555	7,786	7,076	8,281	8,474	35.33%	8.47%	35.33%
15		Langhaff Road (Route 612)	Langhaff Road (Route 612)	2	2,981	3,122	4,068	9,332	4,844	5,423	4,759	5,073	24,718	7.24%	24.71%	7.24%
16	Phase 1000 station near Route 2	News Road (Route 613)	John Tyler Highway (Route 5)	2	na	na	5,163	4,333	3,354	3,662	3,344	4,644	8.19%	44.81%	8.19%	
17		Centerville Road (Route 614)	Route 1530 (entrance to Seaman's Trace subdivision)	2	4,892	4,924	7,500	9,255	4,496	6,572	6,342	9,361	24.81%	108.21%	24.81%	
18	Langhaff Road (Route 612)	Old Towne Road (Route 659)	Old Towne Road (Route 659)	2	12,306	12,701	10,730	13,468	9,644	15,599	16,344	16,537	57,856	75.62%	57.85%	75.62%
19		Old Towne Road (Route 659)	Old Towne Road (Route 659)	2	12,748	14,369	11,773	9,786	15,497	16,188	16,098	24,259	106.05%	106.05%	106.05%	
20	Site 1000 to an Langhaff Connector Road	Route 159	Ironbound Road (Route 615)	2	na	na	11,712	13,648	10,018	5,425	7,700	6,037	48.45%	-39.74%	48.45%	
21		History Highway Road (Route 620)	John Tyler Highway (Route 5)	2	4,984	5,865	8,432	7,730	7,227	7,353	7,746	8,238	11.14%	13.35%	11.14%	
22		John Tyler Highway (Route 5)	News Road (Route 613)	2	7,451	9,844	12,528	13,686	12,324	12,699	10,794	11,103	9,374	3.26%	9.37%	3.26%
23		Route 159	Woods Lane (Route 609)	2	10,025	10,787	13,663	na	na	1,796	1,658	2,107	86.63%	na	86.63%	
24		Maricello Avenue (Route 321)	Walden Lane (Route 603)	2	15,471	15,963	20,438	17,333	9,801	9,013	10,333	10,287	46.67%	7.14%	46.67%	
25		Maguire Road (Route 747)	Towering Road (Route 747)	2	15,430	12,511	12,589	17,899	10,002	9,394	10,684	10,666	13,246	8.57%	13.24%	8.57%
26		Weston Drive (Route 706)	Old Colony Lane (near Hatterbank)	4	na	na	15,605	16,426	15,888	18,080	18,703	15,466	-8.66%	-8.66%	-8.66%	
27		Oxford Road (Rt. 727 - Kingswood)	Rich Neck Road (Route 1410)	2	na	na	12,480	11,990	10,912	11,502	11,294	10,606	-15.02%	-15.02%	-15.02%	
28		Ironbound Road (Route 615)	West Orland Road (Route 682)	2	5,546	6,623	na	na	na	na	8,615	8,954	na	na	na	na
29		Ironbound Road (Route 615)	Sandy Bay Road (Route 681)	2	na	na	9,222	9,280	7,860	8,372	7,813	9,244	-10.61%	4.88%	-10.61%	
30		Cardinal Acres Drive	4-H Club Road (Route 680)	2	na	na	8,292	8,045	8,174	7,540	6,956	7,242	-12.67%	-11.41%	-12.67%	
31		Stiffes Creek (County/VA Line)	Pavement Road (Route 1363)	2	na	na	13,686	9,397	10,480	10,271	8,863	9,344	27.13%	11.79%	27.13%	
32		Pavement Road (Route 1363)	Church Street (Route 659)	2	na	na	12,078	12,113	12,833	12,281	10,819	12,623	4.27%	4.27%	4.27%	
33		Church Street (Route 659)	Howard Drive (Route 699)	2	na	na	11,978	15,940	12,055	12,222	10,336	10,388	-7.81%	-8.84%	-7.81%	
34		King William Drive (Route 1513)	0.3 miles south of the Kingsville Entrance	2	na	na	na	16,577	16,234	22,905	19,808	16,383	na	9.92%	9.92%	9.92%
35		Langhaff Road (Route 612)	King William Drive (Route 1513)	2	8,798	11,116	12,067	11,400	8,418	9,433	9,271	9,698	-19.27%	15.09%	-19.27%	
36		King William Drive (Route 1513)	Chief Run Road (Route 1514)	2	9,503	10,938	11,790	12,372	8,973	10,102	10,688	10,472	-11.18%	16.71%	-11.18%	

