

AGENDA

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

October 10, 2006

7:00 P.M.

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A. ROLL CALL

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE - Jimmy Giron, an eighth-grade student at Toano Middle School

D. PRESENTATION – Clean County Commission

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I. PUBLIC COMMENT

J. REPORTS OF THE COUNTY ADMINISTRATOR

- CONTINUED -

K. BOARD REQUESTS AND DIRECTIVES

L. CLOSED SESSION

1. Consideration of a personnel matter, the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
 - a. Economic Development Authority
 - b. Williamsburg Regional Library Board of Trustees
2. Consultation of legal counsel and staff members pertaining to actual litigation, Section 2.2-3711(A)(7) of the Code of Virginia
3. Consideration of the acquisition of real properties for public use, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia.

M. ADJOURNMENT

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AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF SEPTEMBER 2006, 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
John J. McGlennon, Vice Chairman, Jamestown District
Jay T. Harrison, Sr., Berkeley District
James O. Icenhour, Jr., Powhatan District
M. Anderson Bradshaw, Stonehouse District

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

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE – Mary Burkland, an eighth-grade student at Berkeley Middle School, led the Board and citizens in the Pledge of Allegiance.

D. HIGHWAY MATTERS

Mr. Jim Brewer, Virginia Department of Transportation (VDOT) Williamsburg, stated the Monticello Avenue/Ironbound Road project was approximately 46 percent complete and lane changing would begin in a few weeks; the Greensprings Trail from Jamestown High School to Route 31 was about 80 percent complete; the Virginia Capital Trail was about 49 percent complete; and the project on Richmond Road was approximately 11 percent ahead of schedule.

Mr. Brewer stated he and John T.P. Horne are scheduled to go into the field on October 2, 2006, to view wayfinding signs and remove duplicates, and there was an upcoming meeting for the Ironbound Road project regarding pedestrian traffic and bike paths in order to analyze possibilities. Mr. Brewer stated he had distributed the plant mix schedule for repaving for next year with one road scheduled due to a budget of \$125,000 this year.

Mr. Bradshaw asked Mr. Brewer to compare the figure of \$125,000 for paving to the average budget.

Mr. Brewer stated for the County this budget would normally be about \$1,000,000 a year.

Mr. McGlennon asked what the impact would be for subdivisions that required resurfacing of roads.

Mr. Brewer stated there would not be sufficient funding to repave these roads in subdivisions as there was only one road listed on the paving schedule for FY 09.

Mr. McGlennon asked for clarification that there would be no repaving of subdivisions this year.

Mr. Brewer indicated that there would be none.

Mr. Bradshaw stated there was a superb job done on Route 60 west of Anderson's Corner where a drainage under the highway was substantially rebuilt and asked that the speeds be checked on two roads - Crossover Road near Lanexa and Old Stage Road through Anderson's Corner to the west. Mr. Bradshaw stated VDOT may have done a speed study for this road and asked Mr. Brewer to send a copy if so or to do another one if appropriate. He asked about pedestrian traffic signs in Toano as District Engineer Michael Corwin had wanted to replace pedestrian warning signs with handicap signs and replace pedestrian crossing signs with ones that were brighter.

Mr. Brewer stated the signs were on order and should be in within 30 days.

Mr. McGlennon asked the completion date of the paving of Jamestown Road.

Mr. Brewer responded the paving would be completed near the middle of October.

Mr. Harrison stated a constituent was asking for a pedestrian crossing switch in the Berkeley District and requested Mr. Brewer check for major crossings in the District where a pedestrian crossing switch might be warranted.

Mr. Icenhour asked for confirmation that when the County creates a six-year program, new construction is done with Board input while the maintenance budget is assessed annually through VDOT and is not under local jurisdiction.

Mr. Brewer stated this was correct.

Mr. Icenhour asked Mr. Brewer to explain why it was necessary to resurface Monticello Avenue.

Mr. Brewer stated Monticello Avenue was within the Primary System and funds could not be switched from the Primary System over to Secondary System. Mr. Brewer explained that though Monticello Avenue was a relatively new road, upon initial inspection it was found to need milling and repaving and since water flowed from one side of the road to other, the entire road needed to be milled. Mr. Brewer stated this would not be necessary again as this problem was repaired with the current resurfacing.

Mr. Icenhour asked for follow-up on a traffic light at Lafayette High School.

Mr. Brewer stated he was still working with staff and the School Board and due to extreme costs, the high school would continue to use Police to direct traffic.

Mr. Icenhour asked if there would be a traffic light near Warhill District Sports Complex.

Mr. Brewer stated not at this time.

Mr. Icenhour asked that additional striping be done on Longhill Road to ensure that people do not drive into the wrong lane at the main entrance of Ford's Colony.

E. PUBLIC COMMENT

1. Mr. Randy O'Neill, 109 Sheffield Road, asked for assistance in bringing a fitness program to students. Mr. O'Neil stated his support in the cooperation of municipalities for prevention of gangs in the area and asked the Board to encourage staff to provide a state-of-the-art facility to prevent obesity in young people in the community.

2. Mr. Ed Oyer, 139 Indian Circle, requested the total cost of the 800 MHz system and commented on density in relation to fire safety; inmate escape; removal of railroad tracks crossing Route 60; off-street parking and Loitering Ordinances; the acquisition of Upper County Park; and the Jamestown Campground and Marina.

F. CONSENT CALENDAR

Mr. McGlennon made a motion to adopt the items on the consent calendar as amended.

On a roll call vote, the vote was AYE; Harrison, Icenhour, McGlennon, Bradshaw, Goodson (5).
NAY: (0).

1. Minutes – September 12, 2006, Regular Meeting
2. Approval of Certain County Staff to Sign Virginia Department of Transportation Documents and Agreements

RESOLUTION

**APPROVAL OF CERTAIN COUNTY STAFF TO SIGN VIRGINIA DEPARTMENT OF
TRANSPORTATION DOCUMENTS AND AGREEMENTS**

WHEREAS, County/State Agreements for revenue sharing projects are required to be administered by the County; and

WHEREAS, from time to time the County will be administering projects, including Project Nos. 0763-047-R82, PE101, and C501 on Watford Road in James City County; and

WHEREAS, the Virginia Department of Transportation now requires the official signing for James City County to have authority from the Board of Supervisors to execute the necessary County/State agreements and amendments thereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator or Development Manager is hereby authorized to sign the necessary County/State agreements, amendments, and documentation required to administer any revenue sharing projects approved by the Board of Supervisors.

3. Regional Youth Violence Prevention Program

RESOLUTION

REGIONAL YOUTH VIOLENCE PREVENTION PROGRAM

WHEREAS, the James City County Police Department has joined efforts with other Peninsula law enforcement agencies and school districts in a youth violence prevention program; and

WHEREAS, the program will allow the jurisdictions and schools to collaborate in the development, administration, and implementation of this initiative; and

WHEREAS, as a member of this partnership, James City County will contribute \$3,615 toward the salary of the Program Manager and operational costs; and

WHEREAS, the City of Newport News will be the fiscal agent for this Program.

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

Revenues:

Operating Contingency -	<u>\$3,615</u>
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Expenditures:

Regional Youth Violence Prevention - City of Newport News	<u>\$3,615</u>
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4. Proceeds from Tax-Delinquent Property Sales

RESOLUTION

PROCEEDS FROM TAX-DELINQUENT PROPERTY SALES

WHEREAS, the Treasurer of James City County may initiate the sale of real property with taxes delinquent for at least three, but not more than twenty years; and

WHEREAS, the recovery of delinquent property taxes is the primary objective; and

WHEREAS, once property is sold at auction to a qualified bidder and costs of sale, legal fees, and taxes are paid, remaining equity is to be awarded the former owner(s); and

WHEREAS, the former owner(s) of the property, his heirs or assigns, must make a claim for the surplus proceeds of sale, if any, within two years of the date of confirmation of sale; and

WHEREAS, if no claim is made within two years, the Clerk of the Court shall pay the surplus proceeds to James City County; and

WHEREAS, the County has received surplus proceeds from the Clerk of the Court and the Clerk of the Court is currently holding additional monies; and

WHEREAS, excess proceeds from the sale of these properties could be reinvested in affordable housing or residential redevelopment projects targeting lower-income residents of the County; and

WHEREAS, collection estimates over the next year are approximately \$150,000, including \$63,866 collected in FY 2006 and currently in the June 30, 2006, fund balance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates \$150,000 to the Office of Housing and Community Development to reinvest in affordable housing or residential redevelopment projects targeting lower-income residents of the County.

Operating Budget:

Sources of Funds

Fund Balance	\$ 63,866
Proceeds from the Sale of Tax-Delinquent Properties	<u>86,134</u>
	<u>\$150,000</u>

Transfer to Housing and Community Development:	<u>\$150,000</u>
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Housing and Community Development:

Sources of Funds:

Contribution from the County General Fund	<u>\$150,000</u>
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Expenditures:

Affordable Housing and/or Residential Redevelopment	<u>\$150,000</u>
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5. Grant Award – Department of Motor Vehicles - \$1,500

RESOLUTION

DEPARTMENT OF MOTOR VEHICLES MINI-GRANT AWARD - \$1,500

WHEREAS, the Department of Motor Vehicles has approved a Mini-Grant in the amount of \$1,500 to the Police Department for traffic-related law enforcement equipment; and

WHEREAS, the grant requires no matching funds.

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

Revenue:

DMV – Mini-Grant	<u>\$1,500</u>
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Expenditure:

DMV – Mini-Grant	<u>\$1,500</u>
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6. Department of Motor Vehicles Grant - \$20,000

RESOLUTION

DEPARTMENT OF MOTOR VEHICLES GRANT - \$20,000

WHEREAS, the Department of Motor Vehicles has approved a grant in the amount of \$20,000 to the Police Department for traffic enforcement overtime and related equipment; and

WHEREAS, the grant requires in-kind local match, thus eliminating any additional spending by the Police Department, excluding court overtime and equipment maintenance; and

WHEREAS, the grant is administered by the Department of Motor Vehicles according to the Federal Government Fiscal Year which runs from October 1 through September 30, thus allowing any unspent funds as of June 30, 2007, to be carried forward to the 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:

Revenues:

DMV – Highway Safety	<u>\$20,000</u>
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Expenditures:

DMV – Highway Safety	<u>\$20,000</u>
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7. Virginia Department of Emergency Management – State Homeland Security Program – Grant Award - \$11,643

RESOLUTION

VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT – STATE HOMELAND

SECURITY PROGRAM – GRANT AWARD - \$11,643

WHEREAS, James City County has received a grant from the Virginia Department of Emergency Management in the amount of \$11,643; and

WHEREAS, the grant will allow for the purchase of first responder equipment to develop better preparedness to prevent, respond to, and recover from potential acts of terrorism; and

WHEREAS, the grant requires no matching funds; and

WHEREAS, the funds from this grant must be obligated by January 31, 2007; and

WHEREAS, the grant will provide needed equipment for the Police and Fire Departments of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grant and the following budget amendments and changes in appropriations to the Special Projects/Grants Fund:

Revenue:

State Homeland Security Program	<u>\$11,643</u>
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Expenditure:

State Homeland Security Program	<u>\$11,643</u>
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8. Appropriation of \$36,000 from the County's Fund Balance for a Benefits Consultant

RESOLUTION

APPROPRIATION OF \$36,000 FROM THE COUNTY'S FUND BALANCE FOR A

BENEFITS CONSULTANT

WHEREAS, James City County's 457 and 401 Deferred Compensation Plans have not been put out for competitive bid in over 15 years; and

WHEREAS, outside expertise is sought to make this analysis since it is complicated and \$10,000,000 of employee money is involved; and

WHEREAS, the funds intended for employee benefits use are available in the County's Fund Balance; and

WHEREAS, a prudent plan fiduciary would review such plans periodically to ensure they are competitive when compared to industry norms.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the appropriation of \$36,000 to contract with a benefits consultant through competitive bid to put the County's Deferred Compensation Plans out for bid.

G. PUBLIC HEARINGS

1. 2006 Agricultural and Forestal District (AFD) Renewals
 - a. Case No. AFD 1-02, Carter's Grove
 - b. Case No. AFD 4-86, Pate's Neck

Mr. Matthew Smolnik, Planner, stated two of the County's Agricultural and Forestal Districts were due for renewal, and a public hearing must be held to reestablish the term and continue the parcel in the program and at that time withdrawals could be requested by the property owners. Mr. Smolnik stated that withdrawals may be subject to rollback taxes. Mr. Smolnik stated 11 AFDs were renewed in January and August, that staff suggested the term for Carter's Grove to be four years and one month to synchronize with other AFD renewals, and that staff recommended a six-year term length for the Pate's Neck AFD renewal. Mr. Smolnik stated the Carter's Grove AFD was generally located between the James River, Ron Springs Road, and south of Pocahontas Trail (Route 60); and the Pate's Neck AFD was generally located south of Little Creek Dam Road and east of Menzels Road.

Staff found before the renewal period, 320.373 acres within the Carter's Grove AFD and 624.297 acres within the Pate's Neck AFD, with no withdrawal requested. Mr. Smolnik stated Colonial Williamsburg has requested to withdraw a portion of land from the Carter's Grove AFD located on Parcel No. (59-1)(1-30A) and totaling approximately 2.26 acres, and after the withdrawal the District will total approximately 318.113 acres.

At its meeting on August 9, 2006, the AFD Advisory Committee recommended approval of the renewals by a vote of 6-0.

At its meeting on September 11, 2006, the Planning Commission recommended approval of the renewals by a vote of 7-0.

Staff recommended approval of the ordinance to renew Carter's Grove AFD for four years and one month and Pate's Neck AFD for six years.

Mr. Goodson asked for more information about the Carter's Grove withdrawal.

Mr. Keith Johnson, Colonial Williamsburg, stated the withdrawal property was located along the entrance road to the management portion of Carter's Grove.

Mr. Goodson asked if this was only where the gravel road was currently or if it would be expanded.

Mr. Johnson stated this was land on either side of the road to allow for possible widening but none was planned at this time.

Mr. Goodson asked staff to clarify that pavement was not allowed in an AFD.

Mr. Smolnik stated this was correct.

Mr. Goodson opened the Public Hearings.

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

Mr. Bradshaw commented on Pate's Neck Timber Company, and clarified that it was not a timber company, but a wildlife conservation area, and stated that six years was an unusually long term for an AFD, but in the long run, six years is a short amount of time to conserve the land.

Mr. Bradshaw made a motion to adopt the two AFD renewal ordinances.

Mr. Goodson clarified that the Public Hearings for the items were simultaneous.

On a roll call vote, the vote was AYE; Harrison, Icenhour, McGlennon, Bradshaw, Goodson (5).
NAY: (0).

2. Employer Assisted Home Ownership Program Applications

Ms. Carol Luckam, Human Resource Manager, stated State Code and the resolution adopted by the Board to comply and required a public hearing to award home ownership grants to employees. Ms. Luckam stated 15 employees have already purchased homes through this program. Ms. Luckam stated seven employees had qualified for the grant program and ordinances were required for each employee to receive the grant funds. Ms. Luckam recommended adoption of the seven ordinances granting funds to employees applying for the Employer Assisted Home Ownership Program.

Mr. Goodson opened the Public Hearing.

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

Mr. Icenhour made a motion to adopt the seven ordinances.

On a roll call vote, the vote was AYE; Harrison, Icenhour, McGlennon, Bradshaw, Goodson (5).
NAY: (0).

H. PUBLIC COMMENT – None

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner commended the Board for the Celebration of Cultures at Chickahominy Riverfront Park and the Board support and participation. Mr. Wanner recommended the Board adjourn to 7 p.m. on October 10, 2006, and that following the Board meeting, a James City Service Authority Board of Directors meeting and a Williamsburg Area Transport Company Board of Directors meeting would be held.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour commented on revisions to the watershed management plans and that they would come forward on October 10, 2006, and stated he was comfortable with proceeding according to staff recommendations.

K. ADJOURNMENT

Mr. Harrison made a motion to adjourn.

On a roll call vote, the vote was AYE; Harrison, Icenhour, McGlennon, Bradshaw, Goodson (5).
NAY: (0).

At 7:32 p.m. Mr. Goodson adjourned the Board to 7:00 p.m. on October 10, 2006.