1-3

WARRANT FOR LEFT-TURN STORAGE LANES ON TWO-LANE HIGHWAYS

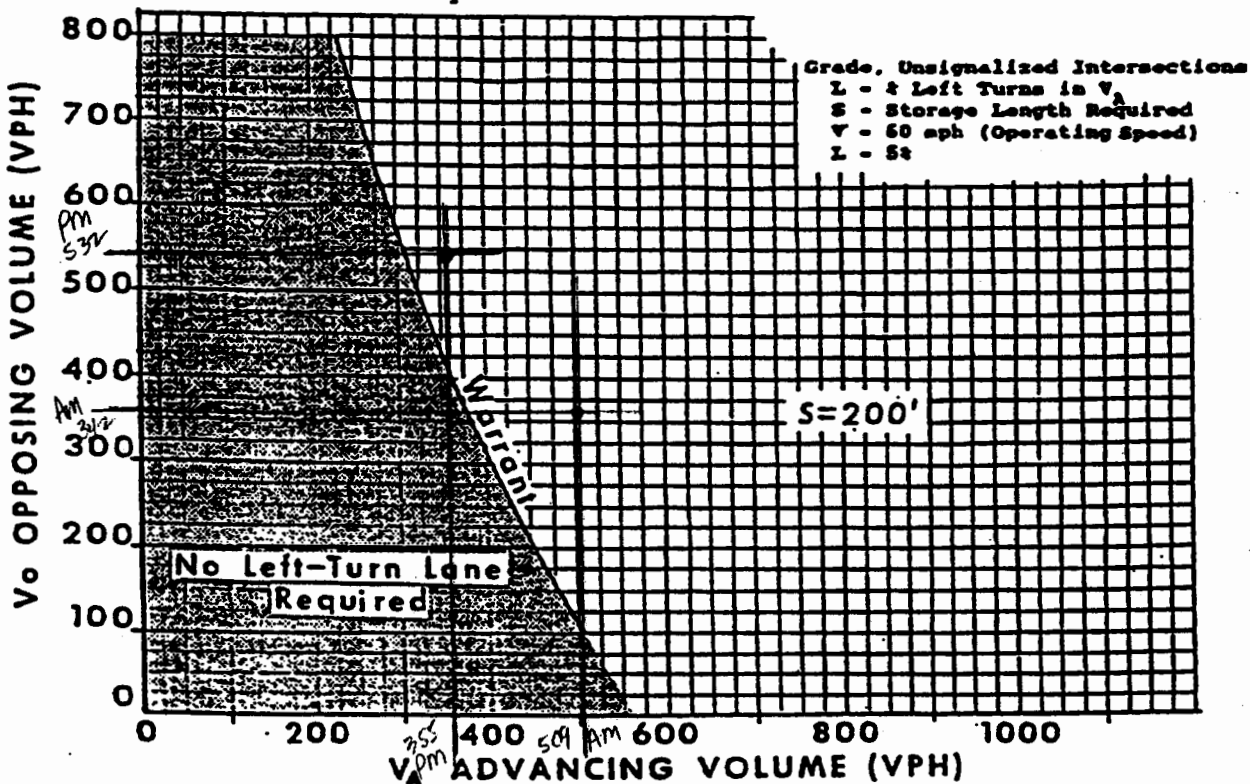


FIGURE C-1-1.14

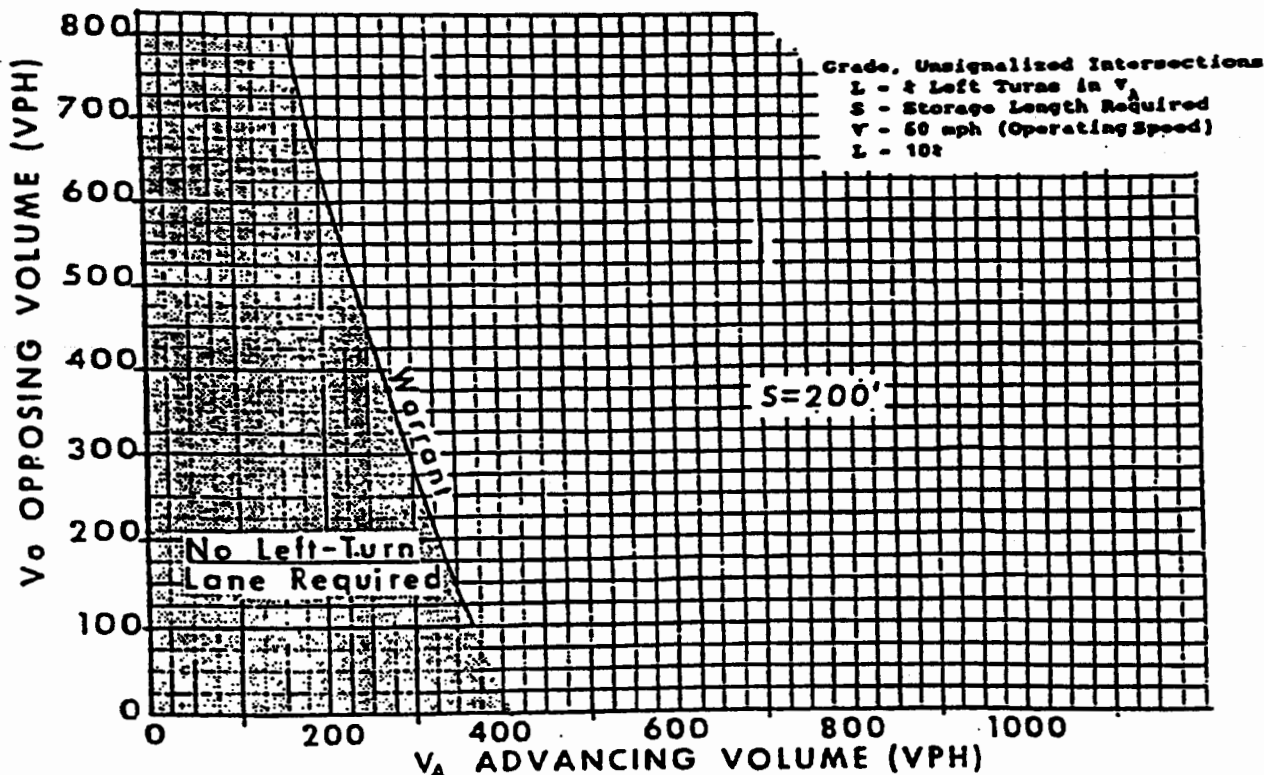
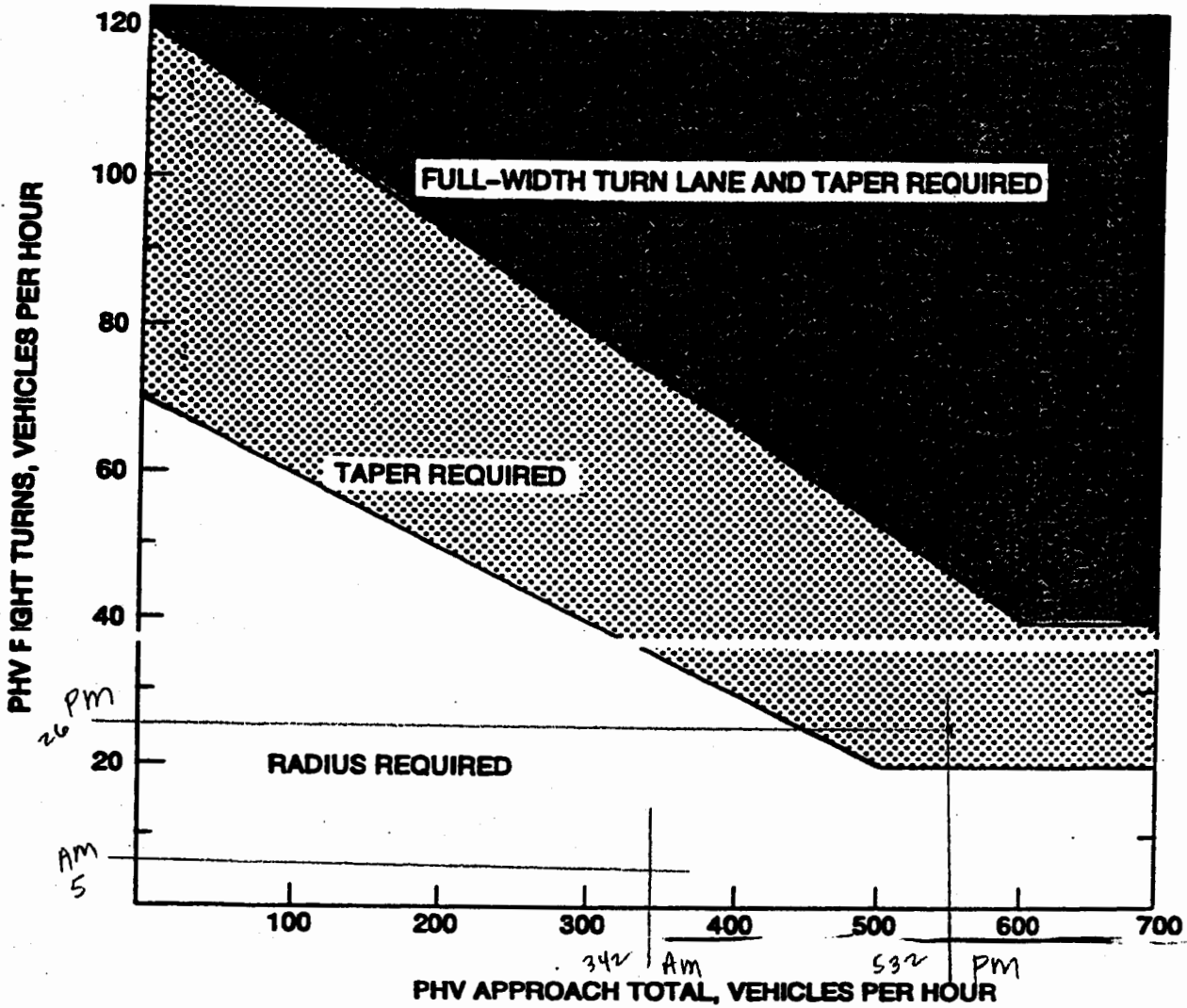


FIGURE C-1-1.15



**LEGEND**

**PHV - Peak Hour Volume (also Design Hourly Volume equivalent)**

**Adjustment for Right Turns**

For posted speeds at or under 70 km/h (45 mph), PHV right turns > 40, and PHV total < 300.

Adjusted right turns - PHV Right Turns - 20

If PHV is not known use formula:  $PHV = ADT \times K \times D$

K = the percent of AADT occurring in the peak hour

D = the percent of traffic in the peak direction of flow

Note: An average of 11% for K x D will suffice.

**GUIDELINES FOR RIGHT TURN TREATMENT (2-LANE HIGHWAY)**

**FIGURE C-1-8**

PROFFERS

THESE PROFFERS are made this 1st day of April, 2004 by **SIXTY FOUR ASSOCIATES, INC.**, a Virginia corporation (together with its successors and assigns, the "Owner") and **STONEHOUSE STATION, L.P.**

RECITALS

A. Owner is the owner of a tract or parcel of land located in James City County, Virginia, containing approximately 10.167 acres with an address of 7721 Croaker Road, James City County, Virginia and being Tax Parcel 1340100021 (the "Property"). The Property is now zoned B-1.

B. Stonehouse Station, L.P. and/or assigns ("Buyer") has contracted to purchase the Property conditioned upon the rezoning of the Property.

C. Owner and Buyer have applied to rezone the Property from B-1 to R-5, Multifamily Residential District, with proffers.

D. Buyer has submitted to the County a master plan entitled "Stonehouse Station at Norge" prepared by Pinnacle Group Engineering, Inc. dated December 22, 2003 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

E. Owner and Buyer desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned R-5.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2297 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

#### CONDITIONS

1. **Master Plan.** The Property shall be developed generally as shown on the Master Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development.

2. **Water Conservation.** Water conservation standards shall be submitted to and approved by the James City Service Authority prior to final site plan approval. Owner shall be responsible for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

3. **Number of Apartments.** The number of apartments on the Property shall not exceed One Hundred and Four (104) dwelling units, as defined in the Zoning Ordinance and all apartments



shall be rental units; however, this maximum density is conditioned on approval of the requisite density bonuses during the site plan review and approval process.

4. **Affordable Housing.** For a period of fifteen (15) years from one year following the date the first apartment on the Property is placed in service, all apartments on the Property shall be occupied by individuals or families whose incomes do not exceed sixty percent (60%) of the area median gross income, all as determined in accordance with the applicable guidelines of the Virginia Housing Development Authority under the Federal Low Income Tax Credit program governed by Section 42 of the Internal Revenue Code. If the income of an occupant(s) of a rental unit on the Property does not exceed the applicable income limit under this Section upon commencement of the occupancy of the unit, the requirements of this Section shall be deemed satisfied for the duration of occupancy of a unit by such occupant(s) regardless of a subsequent change in income.

5. **Archaeology.** A Phase I Archaeological Study for the entire Property shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study

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

6. **Environmental Protections.** The Owner shall grant, free of charge, to the County a conservation easement with terms consistent with these Proffers over the area generally delineated on the Master Plan as "Natural Open Space to Remain Undisturbed" generally in the locations shown on the Master Plan (the "Conservation Area"). The exact boundaries of the Conservation Area shall be shown on the site plan of the Property. The conservation easement over the Conservation Area shall be granted at the time of final site plan approval by the County. The Conservation Area shall remain undisturbed by Owner and in its natural state, except as set forth below. Dead, diseased and dying trees or shrubbery and invasive or poisonous plants may be removed from the Conservation Area. With the prior approval of the Environmental Director, such approval not to be unreasonably withheld, utilities may intrude into or cross the Conservation Area and clearing and construction activities necessary therefor may take place in the Conservation Area. Pedestrian paths and trails and fences generally as shown on the Master Plan or included in these Proffers may intrude into or cross the Conservation Area and clearing and construction activities necessary therefor may take place in the Conservation Area. Stormwater BMPs may be located in the Conservation Area.

7. **Entrance/Taper.** There shall be one entrance into the Property from Route 607 generally in the location shown on the

Master Plan. The entrance shall have a right turn taper from southbound Route 607 into the Property and a left turn lane from northbound Route 607 into the Property. The taper and turn lane proffered hereby shall be constructed in accordance with Virginia Department of Transportation ("VDOT") standards and shall be either (i) completed or (ii) bonded in form satisfactory to the County Attorney prior to issuance of any certificates of occupancy for dwelling units on the Property.

8. **Sidewalks**. There shall be sidewalks at least five feet in width installed generally in the locations shown on the Master Plan, which may be installed in phases as residential units are constructed, and along one side of the entrance driveway. Sidewalks shall be installed concurrently with the construction of adjoining parking areas or driveways.

9. **Recreation**. Owner shall provide the recreational facilities listed below as shown on the Master Plan before the County is obligated to grant certificates of occupancy for more than 60 dwelling units on the Property:

- Two passive recreation areas of at least a total of 0.50 acre with picnic tables and barbeques.
- Clubhouse of at least 1,800 square feet.
- One swimming pool with a surface area of at least 1,200 square feet.
- Tot lot of 0.17 acre.

- A mulched multi-purpose trail at least six feet in width generally as shown on the Master Plan. The trails shall be located to avoid mature or specimen trees where reasonably feasible. The design and exact location of the trail shall be subject to the approval of the Director of Planning.

10. **Private Driveways.** All driveways (as hereinafter defined) on the Property shall be private. "Driveways" shall mean any interior roadway or lane designed for vehicular travel and connecting the parking areas on the Property to Route 607.

11. **Sewer Service.** (a) The County shall not be obligated to issue any building permits for structures on the Property until either: (i) construction of proposed Colonial Heritage Regional Lift Station 9-9 and its associated cross country gravity sewer lines and the removal of Lift Stations 6-3 and 6-5 has commenced; or (ii) if Lift Station 9-9 is not constructed and this project connects to a JCSA force main, a detailed capacity analysis of existing Lift Station 6-5 accounting for flows reserved by the Colonial Heritage project and identifying the upgrades necessary to serve the development of the Property is submitted to and approved by the JCSA and Owner makes the necessary upgrades to existing Lift Station 6-5 at its expense or (iii) the Owner obtains permission from CSX Railroad to cross the CSX right-of-way to the north and, at its expense including any associated perpetual railroad easement costs, ties into the

existing Hampton Roads Sanitation District ("HRSD") force main east of the railroad, at its expense.

(b) A contribution of \$385.00 for each dwelling unit on the Property shall be made prior to final site plan approval to the JCSA in order to mitigate impacts on the County from the physical development and operation of the Property unless Owner, at its expense, upgrades an existing Lift Station 6-5 as provided in Section 11(a)(ii) above to serve the Property or ties into the existing HRSD force main east of the CSX railroad as provided in Section 11(a)(iii) above to serve the Property in which case no additional contribution shall be required. The JCSA may use these funds for development of sewer system improvements or any project related to improvements to the JCSA sewer system, the need for which is generated in whole or in part by the physical development and operation of the Property.

**12. Architectural Elevations.** The architecture and exterior elevations of the dwelling units on the Property shall be generally consistent with the proposed typical elevations for the project submitted on January 17, 2004 as a part of the Community Impact Statement as determined by the Director of Planning.

**13. Croaker Road Supplemental Landscaping.** In areas where existing trees are cleared in order to expand the existing pond on the Property for use as a stormwater BMP, supplemental

landscaping consisting of at least 125% of Zoning Ordinance requirements shall be installed to create a visual screen that partially but not completely blocks the view of the development from Route 607 in accordance with a plan approved by the Director of Planning prior to final approval of development plans.

**14. Perimeter Fence.** There shall be a six foot privacy fence installed in the locations shown on the Master Plan, a portion of which shall be vinyl and a portion of which shall be chainlink as shown on the Master Plan, at the time of construction of the adjacent trail. The color and final design of the fence shall be subject to the review and approval of the Director of Planning.

**15. Severability.** Each condition hereof, or portion thereof, is severable. The invalidity of any particular condition, or portion thereof, shall not affect the validity of the remaining conditions, or portion thereof.

WITNESS the following signatures.

**SIXTY FOUR ASSOCIATES, INC.**

By: Mary Kempton  
Title: President

**STONEHOUSE STATION, L.P.**

By: Stonehouse Station GP,  
L.L.C. General Partner  
By: [Signature]  
Title: authorized agent

STATE OF VIRGINIA AT LARGE  
CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged this 1st  
day of April, 2004, by Mary Kempton, as  
President of **SIXTY FOUR ASSOCIATES, INC.** on behalf of the  
corporation.

Susan J. Walter  
NOTARY PUBLIC

My commission expires: 06/30/07.

STATE OF VIRGINIA AT LARGE  
CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged this 1st  
day of April, 2004, by Louise Roland, as  
\_\_\_\_\_ of **STONEHOUSE STATION, L.P.** on behalf of the  
partnership.

Susan J. Walter  
NOTARY PUBLIC

My commission expires: 06/30/07.



**RESOLUTION**

**CASE NO. Z-15-03/MP-13-03. THE STATION AT NORGE**

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners were notified, and a hearing was scheduled on Zoning Case No. Z-15-03/MP-13-03, with Master Plan, for rezoning 10.167 acres from B-1, General Business, to R-5, Multi-Family Residential, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on March 1, 2004, recommended denial of Case No. Z-15-03/MP-13-03, by a vote of 6 to 1; and

WHEREAS, the properties are located at 7721 Croaker Road and further identified as Parcel No. (1-21) on James City County Real Estate Tax Map No. (13-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-15-03/MP-13-03 and accept the voluntary proffers.