Sanford B. Wanner
Clerk to the Board

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MEMORANDUM

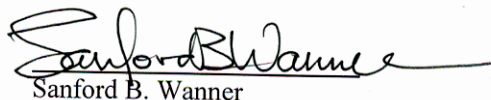
DATE: October 10, 2006
TO: The Board of Supervisors
FROM: William C. Porter, Jr., Assistant County Administrator
SUBJECT: Temporary Appointment of Acting Zoning Administrator

The attached resolution provides for the temporary appointment of an Acting Zoning Administrator to cover for the anticipated absence of Allen Murphy from the Planning Division due to his participation in the Succession Management Program. Mr. Murphy will be accepting a temporary position for six months in County Administration beginning November 1, 2006 until May 31, 2007. By this Memorandum, I am recommending that Melissa Brown, Senior Zoning Officer, be appointed Acting Zoning Administrator over this time period. Ms. Brown has achieved Certified Zoning Administrator status through the Virginia Association of Zoning Officials and she has demonstrated her ability to capably handle complex zoning matters.

Staff recommends approval of the attached resolution.

William C. Porter, Jr.

CONCUR:



Sanford B. Wanner

WCP/gb
TempAppt.mem

Attachment

RESOLUTION

TEMPORARY APPOINTMENT OF ACTING ZONING ADMINISTRATOR

WHEREAS, pursuant to Section 24-5 of the Code of the County of James City, the Board of Supervisors is responsible for appointing the Zoning Administrator; and

WHEREAS, an appointment of an Acting Zoning Administrator is necessary on a temporary basis beginning November 1, 2006, and ending May 31, 2007; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Melissa C. Brown as Acting Zoning Administrator for the time period specified herein.

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 10th day of October, 2006.

TempAppt.res

**REZONING -02-06/MASTER PLAN-03-06/SPECIAL USE PERMIT-19-06. Mason Park -
Reduced Street Width Request
Staff Report for the October 10, 2006, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Planning Commission:

Building F Board Room; County Government Complex

June 5, 2006, 7 p.m. (applicant deferral)

July 10, 2006, 7 p.m. (applicant deferral)

August 7, 2006, 7 p.m.

Board of Supervisors:

September 12, 2006, 7 p.m. (applicant deferral)

Board of Supervisors

October 10, 2006, 7 p.m.

SUMMARY FACTS

Applicant:

Mr. Vernon Geddy, Geddy, Harris, Franck & Hickman, LLP

Land Owner:

Mr. Griffin W. Fernandez

Proposal:

To rezone 9.11 acres of land from R-8, Rural Residential District, to R-2, General Residential District, with a request for a special use permit to allow an open-space cluster development to construct 15 single-family detached dwelling units with an overall density of 1.65 dwelling units per acre.

Location:

1916 Jamestown Road

Tax Map/Parcel No.:

(46-4)(1-17)

Parcel Size:

9.11 acres

Existing Zoning:

R-8, Rural Residential District

Proposed Zoning:

R-2, General Residential District, with proffers

Comprehensive Plan:

Low-Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION

Staff finds the proposal generally consistent with the 2003 Comprehensive Plan as outlined in the staff report.

Staff recommends that the Board of Supervisors approve this rezoning, special use permit, and master plan application.

Staff Contact:

José-Ricardo L. Ribeiro

Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

On August 7, 2006, the Planning Commission voted 7-0 to recommend approval of the rezoning, master plan, and special use permit with the acceptance of the proffers. The Planning Commission also suggested the applicant provide additional measures to ensure nutrient management plans are implemented on Homeowners Association property and individual lots, and that buffer effectiveness and performance is not impaired by the location of the bioretention basins.

Proposed Changes Made Since Planning Commission Meeting

Three proffers have been amended since the previous Planning Commission Meeting. Proffer No. 9, Environmental Protection, has been revised to allow property owners to replace low-impact design features located on their individual lots only with comparable features. Proffer No. 13 has been revised to reflect Fire Department concerns regarding the reduced street width request including language that requires the Homeowners Association to provide annual maintenance of all street trees to ensure that no branches intrude into any internal subdivision road below the 13-foot-6-inch Fire Department vehicle clearance requirement. Proffer No. 14 has been revised to require nutrient management plans for each lot and a seminar to be conducted on the site for all residents with the objective to acquaint residents with the procedures necessary to maintain healthy turf and landscape plans.

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

Cash Proffer Summary-Mason Park (See staff report narrative and attached proffers for further details)	
Use	Amount
Water	\$ 1,093 per unit
Schools	\$ 4,011 per unit
CIP projects - All other uses	\$ 1,000 per unit
Stream Restoration	\$500.00 per unit
Recreation	\$1,425.00 (total)
Total Amount (2006 dollars)	\$100,485.00
Total Per Lot	\$6,699.00 per unit, 15 units

PROJECT DESCRIPTION

Mr. Vernon Geddy has submitted an application, on behalf of Steven Miller of HHHunt Homes-Hampton Roads, LLC, to rezone approximately 9.11 acres from R-8, Rural Residential District, to R-2, General Residential District, with proffers. Additionally, the applicant has applied for a special use permit to allow an open space cluster development with a gross density of 1.65 dwelling units per acre.

Mason Park, as the proposed subdivision will be called, consists of 15 single-family detached units with detached garages. The property is located on the south side of Jamestown Road bounded by a private residence (zoned R-8), a segment of the Landfall at Jamestown subdivision (zoned R-2) to the south and east, a large parcel of vacant land (zoned R-8) to the west, and by two multifamily subdivisions, Foxfield (zoned R-5), and Jamestown 1607 (zoned R-2) to the north and across Jamestown Road. The property, including adjacent properties to the south, east, and west, falls within an area designated as Low-Density Residential according to the 2003 Comprehensive Plan. The properties across Jamestown Road from the site are designated Moderate-Density Residential and Low-Density Residential.

The property fronts and is accessed by 4-H Club Road (State Route 680) and a frontage road that runs adjacent and parallel to Jamestown Road. Because Jamestown Road right-of-way coincides with the 4-H Club Road right-of-way, the property is considered to front a Community Character Corridor (CCC) (Jamestown Road) and therefore subject to special considerations such as additional frontage buffers and enhanced landscaping fronting the property. The property also lies within the Jamestown Island-Greensprings Road Community Character Area.

The property is also located within the Powhatan Creek Watershed area and therefore, is subject to the special stormwater criteria outlined in the Powhatan Creek Watershed Management Plan.

Residential Cluster Development:

Density

The Residential Cluster Overlay District is intended to “achieve innovative and quality designs of residential developments above one dwelling unit per acre that provide avenues for affordable housing, minimize environmental impacts, provide for usable and meaningful open space, and provide recreation amenities within a more practical and efficient development.” Further, in order to achieve densities higher than one unit per acre, it is expected that the development provide community benefits such as “mixed-cost housing, affordable housing, unusual environmental protection, or development that adheres to the principles of open space development design.” Mason Park, with its proposed gross density of 1.65 dwellings units per acre, intends to provide community benefits by offering development strategies that ensure unusual environmental protection and adherence to the principles of open space design.

According to Section 24-549(a) of the Zoning Ordinance, the Board of Supervisors may grant a Special Use Permit (SUP) for residential cluster developments of more than one unit per acre but less than two units per acre, provided that the developer makes assurances for the following *with staff comments in bold italics*:

1. Implementation of Streetscape Guidelines as defined in the Streetscape Guidelines Policy. ***Proffered by the developer.***
2. Implementation of the County’s Archaeological Policy. ***Proffered by the developer.***
3. Provision of sidewalks on at least one side of all internal streets in the development. ***Proffered by the developer.***
4. Provision of recreation facilities in accordance with the County’s Parks and Recreation Guidelines. ***Proffered by the developer.***
5. Implementation of the County’s Natural Resources Policy. ***Staff has determined that the property is not located in any B1, B2, or B3 areas; therefore, adherence to this policy is not required.***

Open Space

According to Section 24-552(a) of the Zoning Ordinance, the minimum amount of open space in residential clusters “shall include not less than 40 percent of the net developable area of the site in low-density residential areas.” Mason Park achieves this requirement by calculating open space as demonstrated below:

- Approximately 1.68 acres of land not included in right-of-way or perimeter buffers count toward the 40 percent of required net developable open space.
- Approximately 1.69 acres out of 3.13 acres of land within perimeter buffers (Section 24-552 of the Zoning Ordinance states “that developable area of right-of-way buffers and perimeter buffers may be counted as open space to a maximum of 50 percent of the required open space.”) count toward the 40 percent of required open space within the net developable area of the site.

PUBLIC IMPACTS

Archaeology

Proffers:

- The County archaeological policy is proffered.

Staff Comment: A Phase I Archaeological Study for the Property shall be submitted to the Director of Planning for his review and approval prior to land disturbance.

Environmental

Watershed: Powhatan Creek

Proffers:

- The Owner shall submit to the County a master Stormwater Management Plan as part of the site plan submittal for the property.
- The Owner shall grant a natural open space easement to the County over the area within the limits of Priority Conservation Areas C-42/C-43.
- The Owner has proffered a Turf Management Program to be implemented in the proposed development. The Homeowners Association will be authorized to develop, implement, and enforce the turf management plan. The plan shall be submitted to the County's Environmental Director for review and approval.
- The Owner shall submit a tree survey with the site plan for the development of the property with the intent of preserving trees located within the 150-foot Jamestown Road buffer.
- A cash contribution of \$500 for each lot on the property shall be made to the County for off-site stream restoration elsewhere in the Powhatan Creek Watershed.
- The Owner shall incorporate green building practices as recommended in the National Association of Home Builders Model Green Building Guidelines.

Staff Comment: The Environmental Division has reviewed the revised rezoning application, including the concept master plan drawings, revised Community Impact Statements, revised proffers, and the response letter by the applicant/plan preparer. The Environmental Division supports approval of the rezoning application as currently presented.

Fiscal

The applicant has provided a fiscal impact statement that was reviewed by the Department of Financial and Management Services.

Proffers:

- A cash contribution of \$1,000 per dwelling unit will be made to the County to mitigate the impacts from physical development. This money can be used as a part of the County's Capital Improvements Program.

Staff Comment: The Department of Financial and Management Services concluded that Mason Park represents a small number of new homes; the fiscal impact of the proposal is close to a break-even, slightly positive or slightly negative. One of two vacant lots over the first five years would push the estimate positive.

Public Utilities

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

Proffers:

- Cash Contribution: For each unit, a cash contribution of \$1,093 is proffered.
- Water Conservation: Water conservation measures will be developed and submitted to the James City Service Authority (JCSA) for review and approval as part of the site plan or subdivision plat.

Staff Comment: The JCSA has reviewed the proposal and concurs with the proffers and master plan as proposed.

Public Facilities

Proffers:

- As noted above under the Fiscal Impact category, a cash contribution of \$1,000 per unit will be made to the County to mitigate the impacts from physical development. Additionally, a cash contribution of \$4,011.00 per unit will be made toward James City County Schools.

Staff Comments: According to the Public Facilities section of the Comprehensive Plan, Action No. 4 encourages through the rezoning, special use permit, or other development processes: 1) evaluation of the adequacy of facility space and needed services when considering increasing development intensities; and 2) encouraging the equitable participation by the developer in the provision of needed services. With respect to Item No. 1, the Board of Supervisors has adopted the adequate public school facilities policies for schools.

Mason Park is located within the Clara Byrd Baker Elementary, Berkeley Middle, and Jamestown High School districts. Under the proposed Master Plan, 15 units are proposed. The policy adopted by the Board uses the design capacity of a school, while the Williamsburg-James City County Public Schools (WJCC) recognizes the effective capacity as the means of determining student capacities. With respect to the policy, the following information is offered by the applicant:

School	Design Capacity	Effective Capacity	2005 Enrollment	Projected Students Generated	Enrollment plus Projected Students
Clara Byrd Baker Elementary School	804	660	752	4	756
Berkeley Middle School	725	816	876	2	878
Jamestown High School	1,250	1,177	1,524	2	1,526
Total	2,779	2,653	3,152	8	3,160

The student generation rate for single-family houses is 0.5 students per unit. This number used by the applicant is generated by the Department of Financial and Management Services in consultation with WJCC Public Schools and is an average rate based on historical attendance data gathered from existing single-family neighborhoods in James City County.

Staff Comment: The adequate public schools facility policy is based on design capacity. There is design capacity for this development at Clara Byrd Baker; therefore, this development meets the policy guidelines at the elementary school level. Both design and effective capacities are exceeded at Berkeley Middle, and Jamestown High Schools. Although the design capacity of Jamestown High School is clearly exceeded, the adequate public school facilities policy states that if physical improvements have been programmed through the County's Capital Improvements Program (CIP), then the application will meet the policy guidelines. On November 2, 2004, voters approved the third high school referendum and the new high school is scheduled to open in September 2007. Therefore, staff believes that this proposal meets the policy guidelines for the high school level. Further, as a new middle school has been scheduled to open in 2009, staff believes that this proposal meets the policy guidelines for the middle school level.

Parks and Recreation

Proffers:

- This project proposes approximately 0.84 acres of parkland, which includes a 50- by 35-foot tot lot and a 60- by 90-foot grassed open playfield. Additionally, Mason Park offers approximately 0.51 miles of multipurpose trail with exercise stations and a gazebo. The exact locations of the facilities and the equipment provided are subject to the approval of the Director of Planning.
- A one-time cash contribution of \$1,425 shall be made to the County in lieu of the provision of courts and ball fields. This contribution meets the standard proffers as recommended by the James City County Comprehensive Parks and Recreation Master Plan.

Staff Comment: Recreational facilities such as the area dedicated for parkland and multipurpose trail with exercise exceeds the recreational standards set forth by the James City County Comprehensive Parks and Recreational Master Plan. Voluntary cash contributions proffered to the County in lieu of courts and ball fields meets the standard proffers set forth by the Parks and Recreational Master Plan.

Transportation

Proposed Traffic: This site does not meet the threshold for a full traffic study (less than 100 peak hour trips), as this development generates 182 vehicles per day and 20 vehicles in either of the peak hours.

2005 Traffic Counts: From Cardinal Acres Drive to 4-H Club Road - 7,072 average daily trips.

2026 Volume Projected: From the James River to Neck-O-Land Road - 10,000 average daily trips.

Road Improvements: There are no road improvements proposed by this development.

Proffers: There are no proffers pertaining to transportation issues for this property.

VDOT Comments: VDOT has reviewed and concurs with the master plan as proposed.

Staff Comments: Staff concurs with VDOT findings.

COMPREHENSIVE PLAN

Land Use Map

Designation	<i>Low-Density Residential (Page 120):</i> The key features of the Comprehensive Plan description are the principle suggested uses, which include cluster housing and the allowance for higher densities, up to four units per acre, in exchange for public benefits to the community.
	Staff Comment: Mason Park proposes a gross density of 1.65 units per acre. To offset densities up to one unit per acre but less than four units per acre, residential development must demonstrate public benefits to the community such as “mixed-cost housing; affordable housing; unusual environmental protection; or development that adheres to the principles of open space development design (Page 120).” Staff finds that the proposed residential project achieves public benefits requirements by demonstrating open space development design and unusual environmental protection. Further explanation can be found in the Environmental Section on page 7.
Development Standards	<i>General Land Use Standards No .01 (Page 134):</i> To permit new development only where such developments are compatible with the character of adjoining uses and where the impact of such new developments can be adequately addressed. <i>General Land Use Standards No. 04 (Page 134):</i> To ensure protection of sensitive resources areas such as watersheds, historic, and archaeological resources, through the use of better site design, buffers and screening. <i>Residential Land Use Standards No. 06 (Page 137):</i> Residential developments are encouraged to be located on internal roads. Garages are encouraged to be located at the rear or side of dwellings, in order to de-emphasize the prominence of the garage and associated driveway.

	<p>Staff Comment: The proposed residential cluster development has comparable densities with surrounding residential developments. Special treatment of its frontage buffer area (enhanced landscaping and rural style fencing) will ensure compatibility with the quaint and rural character of surrounding neighborhoods. Since the property is located within the Powhatan Creek Watershed, a 100-foot-wide Resource Protection Area (RPA) buffer area will protect the sensitive nature of the wetland area located at the southern part of the property. To increase design quality of the proposed development, residences will be located on closed section roads with detached garages placed at the rear of residential units.</p>
Goals, Strategies and Actions	<p><i>Strategy No. 05 (Page 138):</i> To promote pedestrian, bicycle, and automotive linkages between adjacent land uses where practical.</p> <p><i>Action No. 15 (Page 140):</i> To encourage conservation easements and the use of land trust to facilitate open space preservation.</p> <p>Staff Comment: An eight-foot-wide paved multiuse path fronting State Route 680 will ensure pedestrian connectivity with adjacent parcels located to the east and west of the property. To promote the preservation of open spaces, a natural open space over the area within the limits of Conservation Areas (C-42/C-43) located adjacent to the southwestern boundary of the property has been proffered as a conservation easement to the County.</p>

Parks and Recreation

Goals, Strategies and Actions	<p><i>Action No. 04 (Page 39):</i> New development should dedicate right-of-way and provide sidewalks, bikeways, and greenway trails for both transportation and recreational purposes.</p> <p>Staff Comment: Sidewalks five feet in width installed along one side of all internal streets within the property have been proffered (Proffer No. 15). Additionally, approximately 0.51 miles of soft surface multipurpose walking trail with exercise stations are proposed for this residential development, part of which parallels Jamestown Road.</p>
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Environment

General	<p><i>Natural Resources Protection and Management, Powhatan Watershed Management Plan (Page 47) and Action No. 18 (Page 67):</i> To fully implement the watershed protection and restoration goals and priorities identified in the Powhatan Creek Watershed Management Plan adopted by the Board of Supervisors in 2002.</p> <p>Staff Comment: A combination of water quality protection strategies such as, Turf Management Plan (Proffer No. 14), Low-Impact Development techniques (bioretention facilities and grass swales), and the use of pervious surfaces features have been designed to minimize impact to the wetlands and perennial stream located at the southern area of the property. Additionally, a voluntary cash contribution to be used toward off-site stream restoration elsewhere in the Powhatan Creek Watershed has been proffered (Proffer No. 4-d).</p>
Goals, Strategies and Actions	<p><i>Strategy No. 02 (Page 65):</i> To assure that new development minimizes adverse impacts on the natural and built environment.</p> <p><i>Action No. 05 (Page 66, item g):</i> To encourage the use of Better Site Design, Low-Impact Development, and Best Management Practices (BMPs) to mitigate adverse environmental impacts by reducing the rate of increase of impervious cover.</p> <p><i>Action No. 22 (Page 67):</i> To promote the use of LEED (Leadership in Energy and Environmental Design) “green building” technique as a means of developing energy and water efficient buildings and</p>

	<p>landscapes.</p> <p><i>Action No. 23 (Page 67):</i></p> <p>To encourage residential and commercial water conservation.</p>
	<p>Staff Comment: The compacted nature of the proposed residential development (only 2.78 acres out of a total of 9.11 acres will be developed) will ensure minimal degradation of the natural environment. The proposed residential development will utilize Low-Impact Development strategies to reduce impervious cover by adopting features such as porous pavers and center grass strips for residential driveways, parking pads, and sidewalks located along one side of internal streets. A 100-foot-wide buffer area from the edge of the Powhatan Creek watershed will be provided. The owner has also proffered (Proffer No. 11) “green building” practices. Further, water conservation standards that address water conservation measure such as limitations on the installation and use of irrigation systems and irrigation wells have been proffered. Additionally, rain barrels to support residential watering needs for residents are to be provided for each dwelling unit.</p>

Transportation

General	<p><i>Roadway Components of County Transportation Planning, Jamestown Road (Page 76):</i></p> <p>Although traffic volume projections warrant the widening portions of Jamestown Road to a divided four-lane, the Comprehensive Plan recommends that this road be maintained as a two-lane facility. Residential or commercial development that adds significant traffic along this corridor beyond that currently planned is strongly discouraged.</p>
	<p>Staff Comment: Traffic generated by the proposed development would result in 180 vehicle trips per day and 20 vehicle trips per hour at peak times. The proposed density of 1.65 dwelling units per acre is significantly below the maximum four dwelling units per acre recommended by the Comprehensive Plan.</p>
Goals, Strategies and Actions	<p><i>Action No. 7 (Page 81):</i></p> <p>Encourage efficient use of existing and future road by limiting driveway access points and providing joint entrances, side street access, and frontage roads.</p>
	<p>Staff Comment: The proposed residential development fronts on a service road, perpendicular to Jamestown Road. Only one access driveway is proposed for this development to this road (SUP Condition No. 1).</p>

Community Character

General	<p><i>Community Character Corridors (Page 83):</i></p> <p>The proposed development fronts Jamestown Road, a CCC.</p>
	<p>Staff Comment: The proposed residential project provides and honors the recommended CCC buffer by providing a minimum setback of 150 feet from its frontage on State Route 680 (a 15-foot construction setback zone from the CCC buffer will also be provided). The CCC buffer includes enhanced landscaping which incorporates open spaces and rural style fencing compatible with surrounding neighborhoods.</p>
	<p><i>Community Character Areas (Page 87):</i></p> <p>The proposed development is located within the Jamestown Island-Greensprings Road Community Character Area. The following development standards would assist in the preservation of the integrity of the area:</p> <ul style="list-style-type: none"> • The architecture, scale, materials, and color of buildings should be complementary and reflect the historic character of James City County. • All development should be well screened from Jamestown Road. • Existing specimen trees and shrubs should be preserved to the extent possible. <p>Signage should be of scale, size, color, and materials to complement the architecture and scale of buildings.</p>

	Staff Comment: Design Review Guidelines setting forth design and architectural standards for the development of the property will be submitted to the Planning Director for review and approval (Proffer No. 11). The proffered enhanced landscaped buffers (Proffer Nos. 5 and 6) when reached maturity, will provide a vegetative screening from adjacent properties and from Jamestown Road. A tree survey of the frontage and perimeter buffer identifying specimen trees to be preserved (Proffer No. 12) and elevations of the entrance sign will be submitted to the Director of Planning for review and approval (Proffer No. 17).
Goals, Strategies and Actions	Action No. 8 (Page 96): To continue to require or encourage the planting of street/curb side streets. Staff Comment: The proposed residential development will adhere to the principles set forth by James City County's Streetscape Guidelines Policy (Proffer No. 13).

Comprehensive Plan Staff Comments

Staff finds that this application, as proposed, is generally in compliance with the Comprehensive Plan. The Low-Density Residential designation encourages residential development with proposed gross densities greater than one unit per acre and up to four units per acre to demonstrate higher quality design and to offer features that demonstrate particular benefits to the community.

Staff finds that the proposed residential development achieves higher quality design by adopting strategies that minimize land disturbances (reduced building setbacks and lot sizes); preserves indigenous vegetation (a natural open space easement to protect portions of contiguous forested area adjacent to the 100-foot RPA buffer area has been proffered); minimizing impervious surfaces (driveways featuring grass center strips, pervious parking pads, and sidewalks along one side of the proposed internal streets).

Additionally, staff finds that the proposed residential development offers benefits to the community by providing unusual environmental protection (dedication of open space area to the County, cash contribution to be used for off-site stream restoration elsewhere in the Powhatan Creek, and the use of Low Impact Development features in the property). Staff also finds that, in addition to unusual environmental protection, the proposed residential development adheres to some of the principles of open space design by providing adequate recreational areas, pedestrian circulation that includes trail systems, and by retaining natural vegetative buffers around water bodies or wetlands.

Request for Placement of Bioretention Basins in Buffers

Two bioretention basins are proposed to be located inside the 150-foot-wide CCC and one bioretention basin located within the northeastern perimeter buffer. Section 24-544(f) of the Zoning Ordinance states that “wet ponds, dry detention basins, and other structural BMPs shall not generally be permitted in buffers, except that the Planning Commission may approve them under the following circumstances” with ***staff comments follow in bold italics***:

1. The need is necessitated by site conditions rather than economic factors; and
Staff Comment: *The low end of the site abuts a perennial stream and is located within the tidal mainstream subwatershed of Powhatan Creek. In order to preserve the environmental integrity of this area, the stormwater management pond has been located away from its original outfall, at the low end of the site, and a system of four bioretention basins have been placed to enhance the overall efficiency of the stormwater management system.*
2. The screening/buffering effect of the buffer has been retained by design of the BMP and any degradation has been mitigated with additional planting or berms as necessary.
Staff Comment: *The proposed bioretention basins will not impact existing mature trees located within*

the buffer areas and should blend harmoniously with the proposed enhanced landscaping for the buffer areas.

On August 7, 2006, the Planning Commission approved the placement of the two proposed bioretention basins located inside the 150-foot-wide CCC and one bioretention basin located within the northeastern perimeter buffer.

Reduced Street Width Request

The applicant has also requested the Board of Supervisors support for reducing the street widths within the proposed Mason Park subdivision from the normal 28 feet to 22 feet (curb-to-curb), and with an associated reduction in the right-of-way from 50 feet to 40 feet. The applicant claims that reducing the street width of its internal roads will reduce impervious cover. In order to meet this policy, the applicant is responsible for meeting eight conditions, which include providing street trees, roll top curbs, sidewalks, no on-street parking signs, larger front setbacks, additional off-street parking, and fire hydrant placement as needed. The applicant has requested a waiver from Requirement No. 8, Intersection Trees.

Following is a staff summary (in bold italics) of the eight items required by the Reduced Street Width Policy. A letter from the applicant addressing the eight requirements of the Reduced Street Width Policy is attached to this report together with a copy of the James City County's Reduced Street Width Policy Resolution.

Condition No. 1: At least one fire hydrant shall be provided every 400 feet on the road(s) subject to the reduced widths.

Staff Comment: There are no road segments that exceed 400 feet in length proposed for this project. A fire hydrant is proposed for the internal intersection. The James City County Fire Department raised no objection to this finding.

Condition No. 2: For each lot that fronts on a road subject to reduced widths, the developer shall submit a letter stating that a minimum of three off-street parking spaces, exclusive of any garage or similar car shelter facility, shall be provided. A note to this effect shall be added to both the construction plans and recorded plat for the subdivision.

Staff Comment: The proposed project provides off-street parking pads and driveway spaces sufficient to accommodate at least three vehicles.

Condition No. 3: Front setbacks for all lots that front on a road subject to reduced widths shall increase to a minimum of 40 feet from the road right-of-way. However, this requirement shall not apply when design covenants, which are acceptable to the Director of Planning, indicating how the requirements of No. 2 above will be met, are recorded prior to, or concurrent with, the final subdivision plat. However, in no case shall the front setback be less than that required by the zoning ordinance.

Staff Comment: The applicant will provide design covenants that guarantee off-street parking.

Condition No. 4: The developer shall post signs in accordance with VDOT policy assuring that no on-street parking shall be allowed on the road(s) subject to reduced widths.

Staff Comment: The applicant will comply with this requirement.

Condition No. 5: Roll top curbs shall be used on all roads subject to reduced widths.

Staff Comment: The applicant will comply with this requirement.

Condition No. 6: A minimum three-foot sidewalk shall be provided on at least one side of all subdivision roads subject to reduced widths.

Staff Comment: A five-foot sidewalk is proposed for one side of the internal streets.

Condition No. 7: For each road where reduced widths are approved, trees shall be planted in accordance with the Streetscape Guideline Policy, as adopted by the Board of Supervisors.

Staff Comment: *The applicant proposes to plant trees that shall either meet or exceed the requirements set forth by the Streetscape Guideline Policy.*

Condition No. 8: No tree may be planted closer than 15 feet to the edge of pavement within 80 feet of any intersection on all roads with the reduced widths. A note to this effect, combined with appropriate graphic delineations, shall be added to the recorded plat.

Staff Comment: *The applicant has requested a waiver from this requirement arguing that the minimum sight distance at the anticipated 20 mph speed limit is only 200 feet and could be achieved without the 15-foot clear zone required as by this requirement. However, the James City County Fire Department strongly suggested adherence to this requirement, arguing that the issue at hand is not “line of sight” but rather appropriate access for the Fire Department apparatus. On August 25, 2006, a meeting was held among Planning staff, the applicant, and Mr. Greg Thompson, Assistant Fire Marshal for James City County, to discuss this issue. The Fire Department representative agreed to support the request for a waiver for this requirement if the following conditions are met:*

- a. Only small trees such as Crape Myrtle or Hornbeam, or very narrow growing (fastigate) trees such as Princeton Sentry Ginkgo, Columnar American Holly or Washington Hawthorn would be planted as part of the streetscape within the restricted area; and*
- b. The proffers would include a requirement for the Homeowners Association to provide annual maintenance to ensure that no branches intrude into any internal subdivision roadway below the 13-feet-6-inch fire vehicle clearance requirement.*

The applicant has agreed to the proposed conditions as indicated on the attached documentation titled, “Modification of Request for Reduced Street Widths,” signed by Mr. Theodore R. Calver from AES Consulting Engineers.

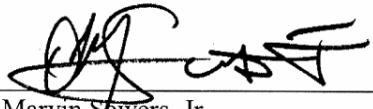
RECOMMENDATION

Staff finds the proposal generally consistent with the 2003 Comprehensive Plan as outlined in the staff report.

Staff recommends that the Board of Supervisors approve the request for street width reduction for the Mason Park subdivision. Staff also recommends that the Board of Supervisors approve this rezoning, special use permit, and master plan application for Mason Park with the acceptance of the voluntary proffers and approval of the special use permit conditions.

José-Ricardo Linhares Ribeiro

CONCUR:



O. Marvin Sowers, Jr.

JLR/gb

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ATTACHMENTS:

1. Planning Commission Minutes
2. Resolutions
3. Location Map
4. Community Impact Statement
5. Master Plan (under separate cover)
6. Letter Requesting for Reduced Street Width
7. Letter Requesting a Waiver from requirement No. 8 of the Reduced Street Widths Policy with one attached diagram
8. Copy of the Reduced Street Widths Policy
9. Elevations
10. Proffers

**APPROVED MINUTES OF THE AUGUST 7, 2006 MEETING
OF THE PLANNING COMMISSION**

Z-2-06/MP-3-06/ SUP-19-06 Mason Park

Mr. Jose Ribeiro presented the staff report stating that Mr. Vernon Geddy, III has applied to rezone 9.11 acres of land from R-8, Rural Residential District to R-2, General Residential District with a request for a special use permit to allow an open space cluster development for the construction of a maximum of 15 single family detached dwelling units with an overall density of 1.65 dwelling units per acre. The property is located at 1916 Jamestown Road and is further identified as Parcel No. (1-17) on JCC Tax Map No. (46-4). The property is designated Low Density Residential on the Comprehensive Plan Land Use Map. Recommended uses on property designated for Low Density Residential include very limited commercial establishments, single family homes, duplexes, and cluster housing with a gross density of 1 unit per acre up to 4 units per acre in developments that offer particular public benefits. Staff found the proposal generally consistent with the Comprehensive Plan and recommended approval.

Ms. Hughes asked about an existing architectural feature on the site.

Mr. Ribeiro stated that the 1-story house, 1928 Jamestown Road, is listed on the historic survey of James City County but has not been recommended for listing with the National Registry.

Mr. Fraley asked if the applicant has any concerns about the structure.

Mr. Ribeiro stated that there has been no discussion with the applicant concerning the house.

Mr. Obadal asked about the historical value of the home.

Mr. Sowers said the house was identified during an historical structures inventory and was not deemed a potential candidate for inclusion in the National Registry.

Mr. Obadal stated his concern that the Adequate Schools Facilities Chart does not include projected enrollment from approved projects that have not been developed or from by-right uses.

Mr. Sowers stated that review of the Adequate Public Facilities Test schools has been postponed due to the priority of other work programs.

Mr. Obadal asked if the chart currently used could be altered to include the data he requested.

Mr. Sowers said the information Mr. Obadal requested could be included in the current chart but would require a fair amount of staff effort. He also stated that the Adequate Public Facilities Test is a Board of Supervisors Policy and any revisions would require Planning Commission and Board of Supervisors approval.

Mr. Obadal suggested the current test be eliminated and replaced with an opinion from staff on the adequacies of the schools while the current Policy is under review.

Mr. Fraley asked if Mr. Kennedy was a member of the Board of Supervisors when the test was developed.

Mr. Kennedy said the test was developed prior to his tenure. He suggested the School System be involved in determining the adequacy of the facilities.

Mr. Obadal asked the Commission to consider a motion to recommend elimination of the policy to the Board of Supervisors.

Mr. Sowers stated staff has continued use of the test because it is a Board policy. He also stated that the information the Division has provided as been revised in an effort to provide better guidance.

Mr. Fraley suggested asking staff to forward a recommendation to the Board of Supervisors regarding the validity and appropriateness of the test.

Mr. Kennedy stated that adequate public facilities include more than schools and that a review of the policy should also include a determination of how to apply it. He also questioned adding the review of another policy to staff's heavy workload.

Mr. Obadal stated that he was not content with leaving a flawed policy in place and that partial or complete delay of some projects may be necessary until a review is complete.

Mr. Fraley asked Staff to forward to the Board of Supervisors the Commission's concerns about the validity and continued use of the Adequate Public Schools Test and ask for more direction.

Mr. Fraley complimented Mr. Ribeiro for the preparation of his staff report. He suggested that the design capacity and effective capacity for Berkeley Middle School might be transposed in the report.

Ms. Jones stated that the same data for Jamestown might also be incorrect.

Ms. Hughes asked what exceptional environmental features were included in the application.

Mr. Thomas enumerated what he felt were usual environmental protections to include the Powhatan Creek Watershed Management Plan, related proffers, conservation easement, extended buffer, low-impact development design features, and turf management plan.

Ms. Hughes and Mr. Thomas discussed the Environmental Division's up-coming presentation to the Board of Supervisors concerning buffering around the Powhatan Creek Watershed Management Plan.