\_\_\_\_\_  
Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 2004.

Z15-03norge.res

**RESOLUTION**

**CASE NO. HW-2-03. THE STATION AT NORGE**

WHEREAS, Lou Rowland on behalf of The Station at Norge, L.P., has applied for a height limitation waiver to allow for the construction of 104 housing units approximately 39 feet above grade; and

WHEREAS, a public hearing was advertised, adjoining property owners were notified, and a hearing was scheduled on Case HW-2-03; and

WHEREAS, the apartment housing complex will be constructed on property currently zoned R-5, Multifamily Residential, with proffers, and is further identified as Parcel No. (1-21) on James City County Real Estate Tax Map No. (13-4); and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-314(j) of the James City County Zoning Ordinance have been satisfied in order to grant a height limitation waiver to allow the erection of structures in excess of 35 feet.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-2-03.

\_\_\_\_\_  
Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 2004.

z15-03.res

MEMORANDUM

DATE: July 27, 2004  
TO: The Board of Supervisors  
FROM: Richard J. Sebastian, Director of Real Estate Assessments  
SUBJECT: Ordinance to Designate Hospice Support Care of Williamsburg, Inc. Tax Exempt

---

Attached for your consideration is a proposed ordinance to exempt Hospice Support Care of Williamsburg, Inc., ("Hospice") from real personal and real property taxes in James City County.

Hospice is an organization dedicated to providing supportive services to terminally ill persons and their caretakers. Services are provided without regard to race, gender, creed, or socio-economic status and without fees or other financial considerations.

Hospice does not currently own any taxable personal property in the County. Hospice does own real property with improvements thereon, located at 4445 Powhatan Parkway, identified as Parcel Number 3810100001A. The property consists of an 11.18- acre parcel assessed at \$95,000 and a 6,853-square-foot building assessed at \$625,100 for a total of \$720,100. If granted, the exemption would be effective July 1, 2003. Taxes previously paid by Hospice for Fiscal Year 2004, \$6,192.86, will be refunded; taxes for Fiscal Year 2005 would be \$6,120.85.

Hospice has submitted an application and other supporting documentation requested, and it is the opinion of staff that all criteria for exemption set forth in the State Code have been met. Staff recommends adoption of the attached ordinance.

---

Richard J. Sebastian

RJS/adw  
hospice.mem

Attachment

**ORDINANCE NO.**

**HOSPICE SUPPORT CARE OF WILLIAMSBURG, INC.,**

**EXEMPTION FROM COUNTY REAL AND PERSONAL PROPERTY TAXES**

WHEREAS, pursuant to Subsection 6(a)(6) of Article X of Constitution of Virginia and Section 58.1-3651 of the Code of Virginia, the Board of Supervisors is authorized to exempt, by classification or designation, real and/or personal property from taxation; and

WHEREAS, following a public hearing where citizens had an opportunity to be heard, the Board of Supervisors makes the following findings concerning Hospice Support Care of Williamsburg, Inc. ("Hospice"):

1. Hospice is a tax exempt organization under Section 501 (c) of the Internal Revenue Code of 1954; and
2. Hospice does not have a license from the Virginia Alcoholic Beverage Control Board to serve or sell alcoholic beverages; and
3. No director, officer or employee of Hospice is paid an unreasonable compensation in relation to the services provided by such person to Hospice; and
4. No net earning of Hospice inures to the benefit of any individual and Hospice. Hospice receives a significant portion of its funds from donations, contributions and local, State, or Federal grants; and
5. Hospice provides charitable and benevolent services for the common good of the residents of James City County and the Williamsburg area; and
6. Hospice does not engage in propaganda, attempt to influence legislation or participate in, or intervene in, any political campaign on behalf of any candidate for public office; and
7. Hospice does not currently own any personal property. Hospice does own the real property with improvements thereon located at 4445 Powhatan Parkway, designated as Parcel No. (1-1A) on James City County Real Estate Tax Map No. (38-3), with an assessed value of \$720,100 and an assessed tax of \$6,120.85 for Fiscal Year 2005; and
8. Hospice is an equal opportunity employer and service provider. Hospice does not have any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex or national origin; and

9. Hospice provides supportive service to terminally ill persons and their caretakers and endeavors to advance the understanding of death as an inseparable dimension of life.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia that Hospice Support Care of Williamsburg, Inc. shall be exempt from real and personal property taxation for all real and personal property owned by Hospice Support Care of Williamsburg, Inc., and use by it to perform its charitable and benevolent service to the community.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia that the tax exemption granted to Hospice Support Care of Williamsburg, Inc. shall be effective as of July 1, 2003, and shall remain in effect unless terminated by the Board of Supervisors or the charitable and benevolent use of such real or personal property changes.

---

Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia this 27th day of July, 2004.

HospiceOrd.res

**SPECIAL USE PERMIT 11-04 & MASTER PLAN 3-04. Freedom Park Master Plan  
Staff Report for the July 27, 2004, Board of Supervisors Meeting**

---

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

---

**PUBLIC HEARINGS**

**Planning Commission:**

**Board of Supervisors:**

**Building F Board Room; County Government Center**

June 7, 2004, 7:00 p.m.

July 13, 2004, 7:00 p.m. (deferred)

July 27, 2004, 7:00 p.m.

**SUMMARY FACTS**

**Applicant:**

James City County Division of Parks and Recreation

**Land Owner:**

James City County

**Proposed Use:**

District Park

**Location:**

5535, 5537, and 5981 Centerville Road; Powhatan District

**Tax Map/Parcel:**

(31-3)(1-6); (31-3)(1-9); and (31-3)(1-10)

**Parcel Size:**

689.71± acre site

**Zoning:**

A-1, General Agricultural and LB, Limited Business

**Comprehensive Plan:**

Park, Public, or Semi-Public Open Space

**Primary Service Area:**

Outside (A small portion of the site bordering Centerville Road is located inside the PSA.)

**STAFF RECOMMENDATION**

Staff recommends the Board of Supervisors approve the attached resolution. Staff finds the proposed use consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff believes that the amended conditions will sufficiently mitigate the impacts created by the proposed development. On June 7, 2004, the Planning Commission recommended approval of these applications by a vote of 7 to 0.

**Staff Contact:**

Christopher Johnson, Senior Planner      Phone: 253-6685

---

Christopher Johnson

CONCUR:

---

O. Marvin Sowers, Jr.

CJ/gb  
sup11-04\_MP3-04\_2

ATTACHMENT:

1. Resolution

## RESOLUTION

### CASE NOS. SUP-11-04 & MASTER PLAN 3-04. FREEDOM PARK MASTER PLAN

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

WHEREAS, public recreation facilities are a specially permitted use in the A-1, General Agricultural, zoning district; and

WHEREAS, the properties are identified as Parcel Nos. (1-6), (1-9), and (1-10) on James City County Real Estate Tax Map No. (31-3); and

WHEREAS, in accordance with Section 15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case Nos. SUP-11-04 and MP-3-04; and

WHEREAS, the Planning Commission of James City County, following its public hearing on June 7, 2004, recommended approval of Case Nos. SUP-11-04 and MP-3-04 by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Master Plan No. 3-04 and the issuance of Special Use Permit No. 17-03 as described herein with the following conditions:

1. Development of the site shall be generally in accordance with the Freedom Park Master Plan dated April 2004 with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
2. Prior to issuance of a land disturbing permit for any portion of the site, the applicant shall provide written evidence to the County which demonstrates that the recommendations of a professional archaeologist have been implemented in a manner consistent with the preservation objectives of the Board of Supervisors Archaeological Policy, as determined by the Planning Director or his designee.
3. A minimum 150-foot buffer shall be maintained along all property lines of the park site. That buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, walking, hiking, and biking trails, and other uses specifically approved by the Development Review Committee.
4. All road improvements recommended by a traffic study conducted by Buchart-Horn, Inc., in January 2000 shall be constructed in accordance with development plans approved by the Virginia Department of Transportation (VDOT).
5. The applicant shall submit a traffic impact study to the County within three years of the date of approval of this application, unless a study is required by VDOT prior to that date. VDOT shall have the authority to delay requiring the traffic study to be submitted beyond the three-year time period if construction of the proposed facilities at Freedom Park occurs at a slower pace than expected.