Mr. Sowers added that the Zoning Ordinance allows for a density bonus for the proposed Green Building Practice's.

Mr. Kennedy asked for the scope of the requirement.

Mr. Sowers stated that the Design Guidelines must be reviewed by the DRC.

Mr. Fraley asked Staff's opinion on locating bio-retention features in the Community Character Corridor Buffer.

Mr. Thomas stated that Staff had no objections.

Mr. Obadal asked if a water feature similar to the one constructed in front of the courthouse could be used to improve the appearance of the basin.

Mr. Thomas stated that the proposed bio-retention basin is similar to the one at the courthouse but is of a smaller scale and deferred to the applicant.

Ms. Hughes asked if evergreens could be used in the basin.

Mr. Thomas said he did not think so and stated that the standard calls for three different types of trees, shrubs, and ground cover.

Mr. Sowers added that the location and design of the drainage features will require DRC approval.

Mr. Fraley opened the public hearing.

Mr. Vernon M. Geddy, III representing the applicant presented the proposal. He highlighted other projects developed and soon to be developed by the applicant. Mr. Geddy stated that the applicant has researched the architectural structure Ms. Hughes mentioned and determined that it is not eligible for listing in the National Registry.

Ms. Jones asked for more detail on the fiscal impact study.

Mr. Geddy stated that the initial study showing a positive fiscal impact was completed using budget data current at that time. He also stated that since that time newly adopted budget data indicates a slightly negative impact.

Ms. Jones asked Mr. Sowers for clarification of the negative impact given a sales price for the homes in the \$450,000 range.

Mr. Sowers stated that Staff had not been able to follow-up on the report with the Financial Management Services Division. He also stated that \$450,000 is near the break even point and that the amount of the negative impact is within the margin of error.

Mr. Fraley asked Mr. Sowers to verify the break even price.

Ms. Hughes asked for the results of the archaeological survey.

Mr. Geddy stated that five archaeological sites were located with one being potentially eligible for the National Registry. He stated that the applicant would either avoid that area or conduct further analysis.

Ms. Hughes asked for the type of materials on the buildings and garages.

Mr. Geddy answered brick and hardy plank.

Mr. Fraley referred to the applicant's turf management proffer and asked them to consider engaging the Turf Love program for the required studies.

Mr. Dave McGinnis, 3408 Chadsworth Circle, stated his concern with adding additional dwelling units in the county without further analysis of an adequate water supply.

Mr. John Schmerfeld, 128 Jordan's Journey, represented Friends of the Powhatan Creek Watershed. He stated that the plan incorporates key elements of Better Site Design and Low Impact Development. Mr. Schmerfeld expressed concerns about utilities being located within Resource Protection Areas (RPA) and recommended a 300 foot buffer and adequate energy dissipaters for the BMPs.

Mr. Obadal asked if the Friends of Powhatan Creek opposed the project.

Mr. Schmerfeld answered no and stated that their comments were recommendations only.

Mr. Fraley clarified that regarding the 300 foot buffer around the Powhatan Creek mentioned earlier that the Board of Supervisors will hold a work session tomorrow where they will hear comments from staff regarding possible protective measures.

Mr. Fraley asked Mr. Geddy if the 250 foot underground sewer line could cause major contamination if it were to break or become damaged.

Mr. Geddy showed pictures of a sewer bridge similar to the one proposed. He stated that there are 5300 linear feet of sewer bridge in James City County and that the JCSEA (James City Service Authority) has not had a problem.

Mr. Hunt asked if it would be forced main or gravity.

Mr. Geddy said it would be gravity.

Mr. Fraley asked for comments on the design of the Energy Dissipation unit.

Mr. Geddy stated that it was intended to meet the Stormwater Criteria and could be redesigned as necessary.

Mr. Fraley confirmed that the applicant would be willing to over-design as necessary.

Mr. Billups asked for the advantages in relation to stormwater of reducing street widths.

Mr. Geddy stated that the decrease in pavement reduces impervious surface.

Mr. Billups asked if it creates addition of building areas.

Mr. Geddy said it allows more open space.

Mr. Billups asked if there will be variances in the sales prices of the homes.

Mr. Geddy stated that the homes would be similar and that variations in price would depend on the options each homeowner chooses.

Hearing no other requests to speak the public hearing was closed.

Ms. Jones stated her concerns about schools overall and the lack of mixed cost housing. She also stated that the positives including location inside the PSA, compliance with the Comprehensive Plan, 150 foot buffer, and exceptional environmental protections outweighed the negatives.

Mr. Hunt stated that he liked the project and would support it.

Mr. Kennedy stated his concerns about schools, fiscal impacts, and water. He also stated that he was pleased with the environmental protections and would support the proposal.

Ms. Hughes stated her pleasure with the use of Better Site Design Principles. She also stated her concerns about the proposed encroachment into the Community Character Corridor and reduced street widths.

Mr. Fraley asked if Bio-retention Basins would be placed in both the Community Character Corridor buffer and the Perimeter Buffer.

Mr. Billups stated that it was a good design that will need some monitoring. He also stated his concerns regarding environmental and school impacts, and lack of affordable housing.

Mr. Obadal stated that although he shared Ms. Hughes' concerns he felt the project was worthwhile and should move forward.

Mr. Fraley complimented the applicant on the project and stated his support.

Mr. Obadal motioned to approve the application and attached conditions.

Ms. Jones seconded the motion.

Mr. Fraley and Mr. Sowers clarified the motion. Includes suggestions to provide additional measures to ensure turf management plans are implemented by the HOA and individual lots owners, and that buffer effectiveness and performance not be impaired by the bioretention basins.

In a unanimous roll call vote approval of the application was recommended (7-0). AYE: Billups, Hunt, Obadal, Jones, Hughes, Kennedy, Fraley (7); NAY: (0).

RESOLUTION

CASE NO. Z-02-06/MP-03-06. MASON PARK

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 notified, and a hearing scheduled on Case No. Z-02-06/MP-03-06, with Master Plan, for rezoning 9.11 acres from R-8, Rural Residential District, to R-2, General Residential District, with proffers; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on August 7, 2006, recommended approval by a vote of 7 to 0; and

WHEREAS, the property is located at 1916 Jamestown Road and can be further identified as Parcel No. (1-17) on James City County Real Estate Tax Map No. (46-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-02-06/MP-03-06 and accepts 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 10th day of October, 2006.

Z0206MP0306.res

RESOLUTION

CASE NO. SUP-19-06. MASON PARK

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 (SUP) process; and

WHEREAS, Mr. Vernon Geddy, III has applied for an SUP to allow an open space cluster development to construct 15 single-family detached dwelling units with an overall density of 1.65 dwelling units per acre; and

WHEREAS, the property is located on land zoned R-8, Rural Residential District, and can be further identified as Parcel No. (1-17) on James City County Real Estate Tax Map No. (46-4); and

WHEREAS, the Planning Commission, following its public hearing on August 7, 2006, voted 7 to 0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 19-06 as described herein with the following conditions:

1. Only one entrance shall be allowed onto 4-H Club Road, State Route 680.
2. If construction has not commenced on this project within 36 months from January 1, 2008, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation that have passed required inspections.
3. This SUP 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 10th day of October, 2006.

SUP19_06MasonPark.res

RESOLUTION

REDUCED STREET WIDTHS–MASON PARK

WHEREAS, the required width of public streets located within subdivisions is set forth in the Virginia Department of Transportation's ("VDOT") Subdivision Street Design Guide (the "Guide"); and

WHEREAS, the Guide requires that the streets in the Mason Park subdivision be 28 feet in width; and

WHEREAS, in certain circumstances, the Guide allows for reductions in the required pavement width; and

WHEREAS, the landscape architect/senior planner for AES Consulting Engineers, on behalf of HHHunt Homes-Hampton Roads, LLC, has requested a reduction in the required pavement width from 28 feet (curb to curb) to 22 feet (curb to curb), with an associated reduction in the right-of-way from 50 feet to 40 feet for the Mason Park subdivision internal streets; and

WHEREAS, the landscape architect/senior planner for AES Consulting Engineers, on behalf of HHHunt Homes-Hampton Roads, LLC, has requested a waiver from Item No. 8, Intersection Trees, of the Reduced Street Width Policy adopted by the James City County Board of Supervisors on April 25, 2000; and

WHEREAS, VDOT has agreed to the proposed reduction; and

WHEREAS, VDOT may not approve a request for a reduction in subdivision street pavement width without a written request by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests that VDOT approve the reduction from 28 feet to 22 feet for the Mason Park subdivision internal streets.

BE IT FURTHER RESOLVED that the County will require off-street parking in the Mason Park subdivision in conformance with Section 24 VAC-30-91-110 of the VDOT *Subdivision Street Requirements*.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

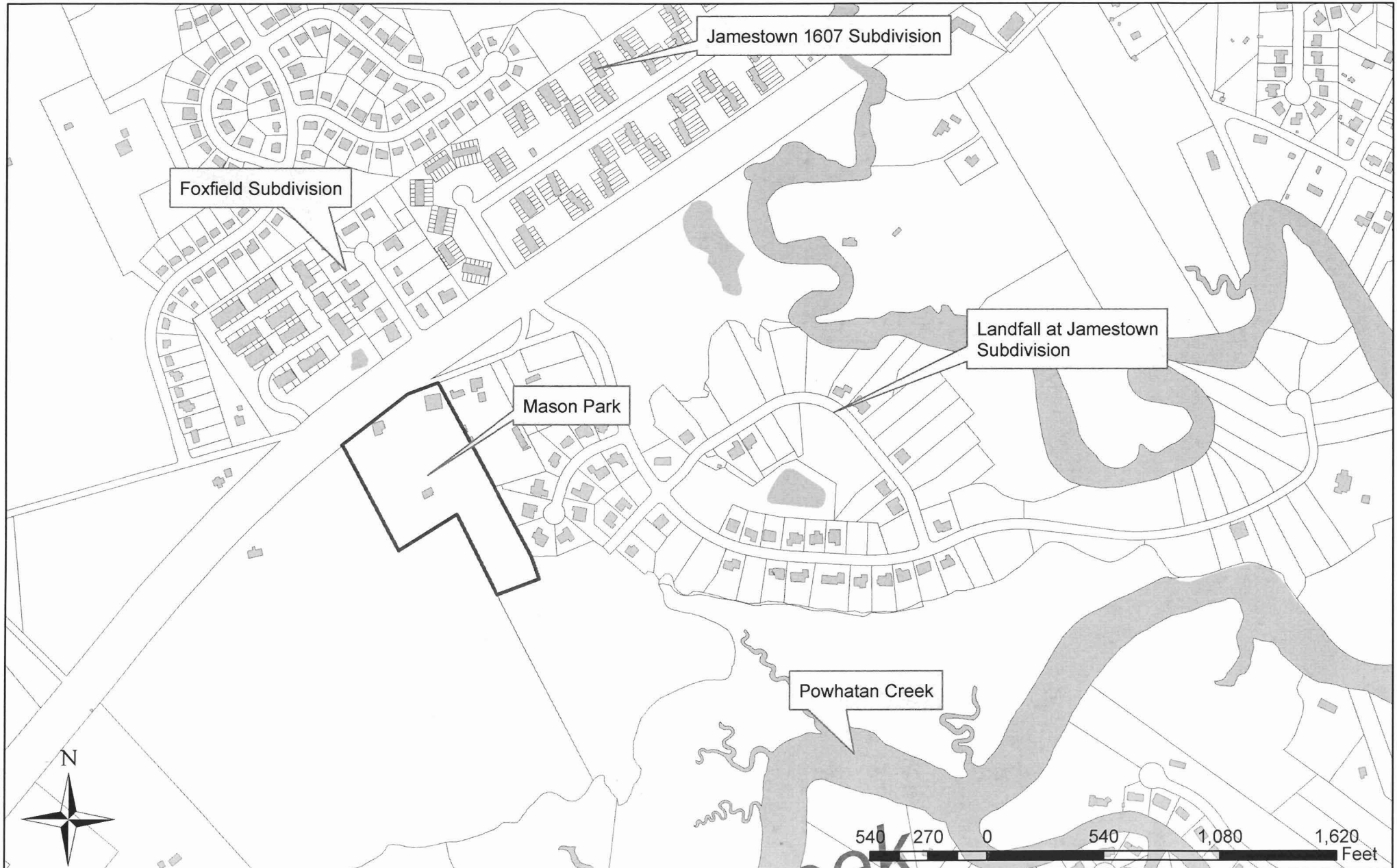
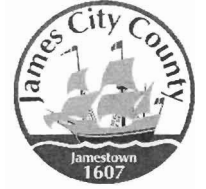
Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of
October, 2006.

RedStWid_MasonPark.res

JCC-Z-02-06/MP-03-06/SUP-19-06

Mason Park



Community Impact Statement Rezoning & Special Use Permit

for

Mason Park



Prepared For

Mr. Steven N. Miller

with

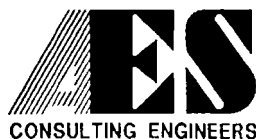
HHHunt Homes – Hampton Roads, LLC

740 Thimble Shoals Blvd., Suite B
Newport News, VA 23606

April 24, 2006
(Revised July 31, 2006)

AES Project Number: 9676-01

Prepared by:



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I. INTRODUCTION

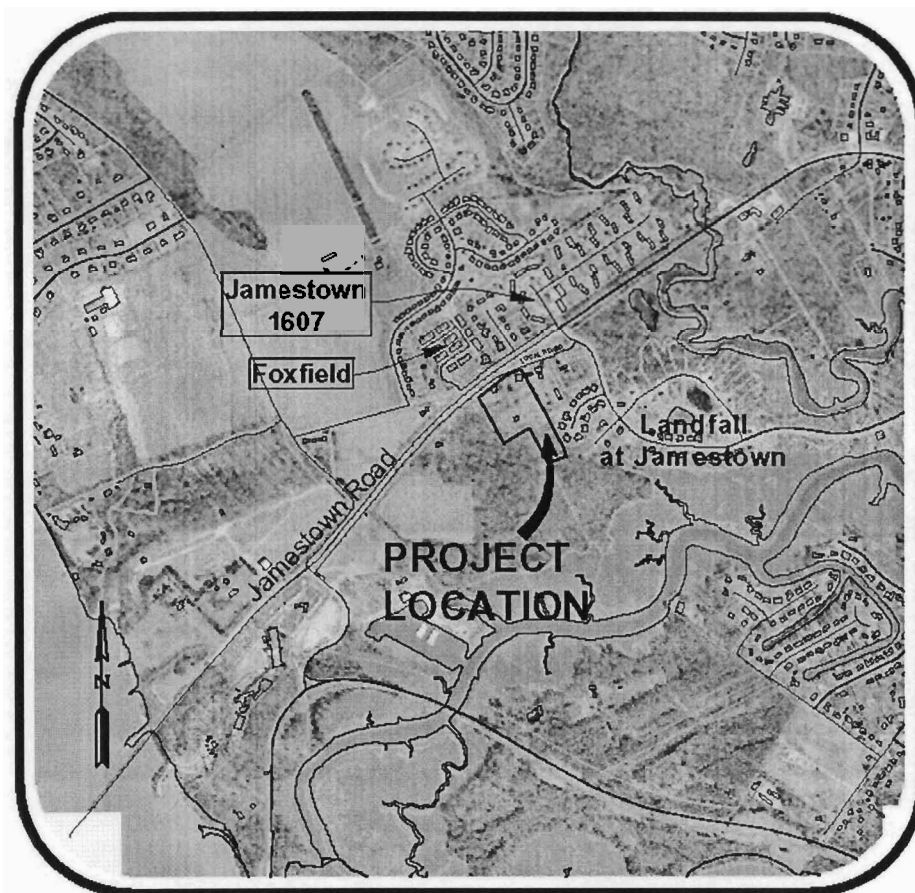
HHHunt Homes - Hampton Roads, LLC, Virginia, proposes to develop a residential cluster subdivision in James City County on approximately 9.11 acres located in the R-8 (Rural Residential) zoning district. The subdivision will be called Mason Park. HHHunt is seeking to rezone the property to the R-2 (General Residential) zoning district with a request for a Special Use Permit to allow an open space cluster development with a density of 1.65 units per acre.

The property is located on the south side of Jamestown Road across from Foxfield and Jamestown 1607, two, multi-family subdivisions. It is adjacent to a private residence and a portion of the Landfall at Jamestown subdivision to the south and a large parcel of vacant land to the west. Access to the property is from 4H Club Road, a collector road which feeds into Jamestown Road, the adjacent and parallel main thoroughfare. The property is bounded by lands zoned R-8 to the east and west and by R-2 properties to the south and southeast. The two developments to the north and across Jamestown road from the site are zoned R-5 and R-2.

The site contains a one story brick house, a dilapidated wood frame home and a wood frame barn. The existing homes are located near the road in open area containing several specimen oak trees. The barn is to the south in an open field and a small wooded slope leads to wetlands and a small stream running generally west to east along the rear property line. The property falls within an area designated as Low Density Residential on the current James City County Comprehensive Plan. The site contains some wetlands and a perennial stream and falls within the Powhatan Creek Watershed Tidal Mainstem. Although no lands designated as Conservation areas on the Comprehensive Plan are on the subject property, it abuts and includes a small portion of forested land listed as a priority conservation area (C-42/C-43) in the Powhatan Creek Watershed Management Plan. The properties across Jamestown Road from the site are designated Moderate Density Residential. Mason Park while accessed from 4H Club Road is located along Jamestown Road, a Community Character Corridor. The proposed community will also lie within the Jamestown Island – Greensprings Road Community Character Area.

Exhibit 1 – Location Map

(Scale Approx. 1"=2000')



II. THE PROJECT TEAM

The organizations that participated in the preparation of the information provided in this impact study are as follows:

- Developer -HHHunt Homes of Hampton Roads
- Land Planning -AES Consulting Engineers
- Civil Engineering -AES Consulting Engineers
- Legal -Geddy, Harris, Franck & Hickman, LLP
- Environmental -Williamsburg Environmental Group, Inc.
- Traffic -Kubilins Transportation Group, Inc.
- Fiscal -The Wessex Group, Ltd.

Key components of this Community Impact Study are:

- Planning Considerations, Project Description, and Density Analysis
- Analysis of Impacts to Public Facilities and Services
- Traffic –Technical Memorandum
- Fiscal Impact Study
- Environmental Inventory

III. PLANNING CONSIDERATIONS AND PROJECT DESCRIPTION

Planning Considerations

Mason Park lies within the Primary Service Area of the county. The Primary Service Area defines areas presently served by public water and sewer, and high levels of other public services, as well as areas expected to receive such services over the next 20 years. Plans for Mason Park are being pursued with the knowledge that water and sewer services can be brought to the site and that there is ample capacity in these systems to support this project. The PSA is an important planning tool in James City County and it encourages efficient use of public facilities and services, avoids overburdening such facilities and services, helps ensure facilities are available where and when needed, increases public benefit per dollar spent, promotes public health and safety through improved emergency response time and minimizes well and septic failures.

The 9.11 acre site being planned fronts on State Route 680, 4H Road. The right-of-way for this road coincides with the Jamestown Road Right-of-Way. Jamestown Road is designated as a Community Character Corridor. Any new residential development requiring rezoning must provide a 150' buffer along frontage of roads designated as Community Character Corridors. The County "acknowledges that views along these roads can have a significant impact on how citizens and visitors perceive the character of an area." Planning for Mason Park has taken into consideration the views to and from the site through the corridor buffer, the location of existing vegetation, including specimen trees, and the need for additional landscaping to compliment the development and the corridor as well as this particular buffer's ability to also function as an important infiltration element in the overall site stormwater management plan. The Ordinance provides a mechanism to allow activities such as bioretention within the buffer when the purpose of the buffer is not compromised and with the approval of the Planning Commission.

The site also lies within the Jamestown Island-Greensprings Road Community Character Area. Planning for Mason Park recognizes that this area serves as a gateway to many significant historical and archeological sites in the County; and, thus, will reflect in its' design sensitivity to architectural scale and character, screening from Jamestown Road, preservation of specimen trees and natural woodlands, complimentary landscaping, and the promotion of pedestrian and bicycle access.

The site is designated as Low Density Residential on the Comprehensive Plan. Low Density Residential Areas are suitable for residential developments of up to one unit per acre within the PSA depending on the character and density of surrounding properties, the physical attributes and density of the property being planned, and the degree of the project's consistency

with the Comprehensive Plan. In order to encourage higher quality design, residential developments with densities greater than 1 unit per acre and up to 4 units per acre may be considered if they offer particular public benefits to the community. "Examples of such benefits include mixed-cost housing, affordable housing, unusual environmental protection, or development that adheres to the principles of open space development design." Mason Park will be shown to provide specific benefits to the County through adherence to and expansion of the County's guidelines for open space design. (Also See Appendices 1 & 2)

Other important planning considerations involve the environmental concerns associated with the site's location within the Tidal Mainstem of the Powhatan Creek Watershed. Mason Park illustrates the public benefit of unusual environmental protection by meeting and exceeding the County's expectations for stormwater management, Special Stormwater Criteria (SSC), ground water recharge and by providing additional protections to conservation and Resource Protection Areas and associated buffers. The Master Plan illustrates this additional protection. (Also See Appendices 1 & 2)

The existing zoning of the Mason Park property is R-8. This designation is "intended for application to rural areas of the county which remain inside the Primary Service Area where utilities and urban services are planned but not yet fully available and where urban development may be expected in the future". The district is intended to maintain a rural environment "until such time as an orderly expansion of urban development is appropriate". With the availability of public utilities and the character of adjacent development, HHHunt believes that a quality and orderly and modest urban expansion in this area is appropriate.

The proposed zoning of Mason Park is R-2. R-2 is a Low Density Residential district. Low Density Residential areas call for a maximum density of one unit per acre: "The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage the clustering of residential developments to maximize shared and purposeful open space, to protect the natural environment and to promote a sense of community, to prohibit activities of a commercial nature and to implement the policies and designations of the Comprehensive Plan applicable to low-density residential areas." Within certain Low Density Residential areas, single family developments with a density greater than one unit per acre but no greater than four units per acre may be allowed with a Special Use Permit utilizing Cluster techniques as outlined in Article VI. The Residential Land use Standards in the Comprehensive Plan recommend land use goals, strategies, and actions. A specific action recommended by the Comprehensive Plan is to "Continue using policy and ordinance tools to ensure the provision of open space. In particular, maintain or increase incentives for cluster development within the PSA by permitting higher residential densities in exchange for the additional open space that

provides significant benefits to the community.”

Cluster techniques, as outlined in Article VI, are intended to “maximize shared and purposeful” open space. Mason Park exceeds the requirements for open space outlined in Article VI. The neighborhood is being planned for 15 homes representing a gross density of 1.65 units per acre. The zoning ordinance outlines the methodology and requirements for increasing density above one unit per acre. A detailed density analysis is included with the project description.

Project Description

HHHunt Homes - Hampton Roads, LLC is proposing to develop a residential community called Mason Park on approximately 9.11 acres in the Community Character Area of Jamestown in James City County. The site is within the Primary Service Area and will be served by public water and sewer. The illustrative plan shows 15 single family lots 50'-60' wide to 105' in depth accessed from a 50' public right of way. The site will be served by a single access point along 4H Club Road. Home prices will start at \$450,000. These prices insure minimal, if any fiscal impact for the County and guarantee a high quality product in this important location along Jamestown Road. The supplementary plans and drawings with this submittal illustrate the quality and character of the proposed homes and the pleasant and clean character of the neighborhood. The plan is compact for a reason. The amenities at Mason Park are the homes and the setting. Reducing lot size without sacrificing the quality of the architecture leaves generous open spaces and buffers surrounding the neighborhood.

Mason Park will be designed as a Residential Cluster and, as currently planned, provides in excess of the 40% required “net developable” open space. The cluster plan meets the criteria for developable open space with a variety of common open spaces including buffers, planned recreation areas, trails, and a well designed streetscape. Most of the nearly 1 acre neighborhood park lies between the developed area of the neighborhood and the natural area along the perennial stream. The neighborhood contains approximately 2.78 acres of developed area with the remaining 6.33 acres in open space. Total impervious surfaces comprise just over 18% of the property. With thoughtful design of such impervious areas as walkways on lots, driveways, and garage pads, the total impervious area may be further reduced with the introduction of pervious pavement systems.

Because 4H Club Road (State Route 680) falls within the Jamestown Road Right-of-Way, a well groomed and landscaped 150' Community Character Corridor buffer is provided. This buffer contains two specimen trees visible from Jamestown Road. Buffers surrounding the

property have been increased in width to insure adequate screening and to provide more opportunities for Low Impact Design features as part of the overall stormwater management plan. These buffers and LID's will be landscaped to enhance their function as buffers and as infiltration areas.

The recreation package at Mason Park will exceed the requirements of the County's Master Recreation Plan. A trails system with fitness stations is planned to surround the neighborhood, connect to the sidewalk system and to Route 680 and the bike lanes at Jamestown Road. A gazebo will be located along the trail and will terminate the vista from the entrance road. Open green areas will contain landscaping and seating areas; and, a tot lot is also proposed. A large park area lies at the rear of the site and is connected to the neighborhood by the trail system.

The density proposed for Mason Park is 1.65 units per acre. This density falls within the range (one to four units per acre) called for in Low Density Residential areas and is earned as prescribed by the zoning ordinance. The following analysis compares the current plans for Mason Park with the Density Standards outlined in Section 24-549 of the Cluster Overlay District.

In paragraph (a) (2), a density of more than one unit per acre but no more than two units per acre can be achieved with master plan assurances for:

- Implementation of Streetscape Guidelines
- Implementation of Archeological Policy
- Provision of sidewalks on at least one side of all internal streets and entrance roads
- Provision of recreation facilities per the County's Comprehensive Parks and Recreation Master Plan
- Implementation of County's Natural Resources Policy

All of the above shall be implemented at Mason Park. Streets in Mason Park will include the applicable streetscape guidelines and, at a minimum, will include street trees (1 tree per 40 linear feet of frontage).

Per the James City county Archeological Policy, a report of the Phase I Archeological Study presently underway will be prepared and submitted to the Director of Planning for review and approval prior to any land disturbance.

Sidewalks shall be provided on one side of all internal streets including the entrance road as shown on the illustrative plan.

Mason Park will provide recreation facilities meeting or exceeding the criteria outlined in the County's Comprehensive Parks and Recreation Master Plan (see plans and Recreation Requirements chart on sheet 2).

In paragraph (a) (3), a density of more than two units per acre but no more than three

units per acre may be allowed with assurances for the following:

- a. Provision of pedestrian and/or bicycle trails, where topographically feasible, which connect cul-de-sacs throughout the development to each other and to the recreation area; or provision of sidewalks on both sides of all internal streets in the development, including the entrance road; or a combination of trails and sidewalks as stated above, as well as entrance roads.
- b. Construction of curb and gutter design on all streets within the development.

The above items shall be provided at Mason Park. All streets will be designed with roll top curb and gutter and pedestrian trails and sidewalks (on one side of the street) have been provided to connect the reduced area turnarounds (a more environmentally friendly alternative to traditional cul-de-sacs) and open space throughout the community. As noted on the Recreation requirements chart on Sheet 2, these connections are over and above the trails required by the Parks and Recreation Master Plan.

(b) An additional .5 units per acre may be awarded for superior design which incorporates environmentally sensitive natural features, and vistas as suggested by the Natural Areas Inventory, protection of wildlife corridors, the creation of buffers around RMA wetlands and sustainable building practices as referenced in the Sustainable Building Sourcebook of the City of Austin or the Sustainable Building Technical Manual by the U.S. Department of Energy.

While the additional .5 units per acre is not being requested, HHHunt has made every effort to increase and retain open space adjacent to RMA and RPA areas as currently identified on this property. While not required for the density requested the additional buffering of Resource Protection areas does represent a significant benefit to the community.

By the criteria outlined above, the plans for Mason Park qualify for the density bonuses outlined in the Zoning Ordinance up to and in excess of the 1.65 units per acre requested with this rezoning and Special Use Permit application. (Also See Appendices 1 & 2)

A detailed Environmental Inventory has been conducted on this property. Work performed by the Williamsburg Environmental Group confirms wetland areas and stream perennality currently depicted on the Master Plan and further described in the Powhatan Creek Watershed Study. Non-developable areas containing slopes of 25% or greater, of which there are none, probable wetlands and a perennial stream have been mapped and total approximately 0.68 acres. These non-developable acres comprise approximately 7.46% of the total parcel acreage. See also the Environmental Inventory drawing identifying areas of non-developable lands, stormwater management areas and site soil conditions.

See Section VI for a detailed description of the stormwater management plan for Mason Park.

IV. ANALYSIS OF IMPACTS TO PUBLIC FACILITIES AND SERVICES

The subject property of this rezoning application is located within the Primary Service Area of James City County. Identified on the zoning maps, the Primary service Area is an area where urban development is encouraged to occur. Public water and public sanitary sewer services (and other public services such as police, fire and life rescue, and transportation) are presently provided to parcels within the Primary Service Area.

A. Public Water Facilities

The subject property will be served with public drinking water by the existing JCSA water distribution system in the area. JCSA currently maintains a 12" water main along the north side of Jamestown Road. Discussions with representatives of the James City Service Authority has not revealed any concerns on the ability of the current water system to meet the demands of the this proposed project. Therefore, no water system upgrades are expected for the very minor increase in demand this proposal would create on the public water system.

The project's internal water system will likely consist of 4-inch and 8-inch water mains, thus providing the project adequate volumes and pressures for consumption and fire protection. Verification of the adequacy of the JCSA existing water system and, design of the on-site water main extensions, will be further scrutinized with modeling techniques once field testing has been completed.

Water consumption for the proposed project is estimated at 4,500 gallon per day (average), with a Maximum Day Water Demand of 7,650 gallons per day. Peak Hour Water Demand for this project is estimated at 750 gallons per hour (approximately 12.5 gallons per minute).

B. Public Sewer Facilities

Again it is important to note that this project is located within the Primary Service Area. Therefore, wastewater produced by this proposed project would be conveyed to treatment facilities through a public sewer system.

Although there are no public sewer services offered directly to the property, public sanitary sewer is available almost immediately to the southeast of the site via a sewer bridge connection to a manhole located in the Landfall Village phase of the Landfall at Jamestown subdivision. The extension of the wastewater collection system in this area effectively increases

the “sewershed” of the existing nearby lift station, LS 9-2 located on Robert Fenton Road within the Landfall at Jamestown subdivision. Communications with JCSA representatives revealed ample capacity of this lift station to accommodate the additional sewage flows generated by this project.

The estimated average daily flow generated from the proposed development is 4,500 gallons per day (GPD) with a peak flow rate of 12.5 gallons per minute (GPM). See Table 1 below for details of projected wastewater flows.

Table 1 – Wastewater Flows

Type of Development	No. of Units	Flow (GPD/Unit)	Average Daily Flow (GPD)	Duration (hrs)	Avg Flow (GPM)	Peak Flow (GPM)
Single-Family Residential	15	300	4,500	24	3.1	12.5

C. Public Schools

Mason Park is located within the Clara Byrd Baker Elementary, Berkeley Middle, and Jamestown High School districts. The Mason Park Master Plan proposes a total of 15 residential units. Table 2 below shows the projected students generated from the project. Table 3 shows the current school capacities and enrollments for 2006.

Table 2 - Student Projections

Housing Type	Residences	Generator	Total Students
single family	15	0.5	8

Table 3 - School Capacity

Existing Public School Facility	Design Capacity	Program Capacity	Effective Capacity	Current 2006 Enrollment	Capacity (No. & % Over(-)/Under(+))		% of Student Breakdown	Additional Students
Clara Byrd Baker Elementary	804	691	660	822	-18	-2.2%	47%	4
Berkeley Middle School	725	828	816	908	-183	-25.2%	24%	2
Jamestown High School	1250	1250	1177	1534	-284	-22.7%	29%	2
Total	2779	2769	2653	3264	-485		100%	8

Table 3 shows how schools may be affected by the requested development. At present, the elementary school is marginally over design capacity by 2.2% and the proposed addition of 4 students would only raise that figure to 2.7%. The middle school is presently 25.24% over design capacity and the 2 projected additional students would raise that number slightly more than three tenths of a percent to 25.52%. The addition of 2 more students to the high school has less than two tenths of a percent impact, totaling 22.88% over capacity. The pressure on high school capacity will be relieved soon with the construction of a third high school—slated for an August 2007 opening. The new High School will solve the current overcrowding of Jamestown High School and create adequate design and program capacity for Mason Park.

D. Fire Protection and Emergency Services

There are currently five fire stations providing fire protection and Emergency Medical Service (EMS) to James City County. Each station is placed within the County in such a way as to help achieve the response goal of six minutes or less. Every station is staffed by three shifts of career and volunteer Firefighters. Station crews are responsible for the pre-planning of target hazards in their area as well as safety inspections of private businesses within the response district.

In addition, there exists a mutual aid agreement with the City of Williamsburg and York County for backup assistance. The location of the project allows for coverage by two of the county's five stations: Station 3, located on John Tyler Highway, and Station 5, located on Monticello Avenue, will be within reasonable response times of the project.