6. The applicant shall conduct a perennial stream evaluation and receive approval from the Environmental Director prior to preliminary site plan approval being granted for any of the following uses proposed for the site: Historical areas 1, 2, and 3; Active recreation area; "Hotwater Lake" as shown; and the Environmental Education Center. If perennial streams are present on the site, a 100-foot buffer will be required around them and any wetlands contiguous and connected by surface flow to the stream.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

---

Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July,  
2004.

sup11-04\_MP3-04\_2.res

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

DATE: July 27, 2004

TO: The Board of Supervisors

FROM: Darryl E. Cook, Environmental Director

SUBJECT: Chesapeake Bay Preservation Ordinance Policies

---

On June 22, 2004, a Work Session was held with the Board regarding implementation of the Chesapeake Bay Preservation Ordinance. The Board had requested information regarding the status of implementation of the Ordinance and to be presented with policy issues related to implementation.

The outcome of the Work Session was that the Board endorsed two items related to the Ordinance implementation but wanted to see in writing the documents that would be used to implement the proposed policies. One of the policies relates to how information regarding Resource Protection Areas (RPA) identified during the single-family building permit process will be transmitted to the owners and how future property owners will be made aware of the presence of the RPA on a given property. The second item relates to the threshold number for the two Field Indicator Protocol methods for perennial stream determination. These two methods, the North Carolina and the Fairfax Methods, are proposed to have the threshold numbers adjusted from the State-determined numbers of 30 and 25 to 28 and 24 respectively. These adjustments are based on information gathered in Powhatan Creek as well as input from a team of local environmental professionals. As discussed at the Work Session, the lowering of the threshold is an interim step. The local environmental consultants and County staff will be working together to modify the North Carolina protocol to make it a better tool for evaluating stream classifications based on conditions found in James City County. The modified protocol will be presented to the Board for consideration at a future date.

Following the Work Session, staff held a joint meeting on July 9, 2004, with the technical team that helped develop the threshold recommendations and the policy review team that last year helped amend the Ordinance. The purpose of the meeting was to reconfirm the results of the technical team regarding the threshold numbers and to determine if there were other implementation issues that needed to be addressed. The technical team did confirm the threshold modifications with a one-point adjustment to the Fairfax method (raising it from 23 to 24). The other items discussed at the meeting are listed below with the recommendation for each item.

1. ***Resolution of disputed perennial stream determinations.*** It was determined that there was no need to establish a specific unique system to resolve disputes that arise between County staff and an applicant regarding a perennial stream determination. Initial reviews will be undertaken by more senior County staff with an appeal to the Chesapeake Bay Board if still unresolved. Another possibility would be a third-party mediator agreeable to both parties.
2. ***Time limit on perennial stream determinations.*** A concern was expressed that a change in the perennial stream determination prior to the completion of a project would impact the ability to develop the property as planned. It was decided that once a perennial stream determination was made, it would be valid for a minimum five-year period. It was further decided that if the project was not completed in that five-year period, the determination would be valid for the life of the development stage of the project, as long as development was pursued continuously.
3. ***Impact of perennial stream determinations on adjacent properties and notification of adjacent***

**property owners.** When a stream is determined to be perennial, it affects not only the property where the determination is made but also adjacent and downstream properties. RPA buffers need to be established around all identified perennial streams. Therefore, it was decided that all affected property owners need to be notified when the stream on or adjacent to their property is determined to be perennial. This puts the owners on notice that future construction and development activities on their property will be subject to a determination of the location of the RPA on their property. This knowledge would also help prevent unknowing violations of the buffer caused by clearing activities not associated with construction activities.

4. **Trespass issues for investigation of perennality.** There are instances where it may be necessary to investigate streams on adjacent properties in order to make a valid determination of perennality. Most of the professionals stated that it was their policy to seek permission before entering on private property. The concern was raised that in the event permission could not be obtained to evaluate a stream, the Ordinance requirement to conduct an on-site determination could not be fulfilled. This issue was not able to be decided during the course of the meeting. Members of the teams were going to contact other professionals such as surveyors that work in the field and have a need to access private property, and then meet again to try and develop a policy. The results of that meeting and the policy will be reported back to the Board.

Attached are two policy documents and a resolution that adopts those policy documents discussed at the work session. The single-family RPA process is detailed in the *Chesapeake Bay Ordinance Submission Requirements for Single-Family Site Plans* and involves notification of property owners by certified mail and signage to mark the presence of the RPA in the field as well as a discussion of the Documented Observation Method. The second document, *Chesapeake Bay Ordinance Guidance for Determining Water Bodies with Perennial Flow*, presents the Field Indicator Protocol methods along with the data sheets and threshold numbers.

Staff recommends adoption of the attached resolution.

---

Darryl E. Cook

CONCUR:

---

John T. P. Horne

DEC/gb  
chesbaypreserord.mem

Attachments

**RESOLUTION**

**CHESAPEAKE BAY PRESERVATION ORDINANCE POLICIES**

WHEREAS, the Board of Supervisors adopted on November 25, 2003, comprehensive revisions and amendments to sections of Chapter 23, Chesapeake Bay Preservation Ordinance, of the Code of the County of James City, Virginia; and

WHEREAS, the revised Chesapeake Bay Preservation Ordinance requires a site specific evaluation be performed to determine whether water bodies with perennial flow are present either on or adjacent to the development site; and

WHEREAS, the perennial flow evaluation must be made in accordance with County and State-approved methods; and

WHEREAS, a Work Session was held on June 22, 2004, with the Board where policies were presented regarding implementation of the Ordinance with respect to perennial flow determinations and procedures.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following policy documents regarding perennial flow determinations and procedures based on information presented at the Work Session:

1. *Chesapeake Bay Ordinance Submission Requirements for Single Family Site Plans*
2. *Chesapeake Bay Ordinance Guidance for Determining Water Bodies with Perennial Flow*

\_\_\_\_\_  
Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 2004.

chesbaypreserord.res



## JAMES CITY COUNTY ENVIRONMENTAL DIVISION

### Chesapeake Bay Ordinance Submission Requirements for Single Family Site Plans

#### Plan of Development

Prior to the issuance of a building permit for construction of a single family residential structure, an addition to an existing residential structure, an accessory structure, or prior to any clearing or grading of a lot, a site plan must be submitted with the building permit application. This site plan shall contain the information required in the Environmental Division's *Requirements for Single Family Plan Submittal*, which can be obtained from either the Division of Code Compliance or the Environmental Division, and an environmental inventory.

#### Environmental Inventory

An environmental inventory shall be submitted along with the plat plan, be drawn to scale, and clearly delineate the following components:

1. tidal wetlands;
2. tidal shores;
3. nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow (Resource Protection Area (RPA) wetlands);
4. a 100-foot buffer area located adjacent to and landward of the components listed in items 1 through 3 above, and along both sides of any water body with perennial flow;
5. nontidal wetlands not included in item 3 (Resource Management Area (RMA) wetlands);
6. 100-year floodplains as designated by Chapter 24 of the County Code (Zoning Ordinance);
7. slopes of 25 percent or greater; and
8. water bodies with perennial flow.

**Water body with perennial flow. This is a water body that flows in a natural or man-made channel year round during a year of normal precipitation. It includes but is not limited to streams, estuaries, tidal embayments, and may include drainage ditches or channels constructed in wetlands or from former natural drainageways, which convey perennial flow. Lakes and ponds through which a perennial stream flows are part of the perennial stream.**

The determination of a water body with perennial flow shall be accomplished through the use of a reliable, site-specific evaluation of in-field indicators of perennial flow. This site-specific evaluation shall be accomplished using one of the County or state approved methods presented below unless the County has already made a field determination of perennial flow for the site. The site-specific determinations shall be confirmed by the Environmental Division and shall be used to establish the boundaries of the RPA.