E. Solid Waste

The proposed development on the subject property will generate solid wastes that will require collection and disposal to promote a safe and healthy environment. Reputable, private contractors will handle the collection of solid waste. Both household trash and recyclable material will be removed from this site to a solid waste transfer station.

F. Utility Service Providers

Virginia Natural Gas, Dominion Virginia Power, Cox Communications, and Verizon Communications provide, respectively, natural gas, electricity, cable TV service, and telephone service to this area. The current policy of these utility service providers is to extend service to the development at no cost to the developer when positive revenue is identified; plus, with new land development, these utility service providers are required to place all new utility service underground.

V. ANALYSIS OF ENVIRONMENTAL IMPACTS

An environmental inventory, wetland delineation, and perennial stream analysis has been prepared by the Williamsburg Environmental Group. A copy of the inventory is included in this report.

VI. ANALYSIS OF STORMWATER MANAGEMENT (SWM) / BEST MANAGEMENT PRACTICES (BMP)

A conceptual stormwater management program, meeting the general criteria of the Commonwealth of Virginia and James City County's stormwater requirements, was completed as a component of the planning for the proposed Mason Park. The goal of the stormwater management program is to meet and exceed local and state stormwater requirements.

In evaluating preliminary stormwater management solutions of the proposed development on the subject site, the site characteristics are considered. Preliminary site observations and mapping identify the following unique site characteristics to be considered in stormwater management planning:

- The property drains to an unnamed tributary of Powhatan Creek, and lies within the "Tidal Mainstem" portion of the Powhatan Creek watershed.
- The property currently contains a small, previously cultivated farm field, limited hardwood forest areas, a wood frame house and associated outbuildings.
- All of the project area's existing drainage is surface runoff, ultimately converging to the unnamed tributary of Powhatan Creek, located in the southeastern corner of the project site.
- The project site largely consists of level, poorly drained soils.

Stormwater management, conceptually, consists of two primary components:

- 1) **A wet pond BMP with the ability of providing stormwater management for approximately 50% of the development site (or nearly all of the development portion of the project site and approximately 9.5 acres of off-site lands adjacent to the site); and**
- 2) **Natural open spaces, enhanced with increased widths to the 100-foot Resource Protection Area Buffer (RPA Buffer) on some portions of the site.**

Implementation of these two components conceptually realizes the reduction of stormwater runoff to pre-development runoff rates, and the reduction of flow rates to receiving channels.

Therefore, conceptually planned facilities will detain and release designed storm events for both the on-site and the currently uncontrolled off-site drainage. Stormwater management will be accomplished in accordance with all current applicable standards including the James City County Guidelines for Design and Construction of Stormwater Management BMP's, Virginia Stormwater Management Handbook, and the Virginia Erosion and Sediment Control Handbook.

Water quality from the site's development is also achieved similarly with the same two previously mentioned components. Conceptual designs of the wet pond BMP recognize a reduction of pollutant loading from the site development and adjacent lands. Extended RPA buffers further decrease pollutant loading from surface runoff.

Preliminary analysis of the Stormwater management and BMP goals using the James City County BMP point system is included on the Master Stormwater Management Plan (sheet 4 of the Master Plan set). In this system the project must meet a total of 10 points, including open space credits, to provide adequate stormwater treatment. The BMP Point System worksheet indicates a total point value of 10.0 is achieved by the structural BMP (7.9 points) and the dedication of 2.0 acres of natural open space in wetlands, the RPA buffer, and the RPA Extended Buffer (2.2 points).

In addition to the main structural BMP, three other measures are required to meet minimum Special Stormwater Criteria (SSC) of the Powhatan Creek Watershed. One technique, bioretention, is shown conceptually on the Master Stormwater Management Plan. Other measures that make up the six SSC features shown on the plan include rain barrels (applied site-wide), dry swales, pervious pavers, a stilling basin outfall and implementation of open space design principles, to improve water quality, elongate time of concentration for stormwater runoff, and recharge the groundwater system.

In summary, with the preliminary analysis of Mason Park project, the stormwater

management plan proposed will improve the overall downstream water quality and will help to control the downstream erosion from uncontrolled runoff from the neighboring properties. (See Also Proffers and Appendices 1 & 2)

VII. ANALYSIS OF IMPACTS TO TRAFFIC

A Technical Memorandum addressing traffic impacts has been prepared by Kubilins Transportation Group, Inc. A copy of the memorandum is included in this report. Supplemental information was provided in response to county comments.

VIII. ANALYSIS OF FISCAL IMPACTS

A Fiscal Impact Study has been prepared by The Wessex Group, Ltd. A copy of the findings is included in this report. Supplemental information was provided in response to county comments.

IX. ANALYSIS OF CULTURAL RESOURCES IMPACTS

The site lies within the Jamestown Island – Greensprings Road Community Character Area within highly sensitive areas defined in the Archaeological Assessment for James City County (Preserving Our Hidden Heritage); and, per the County's Archaeological Policy, a Phase I Cultural Resources Assessment report has been prepared and will be submitted under separate cover..

X. CONCLUSION

(Also See Appendices 1 & 2)

In summary, Mason Park is being planned as a small residential cluster development with a proposed underlying zoning of R-2, and a Special Use Permit to allow a modest increase in residential density in excess of one unit per acre. Planning and redeveloping the site as a residential cluster incorporates open space design principles, respects the environmental sensitivity of the Powhatan Creek watershed, meets the intent of the Comprehensive Plan for low density residential development, compliments the Jamestown Community Character Area and satisfies Planning Commission expectations for higher standards in new residential development design. The plans have earned density bonuses above and beyond the density requested as outlined in the ordinance. Mason Park, as planned and proffered, will provide a model for appropriate development in the area and will positively impact neighboring residential

communities and other adjoining properties as yet undeveloped. This Community Impact Statement for Mason Park concludes that the County and the community realize the tangible public benefits of open space design, unusual environmental protection and the following:

- Adequate public facilities (water, sewer and fire), and utility services (gas, electric cable TV, telephone), are available for development.

The proposed use is consistent with the intended land use designated on the current Comprehensive Plan for this area.

- The proposed density of this open space development is 1.65 dwelling units per acre. This density is consistent with, and appropriate to, the Jamestown Island-Greensprings Road Community Character Area.
- There is adequate capacity in the system of roads serving this project.
- The fiscal impacts analysis, including educational costs, concludes a yearly positive impact to the County at build out of \$6,200 based on 15 single family units.
- The development provides a total of 5.03 acres in net developable open space or 59.7% of total net developable acres. Total site open space is 6.13 acres or 67.3% of the entire site.

In recognition of Planning Commission and environmental concerns over buffer areas, Mason Park provides an additional 1.38 acres of open space between the developed area of the site and a perennial stream valley and its associated 100' buffer.

- Special care has been given to preserving and protecting the wooded area at the rear of the property, which will remain undisturbed except for necessary utility connections.
- Two specimen trees within the 150' Community Character Buffer are being preserved.
- Plans for Mason Park will remove a blighted structure which currently sits near the road along route 680 and is highly visible from Jamestown Road.
- The proposed stormwater management system will improve downstream water quality and protect downstream channels from erosion and the additional Special Stormwater Criteria will increase water infiltration and reduce uncontrolled runoff.
- The creative use of low impact development techniques in the project Stormwater Management Plan provides a model for reducing the impacts of stormwater management ponds located adjacent to resource Protection Areas.
- Mason Park provides a quality project that retains and enhances the Jamestown Community Character. The quality homes compliment and enhance this character and the character of surrounding neighborhoods.

Mason Park

Community Impact Statement

Appendix 1- Planning Commission Memorandum—How Mason Park Complies

In a recent memorandum the Planning Commission offered suggestions that established standards of acceptability for new residential development in five basic areas. These are paraphrased, along with our assessment of how Mason Park complies, as follows:

- 1) Compatibility with Adjacent Neighborhoods in terms of lot area, width and overall density. We believe that Mason Park is compatible with and compliments surrounding neighborhoods. With a proposed density of 1.65 units per acre, Mason Park is a residential cluster design that earns modest additional density by actually reducing lot size and, consequently, impervious area to achieve greater open space and enhanced buffering from adjacent development. Densities for other surrounding developments derived from County GIS data range from over 6 units per acre for Jamestown 1607 to almost 2.5 units per acre for The Point at Jamestown and 1 unit per acre for Landfall, placing Mason Park at the low end of the density spectrum in the area.*
- 2) Buffers adjacent to existing neighborhoods should exceed ordinance requirements and 150' width Community Character Corridor (CCC) buffers should be honored. Densities at the higher end are expected to exceed minimum standards. While Mason Park does not seek density at the higher end (4 units per acre), it does provide higher end level buffering and screening, both from Jamestown Road and adjacent developments. For example, the minimum distance from side property lines to a Mason Park residence is 70' and the lot placement is such that no building envelope is closer than 325' to any existing or proposed residence in the adjacent Landfall community. The Mason Park CCC buffer provides for a minimum setback of 165' from its frontage on route 680 (4H Club Road) and nearly 260' from the nearest edge of pavement on Jamestown Road. All buffers are landscaped in keeping with the rural character of the area and the CCC buffer includes landscaping which incorporates open spaces and rural style fencing compatible with surrounding neighborhoods, in keeping with goals and concepts recommended by the Jamestown 2007 Corridor Landscape Committee. See revised Master Plan*
- 3) Environmental protection-- better site design, low impact development techniques, turf management, HERS certification, LEED green building techniques, at least 25' construction setbacks from the RPA and water quality measures exceeding minimums.*

A. The principles of Better Site Design (BSD) derive from Model Development (MD) principles created to satisfy three general performance criteria established by Virginia administrative code to help protect the Chesapeake Bay by minimizing land disturbance, preserving indigenous vegetation, and minimizing impervious surface. We address BSD/MD principles as they apply to Mason Park as follows:

BSD/MD Principle #1 - “Conserve trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native plants. Wherever practical, manage community open space, street rights-of-way, parking lot islands, and other landscaped areas to promote natural vegetation.” *The Mason Park design not only retains existing forested areas and provides additional setbacks from RPA buffers (in excess of the suggested 25’), but also contributes additional landscape plantings that will, at maturity, increase the equivalent tree canopy coverage of the site by more than an acre over present conditions—adding an additional 50’ of up-slope forested canopy protection for the perennial stream feeding Powhatan Creek—which more than offsets the temporary canopy loss from necessary utility encroachment. Mature and specimen trees within buffers have to the greatest extent possible, been retained.*

BSD/MD Principle #2 – “Clearing and grading of forests and native vegetation at a site should be limited to the minimum amount needed to build lots, allow access, and provide fire protection. A fixed portion of any community open space should be managed as protected green space in a consolidated manner.” *A significant portion of the Mason Park property is open pasture land that obviates the concerns addressed by this principle. Aside from a proposed soft surface nature trail, measures necessary to attenuate stormwater flow, and utility easements, all proposed development occurs in the pasture land area with minimal disruption to existing native vegetation. Proffers provide for a natural open space easement to protect portions of contiguous forested area not otherwise protected by the RPA, and, as discussed above, the project will actually be adding a significant amount of canopy to the site.*

BSD/MD Principles #3-6 – “#3- Promote open space development that incorporates smaller lot sizes to minimize total impervious area, reduce total construction costs, conserve natural areas, provide community recreation space, and promote watershed protection. #4- Reduce side yard setbacks and allow narrower frontages to reduce total road length and overall site imperviousness. Relax front setback requirements to minimize driveway lengths and reduce overall lot imperviousness. #5- Promote more flexible sidewalk design standards for residential subdivision sidewalks. Where practical, consider locating sidewalks on only one side of the street and providing common walkways linking pedestrian areas. #6- Reduce overall lot imperviousness by promoting alternative driveway surfaces and shared driveways that connect two or more homes together ” *While open space design becomes more difficult to achieve on a small site, Mason Park incorporates significant features of the concept. Homes are clustered on reduced lot sizes, with 1.64 acres or nearly 20% of the land available for lots having been left as dedicated contiguous natural open space protected by Home Owner’s Association covenants.*

Setbacks have been reduced, driveways feature grass center strips and pervious parking pads, common walkways incorporate both paved and soft surface walking trails and sidewalks (limited to only one side of the street) which link to the frontage road, open vegetated channels are utilized where feasible, and an exception has been requested to permit street widths to be reduced from the normal minimum of 28' to 22' to further reduce impervious areas. Proposed community recreation features include over a half mile of walking trail with fitness stations, a treed park area, an open grassy play area, and a gazebo. Monetary proffers contribute toward other recreation master plan requirements such as courts and ball fields, which are more appropriate for larger developments.

BSD/MD Principles #7-16 – “#7- Design residential streets for the minimum required pavement width needed to support travel lanes, on-street parking, and emergency, maintenance, and service vehicle access. These widths should be based on traffic volume.” #’s 8-11 are paraphrased as follows: Reduce the length and right-of-way widths of residential streets where possible. Use the smallest possible radius for cul-de-sacs or consider alternative turnarounds. Where possible use vegetated open channels within the right-of-way to convey and treat stormwater. #’s 12-16 address minimizing the impact of large parking lots and are not pertinent to Mason Park. *The minimum street width acceptable by VDOT for local closed section roads (without special exception) is 28’. At Mason Park, we believe this requirement is wider than warranted for such a small development and have requested a reduction to 22’, which is more commensurate with our anticipated low traffic volume and short street length. Sufficient driveway space is available to provide 3 off-street parking spaces per residence exclusive of garage spaces, mitigating the need for on street parking and allowing additional pavement reduction more in keeping with BSD principles. To further reduce pavement footprints we have also utilized alternative turnarounds instead of cul-de-sacs. And, although the required use of curb and gutter precludes the use of vegetative open channels within the right-of-way to convey street generated stormwater, we have utilized open channel conveyance elsewhere on site, and the design is such that all street generated stormwater will be treated through the bioretention filters rather than being piped directly to the wet BMP.*

B. *With regard to watershed protection, a goal of the Powhatan Creek Watershed Management Plan is to protect the integrity of forested areas along streams within the tidal mainstem. To that end, the plan identifies certain areas for conservation or acquisition. Two of those areas (C-42/C-43) lie adjacent to the southwest boundary of Mason Park, with approximately one-half acre of the contiguous upland forest that defines the conservation area extending into the property in a location that will remain undisturbed and protected by a proffered open space easement. An additional half acre of contiguous forest*

not apparently included within conservation area boundaries will also remain largely undisturbed except for necessary stormwater and sanitary easements and will be protected by a proffered easement. A turf management plan to regulate chemical fertilizer application has been proffered, as well as restrictions on irrigation. Low impact development techniques using requested buffer placement of bioretention facilities to achieve increased infiltration and pollutant removal, grass swales, rain barrels to disconnect a portion of rooftop runoff and support residential watering needs, and porous pavers and grass strips for residential driveways and parking pads all combine to provide water quality protection measures which exceed minimum James City County Special Stormwater Criteria (SSC) requirements for the development.

C. Green building practices, as recommended in the National Association of Home Builders (NAHB) Model Building Guidelines, have been incorporated as proffer 11.

- 4) Recreation to be provided in accordance with County Parks and Recreation Master Plan with active and passive on-site recreation facilities. We believe that on-site recreation facilities should honor the intent of the Recreation Master Plan in a manner commensurate with the size of the development. We reiterate that this is a small development—fifteen homes on 9.1 acres. However, with a gazebo, over half a mile of multipurpose trail with four exercise stations, a tot lot, open grassy play areas, nearly an acre of parkland and connectivity to community trails, Mason Park provides ample on-site active and passive recreational opportunities for 15 families—and adds monetary proffers for recreational master plan amenities not provided because of the limited scale of the development.*
- 5) Traffic impacts are mitigated where warranted, with large developments required to address longer term impacts on the roadway network. The Technical Memorandum prepared by Kubilins Transportation Group and their subsequent response to county comments indicates that traffic generated by this small scale development does not warrant a full traffic impact study. With 180 vehicle trips per day and only 20 vehicle trips per hour at peak times, the traffic impact upon the surrounding road network is negligible*

Mason Park

Community Impact Statement

Appendix 2- Cluster Development, Community Benefits, and the Powhatan Creek Watershed—How Mason Park Complies, Contributes and Protects

This appendix provides additional information addressing the cluster development goal of achieving “innovative and quality design”, and the community benefits of “unusual environmental protection” and adherence to the “principles of open space design” discussed in the statement of intent that leads off the ordinance chapter dealing with residential cluster development (Chapter 24 Article VI, Sec. 24-538). It also provides supplemental information on how Mason Park respects its location within the tidal mainstem of the Powhatan Creek Watershed.

Per the reference, an “innovative and quality design” consists of one with densities above one dwelling unit per acre “...that provide avenues for affordable housing, minimize environmental impacts, provide for useable and meaningful open space, and provide recreational amenities within a more practical and efficient development.” We submit that, aside from the issue of affordable housing and considering the subjectivity of some of the criteria, Mason Park goes a long way toward being an “innovative and quality design” while offering “unusual environmental protection” due to its clustered neighborhood of smaller lots, reduced setbacks, narrower streets and ample on-site recreational amenities, coupled with preservation and enhancement of the contiguous forest protecting the watershed, the extensive use of bioretention in excess of requirements to lengthen stormwater dwell time, promote infiltration and pollutant removal and attenuate fecal coliform bacterial contamination of the watershed, plus the incorporation of not one, but six special stormwater criteria (SSC) features.

Per the reference, principles of open space design “...may include maintaining open fields, preserving scenic vistas; protecting wildlife habitat and corridors; retaining natural vegetative buffers around water bodies, wetlands and along roads; preserving historic sites; creating adequate recreational areas; designing efficient pedestrian circulation to include trail systems; and ensuring common land adjoins protected open space on adjacent parcels.” A little more than 2 acres of Mason Park’s 9 acres are presently wooded. The remainder (roughly 77% of the gross site area), is open pasture land with a few isolated trees surrounding the existing buildings. In considering the open space design principles, we offer the following. There are no scenic vistas revealed from the site and the potential for scenic views into the site are limited by the existing right-of-way plantings and hedge row. Existing specimen trees in the CCC buffer are being preserved. The potential archeological site identified by the phase I cultural resources study is being preserved by virtue of its location in the CCC buffer. Only 40% of the open fields (2.78 acres) are used as residential lots. We are retaining, preserving, and enhancing the natural vegetative stream and wetland buffers (except where county requirements dictate disturbance) and in

doing so are also protecting existing wildlife habitat. Our recreation amenities meet or exceed JCC recreation master plan requirements—the walking trail is nearly eight times longer than required and we provide six times the required park space. And, we are significantly enhancing vegetative buffers along the road frontage within the CCC. The open space statistics shown on the land use master plan show the bottom line—35.5% of the site is utilized for single family residences and 69.5% of the site is open space. Reduced lot sizes and narrower streets have resulted in 1.64 acres, constituting 18% of the gross site acreage and almost 20% of the developable acreage, of lottable area being dedicated as contiguous open space—most of which adjoins protected open space on adjacent parcels. We believe that, when viewed against these criteria, Mason Park stands out as an effective and innovative design. Please also see the discussion of Better Site Design Principles in Appendix 1.

The Powhatan Creek tidal mainstem is a sensitive resource area with watershed goals that call for minimizing impervious cover, maintaining high quality wetland habitat and maintaining buffers to help preserve marsh wildlife communities and water quality. Although located in the lower tidal mainstem area of the Powhatan Creek watershed, Mason Park is neither a waterfront development nor immediately adjacent to tidal wetlands and has little, if any impact upon shoreline margins. Mason Park does incorporate many of the watershed protection tools identified in the Powhatan Creek Watershed Management Plan. Specifically, the cluster design creates additional open space; proffered easements protect those portions of critical conservation areas C-42/C-43 and save the county the cost of purchasing those easements; additional plantings significantly increase the amount of forest canopy over existing conditions; the infiltration of bioretention and the settlement action of the wet pond will likely help reduce fecal coliform levels over existing conditions (which permit pasturing of up to 50 horses); and, the design incorporates six special stormwater criteria features. How Mason Park implements Better Site Design Principles is discussed in response to the Planning Commission memorandum at Appendix 1.

**ENVIRONMENTAL RESOURCE INVENTORY
1916 JAMESTOWN ROAD**

James City County, Virginia

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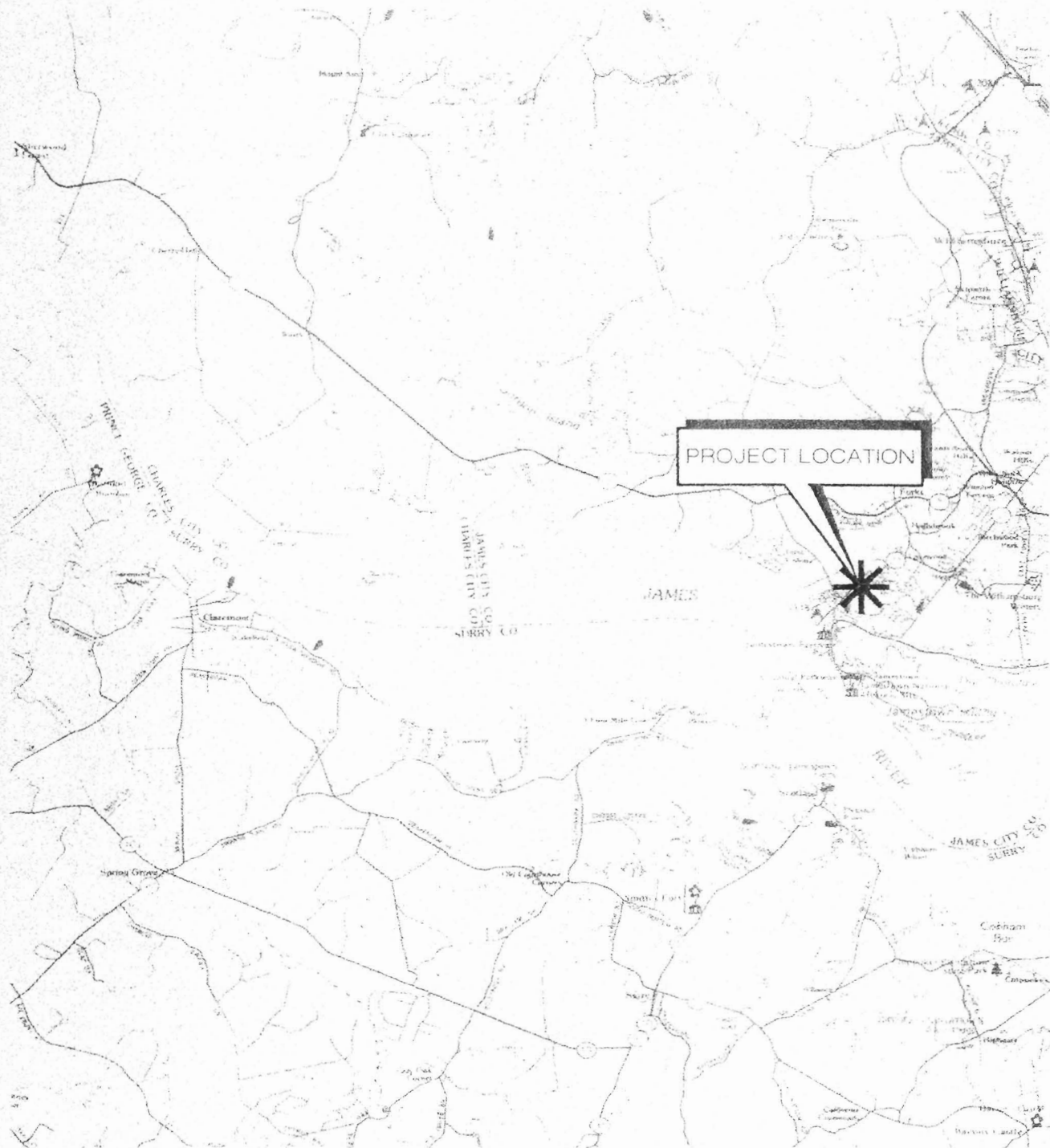
1.0 INTRODUCTION

On behalf of HHHunt, Williamsburg Environmental Group, Inc. (WEG) has prepared the following Environmental Resource Inventory for a parcel known as 1916 Jamestown Road. The project site totals approximately 9-acres and is located in James City County, south of Jamestown Road, east of 4H Club Road, and west of London Company Way. The project area is within the Powhatan Creek Drainage Basin (Figures 1-1 and 1-2).

The purpose of this report is to analyze existing environmental conditions on the project site and to provide James City County the required information per County code Section 23-10.2 for an Environmental Resource Inventory. The project site has historically been utilized as a horse stable and for residential purposes.

This property supports several environmental resources associated with topography/drainage features, surface waters, and RPA wetlands. WEG inventoried environmental resources by analyzing the best available offsite reference material, including James City County base mapping, U.S. Geological Survey (USGS) 7.5 minute topographic mapping, Natural Resources Conservation Service (NRCS) soil surveys, Federal Emergency Management Agency (FEMA) floodplain mapping, and aerial photography. This information was corroborated with site inspections performed by WEG in December 2005 and January 2006.

During the offsite and onsite reviews, WEG evaluated the project area for the following resources: topography, surface water, wetlands, floodplains, and Chesapeake Bay Preservation Areas. The following sections present a brief overview of the environmental resource features recognized in James City County, detailed descriptions of environmental resources identified within the project limits, and a summary of WEG's investigation.



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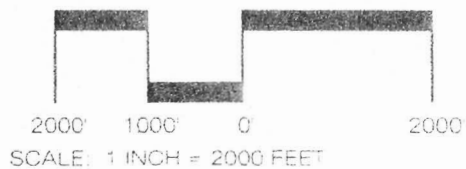
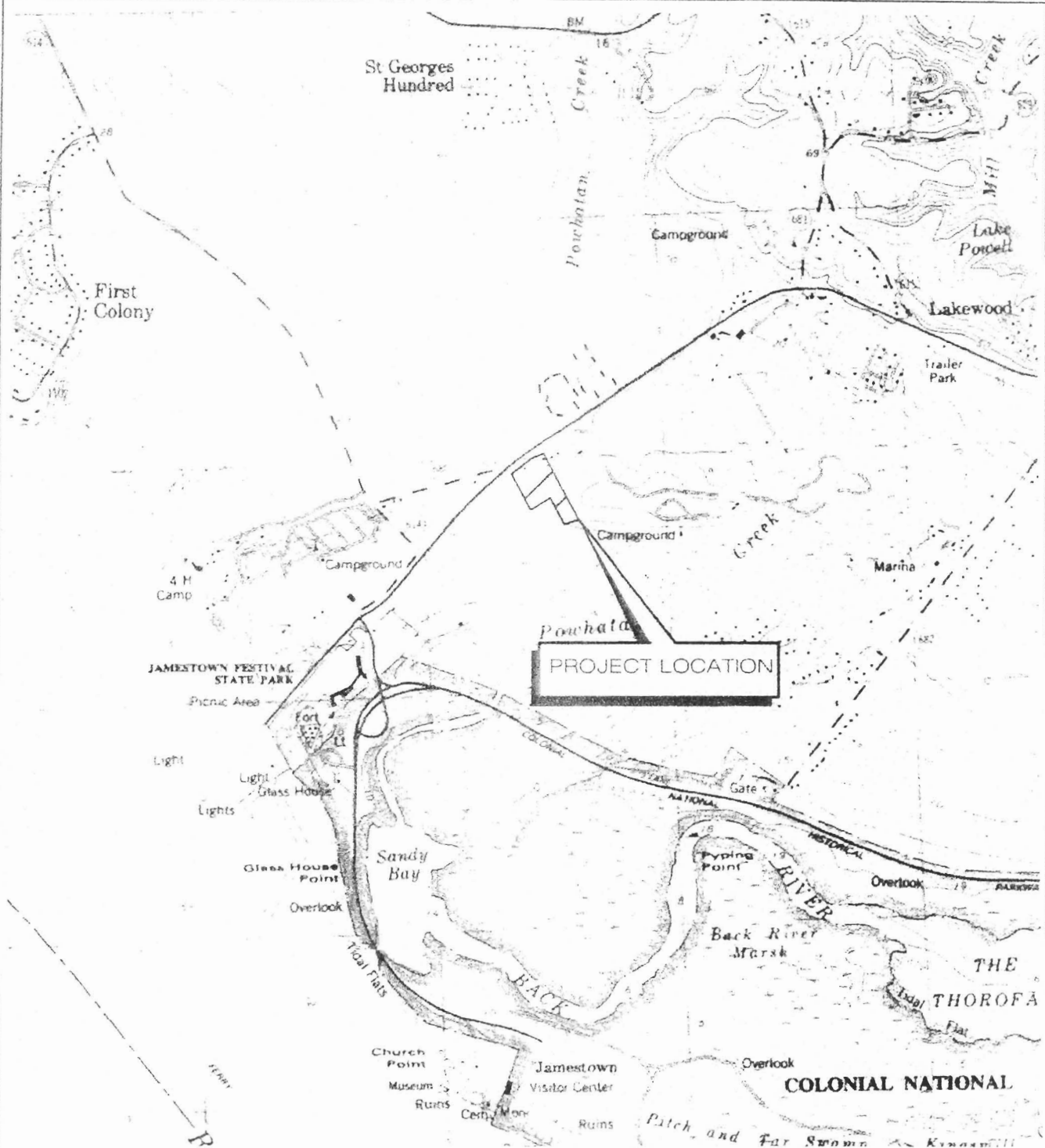
WILLIAMSBURG
ENVIRONMENTAL
GROUP, INC.

FIGURE 1-1
PROJECT VICINITY MAP
1916 JAMESTOWN ROAD

SOURCE: VIRGINIA ATLAS AND GAZETTEER,
DeLORME MAPPING CO., 1995

JAMES CITY COUNTY, VIRGINIA

APRIL 2006



LATITUDE 37°13'55.32" N
 LONGITUDE 76°46'31.87" W

SOURCE USGS 7.5 MINUTE SERIES TOPOGRAPHIC MAP,
 SURRY, VA QUADRANGLE, 1983



WILLIAMSBURG
 ENVIRONMENTAL
 GROUP, INC.

FIGURE 1-2
 PROJECT LOCATION MAP
 1916 JAMESTOWN ROAD

JAMES CITY COUNTY, VIRGINIA

APRIL 2006

2.0 DESCRIPTION OF EXISTING ENVIRONMENT

The 1916 Jamestown Road site harbors environmental resources related to physiography, drainage, and limited historical land use. In addition, the presence of an onsite unnamed tributary to Powhatan Creek relates many of these natural resources to water features. The environmental attributes of the site are described below and are illustrated on the Environmental Resource Inventory Map (Figure 2-1).

2.1 TOPOGRAPHY

The 1916 Jamestown Road property is located in the Coastal Plain Physiographic Province of Virginia. The land in the Coastal Plain Province is generally level and does not contain extensive severe slopes (Frye 1986). The 1916 Jamestown Road Property can be described as gently sloping. An unnamed tributary of Powhatan Creek extends along the southern boundary of the property, which produces a topography characterized by gently sloping ridgelines and valleys along the creek bed. Elevations on the property range from approximately 22-feet above mean sea level (msl) to 29-feet above msl.

The Natural Resources Conservation Service (NRCS; formerly Soil Conservation Service) *Soil Survey of James City and York Counties and the City of Williamsburg, Virginia* (USDA 1985) indicates that slopes along Powhatan Creek and its tributaries can be classified as gently sloping to very steep. In James City County slopes 25-percent or greater are considered to be steep. No steep slopes are present on the 1916 Jamestown Road property.

2.2 SURFACE WATER

One un-named tributary to Powhatan Creek drains from west to east along the southern property boundary. Surface water features on the 1916 Jamestown Road property are located along the unnamed tributary. Surface waters consist of forested wetlands and a perennial stream system as detailed in the following sub-sections.

2.2.1 Wetlands

Wetlands are areas such as swamps, marshes, and bottomlands that support a predominance of vegetation typically adapted to saturated conditions (hydrophytic vegetation), soils that formed under saturated conditions (hydric soils), and sufficient water at or near the soil surface to produce

chemically reducing conditions (wetland hydrology). All three of the above parameters must be present for an area to be determined a jurisdictional wetland as regulated by the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act. Technical criteria and field indicators for each parameter are presented in the *Corps of Engineers Wetland Delineation Manual* (Environmental Laboratory 1987), hereinafter referred to as the 1987 Corps Manual.

A delineation of jurisdictional wetlands and other waters of the United States was conducted by WEG on the 1916 Jamestown Road property during December 2005, and subsequently confirmed by the Corps in a letter dated March 24, 2006. Based on the onsite analysis, wetlands are located in bottomland areas along the southern boundary of the property in association with the unnamed tributary of Powhatan Creek. The majority of wetlands identified by WEG within the project limits may be classified as forested. Common vegetation encountered within the wetlands onsite is discussed in Section 2.3. The approximate limit of wetlands is illustrated on the Environmental Resource Inventory Map (Figure 2-1).

2.2.2 Floodplains

Information and technical data published by the Federal Emergency Management Agency (FEMA) were reviewed to determine the extent of the 100-year floodplain within the site. Based on the attached Flood Insurance Rate Map for James City County, Virginia (510201 0045B) dated February 6, 1991, no 100-year floodplains exist on the 1916 Jamestown Road property.