### **Approved methods of perennial flow determination**

There are five methods approved for perennial flow determination in James City County. These methods are:

1. North Carolina Field Indicator Method;
2. Fairfax County Field Indicator Method;
3. Groundwater Monitoring;
4. Surface Water Monitoring;
5. Documented Observation.

A discussion of these methods is contained in a guidance document entitled *Determinations of Water Bodies with Perennial Flow* adopted by the state Chesapeake Bay Local Assistance Board in September, 2003. The guidance document presents an overview of the various determination methods and the general requirements for each method.

### **Documented Observation.**

It is anticipated that the majority of applications for single-family projects will use the Documented Observation method. This method involves the use of photo-documentation of stream conditions regarding the presence or absence of surface flow. The following information needs to be submitted to the County to document the perennial flow determination for the Documented Observation Method:

1. A minimum of two photographs showing the stream flow with a visible date stamp or certification of the date the photographs were taken.
2. Precipitation data, which documents climatic conditions at the time the photographs were taken.
3. A map showing the location and view direction of the photographs.
4. A report presenting the findings of the photo-documentation conducted in accordance with the methodology presented in the state guidance document indicating the presence or absence of water in a stream and the interpretation of the data.

A more detailed explanation of the method is presented on page 4 taken from the state's guidance document.

### **Additional Corroborative Information**

Regardless of the method used for determining stream flow, the determination should always be made in the context of the current weather conditions and precipitation trends.

Therefore, the following information shall also be submitted along with the stream flow determination:

1. Stream flow determinations should be made at least 48 hours after the last known rainfall. Therefore, along with the date of the observation, submit information which documents the amount of recorded rainfall and the number of days that have lapsed since the last precipitation event prior to the date of the observations.

2. The month-to-date and year-to-date precipitation should also be submitted to evaluate whether the conditions at the time of observation are above, below, or near normal for the season or year. This information is available from the National Weather Service websites, the National Climatic Data Center, the Virginia Climatology Office, and the local daily newspapers. Also WAVY News 10, on its website [www.wavy.com](http://www.wavy.com) - Weathernet – has a rain gauge at Lafayette High School which has daily, 72 hour, weekly and monthly rainfall information.
3. The Palmer Drought Severity Index at the time of the observation. A website that has information on the Palmer Index is [www.drought.noaa.gov/index.html](http://www.drought.noaa.gov/index.html)
4. Any historical information based on discussions with long-term residents, and local professionals such as hydrologists, foresters, extension agents, VDOT personnel, Colonial Soil and Water District personnel, and NRCS technicians. However, this information should be considered as supplemental to one of the determination methods discussed earlier.

More detailed information on what is needed and how to find corroborative information is presented on pages 4, 5 and 6 taken from the state's guidance document.

#### **Identification of Resource Protection Areas for Single Family Applications**

If it is determined as a result of the process described above that a perennial stream is located on the property, it will be necessary to establish a 100-foot wide RPA buffer around the stream. This buffer is measured from the edge of the stream or from the limit of any wetland areas adjacent and connected to the stream. This RPA buffer will then need to be shown on the plan submitted with the building permit application before the permit can be approved by the Environmental Division. It will not be required to re-record the plat for the lot to identify the RPA location. However, if there is a need to amend the plat for any reason, the RPA will need to be shown on the amended plat.

Following approval, the Environmental Division will send a certified letter to the property owner with a map of the property showing the location of the RPA buffer. The letter is an official notification from the County that an RPA buffer is present on the property and the owner is obligated to disclose this fact to any prospective purchaser of the property. In addition, it will be the property owner's responsibility to install at least two signs on the property marking the landward limit of the RPA. The signs are available at cost from the Environmental Division. These signs will need to be installed prior to issuance of a certificate of occupancy or final inspection whichever is applicable.

### **Additional Corroborative Information**

Regardless of which method is used for determining stream flow, the determination should always be made in the context of the current weather conditions and precipitation trends. Other information may be useful as well, but should be used cautiously depending on the source(s).

Stream flow determinations should be made at least 48 hours after the last known rainfall. This will ensure that observations are made of conditions more representative of base flow conditions that are not influenced by recent precipitation events. However, monitoring soon after a rainfall, particularly when the channel exhibits dry conditions, may present compelling evidence that the stream does not convey perennial flow, provided that this does not occur during extreme drought conditions. The occurrence of recent precipitation events prior to site investigation should be taken into consideration (i.e., the amount of rainfall, the number of days lapsed since the last precipitation event occurred). The month-to-date and year-to-date precipitation data is helpful in evaluating whether the conditions at the time of observation are above, below, or near normal for the season or year. This information is readily available from a variety of sources including the National Weather Service websites, the Nation Climatic Data Center, the Virginia Climatology Office, and daily newspapers. Similarly, the lack of rainfall should be noted both for recent conditions and over the previous year or more. Because the underlying soils and geology are, in a sense, the reservoirs of ground water that is slowly released to streams, a sense of whether these reserves are expected to be normal or are experiencing a deficit is valuable in putting the current conditions in context. The following sources of data should be consulted for recent and longer-range climatic data:

Dulles airport <http://weather.noaa.gov/weather/current/KIAD.html>  
Reagan National Airport <http://weather.noaa.gov/weather/current/KDCA.html>  
Virginia State Climatology Office <http://climate.virginia.edu/>  
Virginia DEQ Drought Monitor: <http://www.deq.state.va.us/info/drought.html>  
U.S. Drought Monitor <http://www.drought.unl.edu/dm/index.html>  
The National Weather Service <http://205.156.54.206/er/lwx/index.htm>

Evaluating field observations in the context of prevailing weather conditions and trends requires a basic understanding of the terms "normal precipitation" and "drought". Normal precipitation is typically considered to be a 30-year mean. Prevailing climate conditions of the preceding two to three months as well as the preceding 12 months should be compared to the normal precipitation for the corresponding periods of time over the period of record. Deviations exceeding 20% normal precipitation should be considered noteworthy. Of the various measures of drought that have been developed, the most frequently used indicators are those developed by Wayne Palmer in the 1960s. Palmer defined drought as a prolonged and abnormal moisture deficiency. The Palmer Drought Severity Index (PDSI), standardized to local climates, is a tool for evaluating the scope, severity, and frequency of prolonged periods of abnormally dry or wet weather. It takes into account several factors including precipitation totals, temperature,



### Documented Observation

Photographs of stream flow conditions should always be taken when making a determination of whether a stream conveys perennial or intermittent flow. The use of photo-documentation of stream flow conditions as the only means of making a stream flow determination may be appropriate in certain circumstances. For example, photographs documenting dry channel conditions during the wetter seasons of the year or in some cases following a rainfall event in a normal rainfall year may be sufficient to document intermittent or ephemeral flow conditions. Conversely, photographs of wet channel conditions during drier seasons of the year or during periods of drought would strongly indicate perennial flow conditions. However, if photo-documentation alone is used for purposes of documenting stream flow or lack of stream flow, it should always be corroborated with precipitation data (see section on climate data), which documents climatic conditions at the time the photograph was taken. Photographs should not be taken within two (or preferably three) days following a substantial rainfall. An exception to this might be if the channel is dry following a substantial rainfall event in a normal precipitation year. Documented observations of no flow when the Palmer Drought Severity Index is wetter than a classification of -2.0 (moderate drought) should be considered definitive confirmation that the stream is not perennial.

Photographs used for purposes of documenting stream flow must have a visible date stamp or certification (by landowner/applicant or his/her designated representative) of the date the photograph(s) were taken. The date stamp feature is available with most digital cameras and some battery-operated cameras. Care should be taken to obtain photographs that are close enough to see the channel characteristics (i.e., banks, substrate) and that are unobstructed by vegetation (vegetation may need to be clipped to obtain a clear view). Photographs of the channel should include identifiable stationary landmarks in the field, so that the point of observation can be later verified, if necessary. Identifiable landmarks might include survey flagging (marked with some identification) or structural objects (i.e., culverts, bridges, nearby buildings, unique natural features, etc.).

The location and view direction of the photographs should be marked on a map or plat. A minimum of two photographs should be provided (upstream and downstream view). However, stream segments greater than 200 feet in length should include additional photographs (upstream/downstream views for each 200-foot length segment).

This method is applicable for use as a "reliable site-specific evaluation" pursuant to 9 VAC 10-20-105. If this method were used to evaluate all streams within a jurisdiction, this method can be used as the basis of definitive mapping of RPAs pursuant to 9 VAC 10-20-80 D.

evapotranspiration, soil runoff and soil recharge. The PDSI varies between -6.0 and +6.0 and from these values, 11 categories of wet and dry conditions have been defined and are shown in the table below. Conditions drier than a Palmer Classification of -2.0 (moderate drought) or wetter than 2.0 (moderately wet) should be considered particularly noteworthy in evaluating stream data in the context of prevailing climate conditions.

Palmer Classifications	
4.0 or more	extremely wet
3.0 to 3.99	very wet
2.0 to 2.99	moderately wet
1.0 to 1.99	slightly wet
0.5 to 0.99	incipient wet spell
0.49 to -0.49	near normal
-0.5 to -0.99	incipient dry spell
-1.0 to -1.99	mild drought
-2.0 to -2.99	moderate drought
-3.0 to -3.99	severe drought
-4.0 or less	extreme drought

Discussions with long-term residents and local professionals (hydrologists, VDOT staff, county extension agents, NRCS technicians, surveyors, foresters, field engineers) may reveal further information about the permanence of flow in a particular stream channel. However, caution should be exercised with respect to the reliability of anecdotal information. This information is strictly supplemental and final stream determinations should not rely solely on anecdotal information.

#### **Expertise Required for Making Determinations**

Professional disciplines required for making field determinations of stream perenniality may vary depending on the protocol or method used. Those using an ecologically based method should have an educational background, training and experience in stream ecology or the appropriate training and experience in the particular protocol employed. Experience and training in civil engineering, particularly river mechanics or hydrology/hydraulics is more applicable for techniques that employ the measurement and calculation of surface water flow through a weir or flume. Persons holding professional geologist (P.G.) certifications or those with considerable experience and training in hydrogeology would be more knowledgeable or better trained in using groundwater-monitoring techniques. No particular experience is required for people who use simple photographic documentation corroborated with meteorological data.



## JAMES CITY COUNTY ENVIRONMENTAL DIVISION

### Chesapeake Bay Ordinance Guidance for Determining Water Bodies with Perennial Flow

#### Purpose

This document provides guidance on the requirements of the Chesapeake Bay Preservation Ordinance for determining the extent of Resource Protection Areas (RPAs) based on the presence of water bodies with perennial flow. The purpose of this guidance is to provide information on the methods for evaluating stream flow, especially the field indicator protocol methods, that may be used for determining whether a stream is perennial.

**Water body with perennial flow. A water body that flows in a natural or man-made channel year round during a year of normal precipitation. It includes but is not limited to streams, estuaries, tidal embayments, and may include drainage ditches or channels constructed in wetlands or from former natural drainageways, which convey perennial flow. Lakes and ponds through which a perennial stream flows are part of the perennial stream.**

#### Ordinance Requirements

Section 23-10(2)d requires submission of “a reliable, site specific evaluation to determine whether water bodies on or adjacent to the proposed development site have perennial flow.” The evaluation is to be provided by the person applying to use or develop the property using one of the County or state approved methods of in-field indicators of perennial flow unless the County has already made a field determination of perennial flow for the property. These determinations shall be confirmed by the County and be used to establish the boundaries of the RPA.

This evaluation is required to be submitted for any development or redevelopment project exceeding 2500 square feet of land disturbance as part of the County’s Plan of Development Process. Therefore, before approval of any site or subdivision plan, the issuance of a building permit for construction of a single family residential structure, an addition to an existing residential structure, an accessory structure, or prior to any clearing or grading of a lot, a perennial stream evaluation must be submitted.

**It is strongly recommended that the perennial stream determination be conducted and submitted to the Environmental Division as soon as possible in the planning process.** This will prevent costly delays and reengineering of projects resulting from the unknown presence of perennial streams and required buffers. Due to the impact that perennial streams and associated RPA buffers can have on a project’s layout and design, County approved stream determinations will remain in effect for a minimum of 5 years or for the life of given project, whichever is necessary.

### **Approved Methods for Determining Perennial Flow**

The determination of a water body with perennial flow shall be accomplished through the use of a reliable, site-specific evaluation of in-field indicators of perennial flow unless the County has already made a field determination of perennial flow for the site. This site-specific evaluation shall be accomplished using one of the following five County or state approved methods:

1. North Carolina Field Indicator Method;
2. Fairfax County Field Indicator Method;
3. Groundwater Monitoring;
4. Surface Water Monitoring;
5. Documented Observation.

A discussion of these methods is contained in a guidance document entitled *Determinations of Water Bodies with Perennial Flow* adopted by the state's Chesapeake Bay Local Assistance Board (CBLAB) in September, 2003. The guidance document presents an overview of the various determination methods and the general requirements for each method.

Of the five methods, it is anticipated that majority of the site and subdivision plans will utilize one of the Field Indicator methods while most of the single family projects will utilize the Documented Observation method. The County has prepared a separate document entitled *Chesapeake Bay Ordinance Submission Requirements for Single Family Site Plans* that provides detailed information regarding the Documented Observation Method. Therefore, the remainder of this document will provide guidance regarding the field indicator methods.

### **Field Indicator Protocols**

The use of field indicator protocols entails the evaluation of observations made of stream geomorphology, hydrology, and biology. The Chesapeake Bay Local Assistance Department (CBLAD) has reviewed and found two field indicator protocols, field-tested in Virginia and North Carolina, to be acceptable for making site-specific determinations. The first is a method developed by the North Carolina Division of Water Quality (Version 2.0, January 2000 and Draft Internal Policy January 16, 2003). The second is a modification of the North Carolina method developed by Fairfax County, Virginia. Documentation is available on both these protocols including data sheets on the CBLAD website (<http://www.cblad.state.va.us>). For convenience, data sheets for both methods are attached to this memo.

The North Carolina and Fairfax County evaluation protocols are both numerical rating systems that involve assigning point values to various stream characteristics. The determination between a perennial and non-perennial stream is based on the evaluation of a combination of hydrological, physical and biological characteristics of the stream. Field indicators of these characteristics are classed as primary or secondary and ranked using a weighted, four-tiered scoring system. The ranking of the various indicator scores are then totaled and compared to a threshold value determined to be generally indicative of perennial flow conditions. For James City County, the perennial threshold values are 28 for the North Carolina method and 24 for the Fairfax County method. While general consistency of application of the protocols among trained individuals has been noted, it needs to be recognized the when the score is within 3 points of the threshold value for either method, it is possible that the determination may not be strictly made based on the threshold value. For example, a stream may be determined to be perennial with a

score of 25 or intermittent with a score of 31 if a preponderance of the evidence and professional judgment indicate that it is the appropriate determination.

Information to be submitted to the Environmental Division for evaluation of the field indicator methods includes at a minimum maps and pictures showing the location of the data points, the completed data sheets for each point evaluated, and any field logs or notes.

# NCDWQ Stream Classification Form

Project Name: \_\_\_\_\_ River Basin: \_\_\_\_\_ County: \_\_\_\_\_ Evaluator: \_\_\_\_\_  
 DWQ Project Number: \_\_\_\_\_ Nearest Named Stream: \_\_\_\_\_ Latitude: \_\_\_\_\_ Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_ USGS QUAD: \_\_\_\_\_ Longitude: \_\_\_\_\_ Location/Directions: \_\_\_\_\_

**\*PLEASE NOTE: If evaluator and landowner agree that the feature is a man-made ditch, then use of this form is not necessary. Also, if in the best professional judgement of the evaluator, the feature is a man-made ditch and not a modified natural stream—this rating system should not be used\***

## Primary Field Indicators: (Circle One Number Per Line)

I. Geomorphology	Absent	Weak	Moderate	Strong
1) Is There A Riffle-Pool Sequence?	0	1	2	3
2) Is The USDA Texture In Streambed Different From Surrounding Terrain?	0	1	2	3
3) Are Natural Levees Present?	0	1	2	3
4) Is The Channel Sinuous?	0	1	2	3
5) Is There An Active (Or Relic) Floodplain Present?	0	1	2	3
6) Is The Channel Braided?	0	1	2	3
7) Are Recent Alluvial Deposits Present?	0	1	2	3
8) Is There A Bankfull Bench Present?	0	1	2	3
9) Is a Continuous Bed & Bank Present?	0	1	2	3
<i>(NOTE: If Bed &amp; Bank Caused By Ditching And WITHOUT Sinuosity Then Score=0*)</i>				
10) Is a 2 <sup>nd</sup> Order Or Greater Channel (As Indicated On Topo Map And/Or In Field) Present?	Yes=3		No=0	

PRIMARY GEOMORPHOLOGY INDICATOR POINTS: \_\_\_\_\_

II. Hydrology	Absent	Weak	Moderate	Strong
1) Is There A Groundwater Flow/Discharge Present?	0	1	2	3

PRIMARY HYDROLOGY INDICATOR POINTS: \_\_\_\_\_

III. Biology	Absent	Weak	Moderate	Strong
1) Are Fibrous Roots Present In Streambed?	3	2	1	0
2) Are Rooted Plants Present In Streambed?	3	2	1	0
3) Is Periphyton Present?	0	1	2	3
4) Are Bivalves Present?	0	1	2	3

PRIMARY BIOLOGY INDICATOR POINTS: \_\_\_\_\_

## Secondary Field Indicators: (Circle One Number Per Line)

I. Geomorphology	Absent	Weak	Moderate	Strong
1) Is There A Head Cut Present In Channel?	0	.5	1	1.5
2) Is There A Grade Control Point In Channel?	0	.5	1	1.5
3) Does Topography Indicate A Natural Drainage Way?	0	.5	1	1.5

SECONDARY GEOMORPHOLOGY INDICATOR POINTS: \_\_\_\_\_

II. Hydrology	Absent	Weak	Moderate	Strong
1) Is This Year's (Or Last Year's) Leaf litter Present In Streambed?	1.5	1	.5	0
2) Is Sediment On Plants (Or Debris) Present?	0	.5	1	1.5
3) Are Wrack Lines Present?	0	.5	1	1.5
4) Is Water In Channel And >48 Hrs. Since Last Known Rain? <i>(NOTE: If Ditch Indicated In #9 Above Skip This Step And #5 Below*)</i>	0	.5	1	1.5
5) Is There Water In Channel During Dry Conditions Or In Growing Season?	0	.5	1	1.5
6) Are Hydric Soils Present In Sides Of Channel (Or In Headcut)?	Yes=1.5		No=0	

SECONDARY HYDROLOGY INDICATOR POINTS: \_\_\_\_\_

III. Biology	Absent	Weak	Moderate	Strong		
1) Are Fish Present?	0	.5	1	1.5		
2) Are Amphibians Present?	0	.5	1	1.5		
3) Are Aquatic Turtles Present?	0	.5	1	1.5		
4) Are Crayfish Present?	0	.5	1	1.5		
5) Are Macrobenthos Present?	0	.5	1	1.5		
6) Are Iron Oxidizing Bacteria/Fungus Present?	0	.5	1	1.5		
7) Is Filamentous Algae Present?	0	.5	1	1.5		
8) Are Wetland Plants In Streambed?	SAV	Mostly OBL	Mostly FACW	Mostly FAC	Mostly FACU	Mostly UPL
<i>(NOTE: If Total Absence Of All Plants In Streambed As Noted Above Skip This Step UNLESS SAV Present*)</i>						
	2	1	.75	.5	0	0

SECONDARY BIOLOGY INDICATOR POINTS: \_\_\_\_\_

**TOTAL POINTS (Primary + Secondary) = \_\_\_\_\_** (If Greater Than Or Equal To 12 Points The Stream Is At Least Intermittent)

# Fairfax County Stream Classification Form

<b>Site ID:</b> _____	<b>Total Score:</b> _____
-----------------------	---------------------------

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

Recorder: \_\_\_\_\_

Time: \_\_\_\_\_

Evaluators: \_\_\_\_\_

## Field Indicators:

I.) Streamflow and Hydrology	Absent	Weak	Moderate	Strong
1.) Presence or absence of flowing water and > 48 hrs since last rainfall	0	1	2	3
2.) Presence of high groundwater table or seeps and springs	0	1	2	3
3.) Leaf litter in streambed	1.5	1	0.5	0
4.) Drift lines	0	0.5	1	1.5
5.) Sediment on debris or plants	0	0.5	1	1.5

**Total Streamflow and Hydrology Points:** \_\_\_\_\_

II.) Geomorphology	Absent	Weak	Moderate	Strong
1.) Riffle-pool sequence	0	1	2	3
2.) Substrate Sorting (USDA texture in streambed)	0	1	2	3
3.) Natural Levees	0	1	2	3
4.) Sinuosity	0	1	2	3
5.) Active or Relic Floodplain	0	1	2	3
6.) Braided Channel	0	1	2	3
7.) Recent Alluvial Deposits	0	1	2	3
8.) Bankfull Bench present	0	1	2	3
9.) Continuous Bed and Bank	0	1	2	3
10.) 2nd order or greater channel present	Yes = 3		No = 0	

**Total Geomorphology Points:** \_\_\_\_\_

III.) Streambed Soils				
1.) Redoximorphic features present in sides of channel or head cut.	Present = 0		Absent = 1.5	
2.) Chroma	gleyed = 3	1 = 2	2 = 1	> 2 = 0

**Total Streambed Soils Points:** \_\_\_\_\_

IV.) Vegetation	Absent	Weak	Moderate	Strong
1.) Rooted AQUATIC Plants in Streambed	0	1	2	3
2.) Presence of Periphyton/green algae	0	1	2	3
3.) Iron Oxidizing Bacteria/Fungus	0	0.5	1	1.5
4.) Wetland Plants in Streambed (Skip if no plants present in streambed)	SAV = 3		Mostly OBL = 1.5	Mostly FACW = 1
			Mostly FAC = 0.5	Mostly FACU, UPL, or None = 0

**Total Vegetation Points:** \_\_\_\_\_

**Comments:**

Front Page Total \_\_\_\_\_ points

V.) Benthic Macroinvertebrates	Absent	Weak	Moderate	Strong
1.) Benthic Macroinvertebrates	0	0.5	1	1.5
2.) Bivalves	0	1	2	3
3.) EPT taxa	<i>Present</i> = 3			<i>Absent</i> = 0

Total Benthic Macroinvertebrates Points: \_\_\_\_\_

VI.) Vertebrates	Absent	Weak	Moderate	Strong
1.) Fish	0	0.5	1	1.5
2.) Amphibians	0	0.5	1	1.5

Total Vertebrates Points: \_\_\_\_\_

<b>Total Score:</b>
---------------------

Benthics/Amphibians Found:

**Weather**

Rain Gauge \_\_\_\_\_ Date of Last Rainfall \_\_\_\_\_ Rainfall Amount \_\_\_\_\_

**Reach Description**

Upstream: TRB HCT GRC RCU POF SDO ARB RPA Other: \_\_\_\_\_  
 Downstream: TRB HCT GRC RCU POF SDO ARB RPA Other: \_\_\_\_\_

Comments:

**Storm Network Connections and Watershed Observations**

**Riparian Buffers Width**

LB: Distance >25 feet 26-50 51-75 76-100 100+  
 Cover type: Tree Shrub Herbaceous Lawn Other:  
 Dominant Species:

RB: Distance >25 feet 26-50 51-75 76-100 100+  
 Cover type: Tree Shrub Herbaceous Lawn Other:  
 Dominant Species:

Riparian Buffer Comments
--------------------------

**Other Observations and Comments:**

Is the reach perennial?            YES            NO

Photo #	Direction (US, DS, LB, RB)	Notes