2.2.3 Perennial Stream Determination

A perennial stream determination was conducted by WEG on the 1916 Jamestown Road property in January 2006. WEG applied the North Carolina Division of Water Quality (NCDWQ) Stream Classification Method (NC Method) to determine the presence of perennial flow within the existing stream channel onsite utilizing a combination of scientifically valid in-field indicators

The results derived from the application of the NC Method indicate that the stream system which flows west to east along the southern boundary is perennial. A score of 29 was achieved on Reach 01A, which is above the perennial threshold of 28 in James City County. The resultant RPA buffer is shown on the attached Environmental Resource Inventory Map (Figure 2-1). Specific in-stream characteristics that support the perennial flow determination include a continuous and consistent bed and bank, strong groundwater discharge, substrate sorting within the stream bed, an active floodplain, an absence of rooted plants within the stream bed, and the presence of bivalves.

James City County has verified WEG's determination on the 1916 Jamestown Road property in a letter dated March 3, 2006.

2.3.4 Chesapeake Bay Preservation Areas

Chesapeake Bay Preservation Areas (CBPA), including Resource Protection Areas (RPA) and Resource Management Areas (RMA), are present on the 1916 Jamestown Road property. The CBPA Ordinances for James City County mandates that CBPAs be mapped in association with site development.

The definition of RPA limits as outlined in the James City County Ordinance includes "tidal waters, tidal shores, non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or bodies of water with perennial flow, and a 100-foot wide [vegetated] buffer" located adjacent to and landward of other RPA components. According to James City County the RPA buffer is an area of "natural or established vegetation managed to protect other components of resource protection areas and county and state waters from significant degradation due to land disturbances or uses". Based on current James City County RPA mapping (January 2005) and corroborative onsite studies, RPA features are present along the southern limits of 1916 Jamestown Road.

James City County has been designated as a Resource Management Area (RMA) in its entirety. In addition, the James City County Ordinance lists "lands of particular sensitivity" for RMA designations. Areas subject to classification as RMAs in James City County include highly erodible soils, highly permeable soils, non-tidal wetlands not in RPAs, floodplains, and hydric soils.

2.3 VEGETATION

Information concerning the vegetative community present at the site was extracted from several resources, including observations made during site visits conducted by WEG. The site is located in the Coastal Plain Floristic Province as described in *The Natural Geography of Plants* (Gleason and Cronquist 1964). The typical forest of this province contains extensive stands of pines with over two dozen other hardwood species intermixed. The USGS 7.5 minute quadrangle map for Surry, Virginia (1983) indicates that the site is partially forested with cleared areas limited to the northern portion of the property. The cleared land in the northern portion of the site has been maintained for use as a horse pasture.

Vegetation communities on the 1916 Jamestown Road property may be classified into three general categories based on species composition, stand structure and age, and degree of man-induced alteration or maintenance. The three community types include: 1) upland hardwoods; 2) pasture; and 3) wetlands. The following paragraphs detail the different vegetation communities onsite.

2.3.1 Upland Hardwoods

The forested regions of the 1916 Jamestown Road property consist of a mixed hardwood forest with a pine component. Forested uplands are situated on gentle slopes, and are characterized by a well-developed, layered structure, with most canopy specimens ranging from 40-70-feet in height. Typical canopy species include oak (*Quercus* spp.), tulip tree (*Liriodendron tulipifera*), red maple (*Acer rubrum*), and loblolly pine (*Pinus taeda*). Understory species include American holly (*Ilex opaca*) and hardwood saplings. Ground cover specimens include microstegium (*Microstegium vimineum*) and Japanese honeysuckle (*Lonicera japonica*).

2.3.2 Pasture

The northern portion of the 1916 Jamestown Road property is comprised mostly of open pasture land used for horses. The area appears to be regularly maintained by mowing and or grazing. Dominant vegetation within the pasture includes species of Fescue (*Festuca* spp.), wild garlic (*Allium vineale*), curly dock (*Rumex crispus*), clover (*Trifolium* spp.), and Bermuda grass (*Cynodon dactylon*).

2.3.3 Wetlands

The bottomland area within the unnamed tributary of the Powhatan Creek drainage is comprised of wetlands and a non-vegetated stream channel. The forested wetland features, located along the southern portions of the site, derive hydrology from groundwater discharge seeps and surface flow from the surrounding uplands in headwater locations.

Wetland complexes onsite are typically vegetated with red maple, black gum (*Nyssa sylvatica*), and sweetgum (*Liquidambar styraciflua*) in the overstory. Understory species include sweetbay (*Magnolia virginica*), highbush blueberry (*Vaccinium corymbosum*), and ironwood (*Carpinus caroliniana*). Hydrophytic ferns and herbaceous species are also common, including netted chain fern (*Woodwardia aerolata*), cinnamon fern (*Osmunda cinnamomea*), golden ragwort (*Senecio aureus*), microstegium (*Microstegium vimineum*), and species of sedge (*Carex* spp.).

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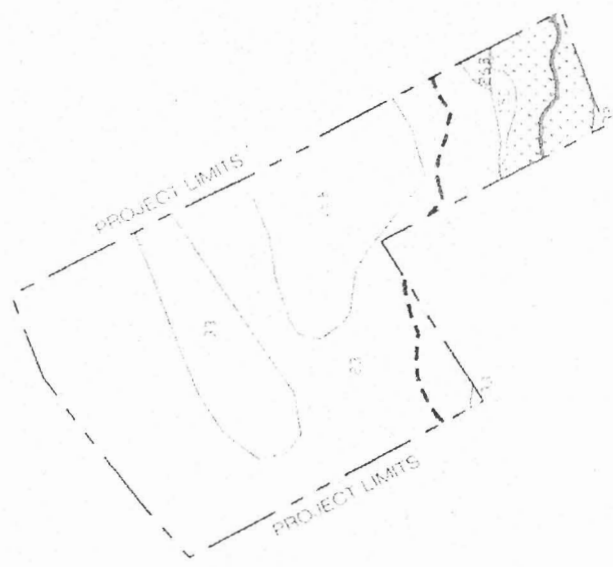
FIGURE 2-1 ENVIRONMENTAL RESOURCE
INVENTORY MAP
1916 JAMESTOWN ROAD
JAMES CITY COUNTY, VIRGINIA



LEGEND

	WETLANDS
	FOREST
	AGRICULTURE
	DEVELOPED
	WATER

NO. OF ACRES	PERCENT OF TOTAL	PERCENT OF TOTAL
1	100	100
2	100	100
3	100	100
4	100	100
5	100	100
6	100	100
7	100	100
8	100	100
9	100	100
10	100	100
11	100	100
12	100	100
13	100	100
14	100	100
15	100	100
16	100	100
17	100	100
18	100	100
19	100	100
20	100	100
21	100	100
22	100	100
23	100	100
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27	100	100
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42	100	100
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3.0 SUMMARY

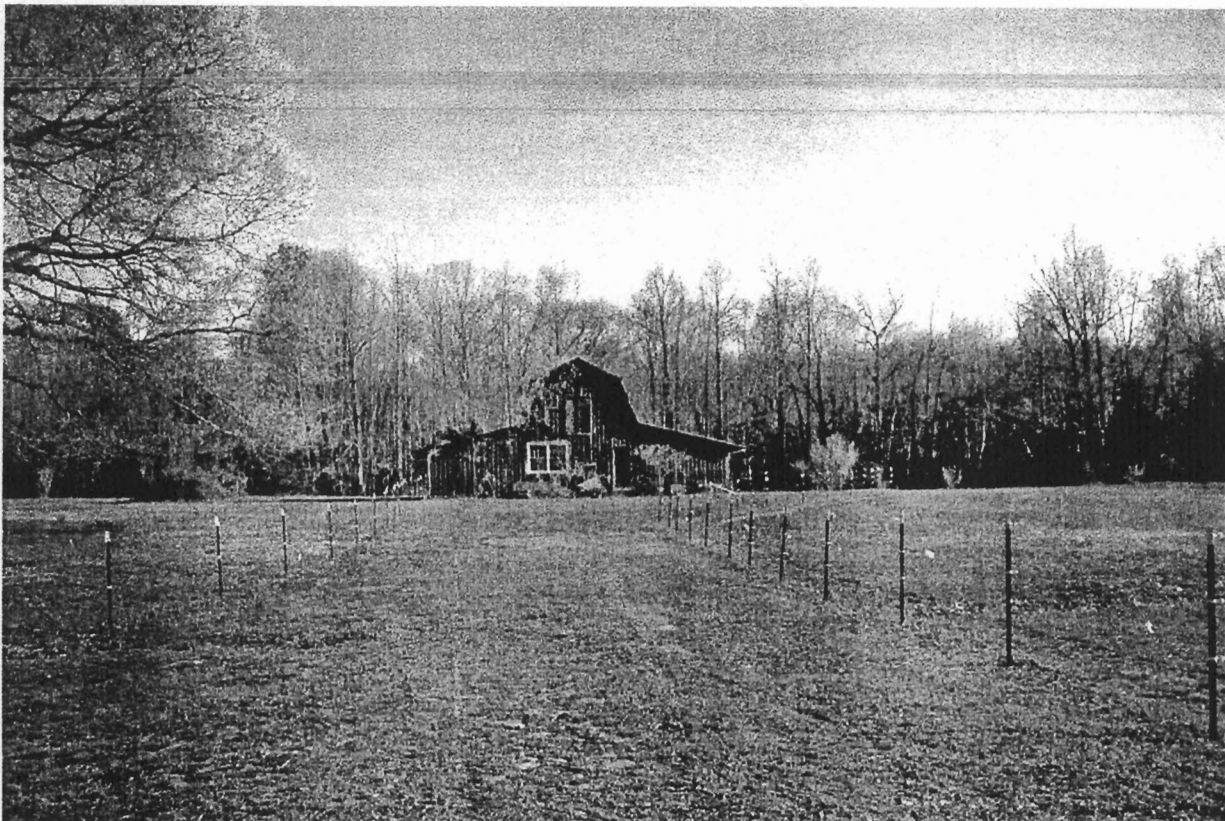
It is the conclusion of WEG that the parcel known as 1916 Jamestown Road described in this report does contain environmental resources related to features listed in Section 23.10-2 of the James City County Code. These resources are related to topography/drainage features, surface water, and RPA wetlands. A perennial stream, non-tidal wetlands, and resultant RPA buffer are found on the subject site. No tidal wetlands, tidal shores, or 100-year floodplains are present on the 1916 Jamestown Road Property.

4.0 REFERENCES

- Environmental Laboratory. 1987. *Corps of Engineers Wetlands Delineation Manual*. Technical Report No. 87-Y-1.
- FEMA, 1991. Floodplain Insurance Rate Map, Panel #5102010045B, James City County, Virginia.
- Gleason, H. A. and A. Cronquist. 1964. *The Natural Geography of Plants*. Columbia University Press. New York.
- Frye, K. 1986. *Roadside Geology of Virginia*. Mountain Press, Missoula, Montana. 278 pp.
- James City County, Virginia. *Chesapeake Bay Preservation Ordinance*. Ord. No. 183 8-6-90.
- James City County, Virginia. *Resource Protection Area*. January 28, 2005.
- USDA (United States Department of Agriculture). 1985. *Soil Survey of James City and York Counties and the City of Williamsburg, Virginia*. Soil Conservation Service.
- USGS (United States Geological Survey). 1983. 7.5 minute series topographic quadrangle map. Surry, Virginia.

Appendix A

Representative Photographs



Photograph 1. A view of the pastures and a barn on the 1916 Jamestown Road property.



Photograph 2. A view of the pastures in the central portion of the property.



Photograph 3. A view of forested uplands.



Photograph 4. A view of forested wetlands in the southern portion of the site.



Photograph 5. A view of the perennial stream and adjacent wetlands in the southern portion of the site.

Appendix B

FEMA Flood Insurance Rate Map



APPROXIMATE SCALE



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

JAMES CITY COUNTY,
VIRGINIA
UNINCORPORATED AREAS

PANEL 45 OF 60

THIS FLOOD INSURANCE RATE MAP IS NOT TO BE USED FOR ANY OTHER PURPOSE



COMMUNITY PANEL NUMBER
510201 0045 B

EFFECTIVE DATE:
FEBRUARY 6, 1991



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It is not to be used for any other purpose. The map is subject to change without notice. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov





TECHNICAL MEMORANDUM

Date: March 29, 2006

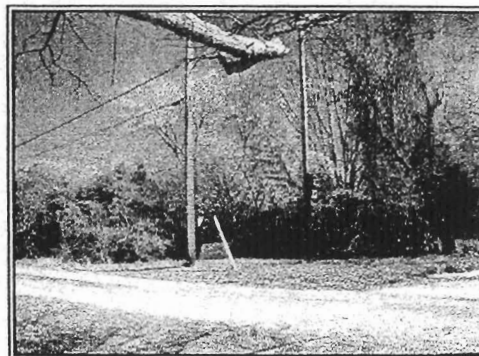
To: Mr. Steven N. Miller
HHHunt Homes
Newport News, VA 23606

From: William T. Wentzien, PE, PTOE
Senior Project Engineer

Subject: **1916 Jamestown Road Site**
Jamestown Road (SR 31) in James City County, VA
Trip Generation and Access Evaluation (H06007.00)

Background:

The 1916 Jamestown Road Site is a cluster subdivision of 15 single family homes. The development lies off a frontage road designated as SR-680 which runs parallel to Jamestown Road (SR 31). The property sits between 4-H Club Road (SR 680) and Landfill Drive. The proposed development will be served by one access point onto the frontage road (SR 680) (see attached Vicinity Map-Figure 1). HHHunt Homes is the developer of the site (see attached site plan - Figure 2).



View of Site from
Frontage Road SR-680

This trip generation and access evaluation is being presented to support the developer's request for rezoning of his property.

Area Conditions:

Jamestown Road is a two-lane, two-way major thoroughfare. It runs east to west through James City County from the Jamestown-Scotland Ferry to the corporate limits of the City of Williamsburg where it becomes SR-5.

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Frontage Road SR-680 Facing
West Towards 4-H Club Road



Frontage Road SR-680 Facing
West Towards Landfall Drive

The frontage road (SR 680) is a secondary road running parallel to Jamestown Road (SR 31) from SR 359 at its western terminus to Landfill Drive at its eastern terminus with a connection to 4-H Club Road across Jamestown Road at its midpoint. From this connection to Landfall Drive the frontage road is designated at SR 680. Its western half has no official designation.

Scheduled Improvements:

No scheduled improvements were identified for Jamestown Road (SR 31) or the frontage road (SR 680) in the area of the proposed development.

Traffic Counts:

The Virginia Department of Transportation (VDOT) website provided average annual daily traffic counts. These counts are presented as follows:

- Jamestown Road (SR 31)

<u>Year</u>	<u>AADT</u>
2001	8,800
2002	8,900
2003	9,200
2004	6,500
- Frontage Road (SR 680)

<u>Year</u>	<u>AADT</u>
2001	60
2002	60
2003	60
2004	50

Trip Generation:

The developer is proposing to construct 15 single-family residential homes in a cluster development. Table 1 illustrates the anticipated site trip generation.

Table 1: Site Trip Generation

Land Use	Variable	Daily Trips	AM Peak			PM Peak		
			Enter	Exit	Total	Enter	Exit	Total
Approved Site								
Single-Family Detached	15 DU	182	5	15	20	13	7	20
Total Site Development		182	5	15	20	13	7	20

References:

Trip Generation, 7th Edition, Institute of Transportation Engineers, Washington, DC. 2003

- The trip generation data for the development indicates that the site will generate 182 new daily trips with 20 morning peak hour trips and 20 afternoon peak hour trips.
- At full buildout of the 1916 Jamestown Road Site, the maximum directional peak hour volume on Jamestown Road and the frontage road is not likely to exceed 600 vehicles, based on the available traffic counts, calculated trip generation, and established traffic patterns. **This lane volume is well below the 1,900 vehicles per hour per lane recognized by the Highway Capacity Manual, published by the Transportation Research Board, as maximum capacity for one lane of roadway.**
- At full buildout of the 1916 Jamestown Road Site, **the development will not exceed the thresholds requiring a full traffic impact analysis of 1,000 vpd generated on an average weekday nor the 100 vph generated for either the morning or afternoon peak hours.**
- **The Level of Service (LOS) for this segment of the frontage road is assumed to operate at a LOS of "A" based on the ADT background volumes and the site generated peak hour traffic. The site is also not expected to degrade the LOS at the above referenced intersections of Jamestown Road.**

Access Evaluation:

The site plan allows for site-driveway access to the frontage road (See Figure 2). All 182 of the site-generated trips would access the site from the frontage road and most likely would have a larger directional split from the Landfall Drive terminus.

Conclusions:

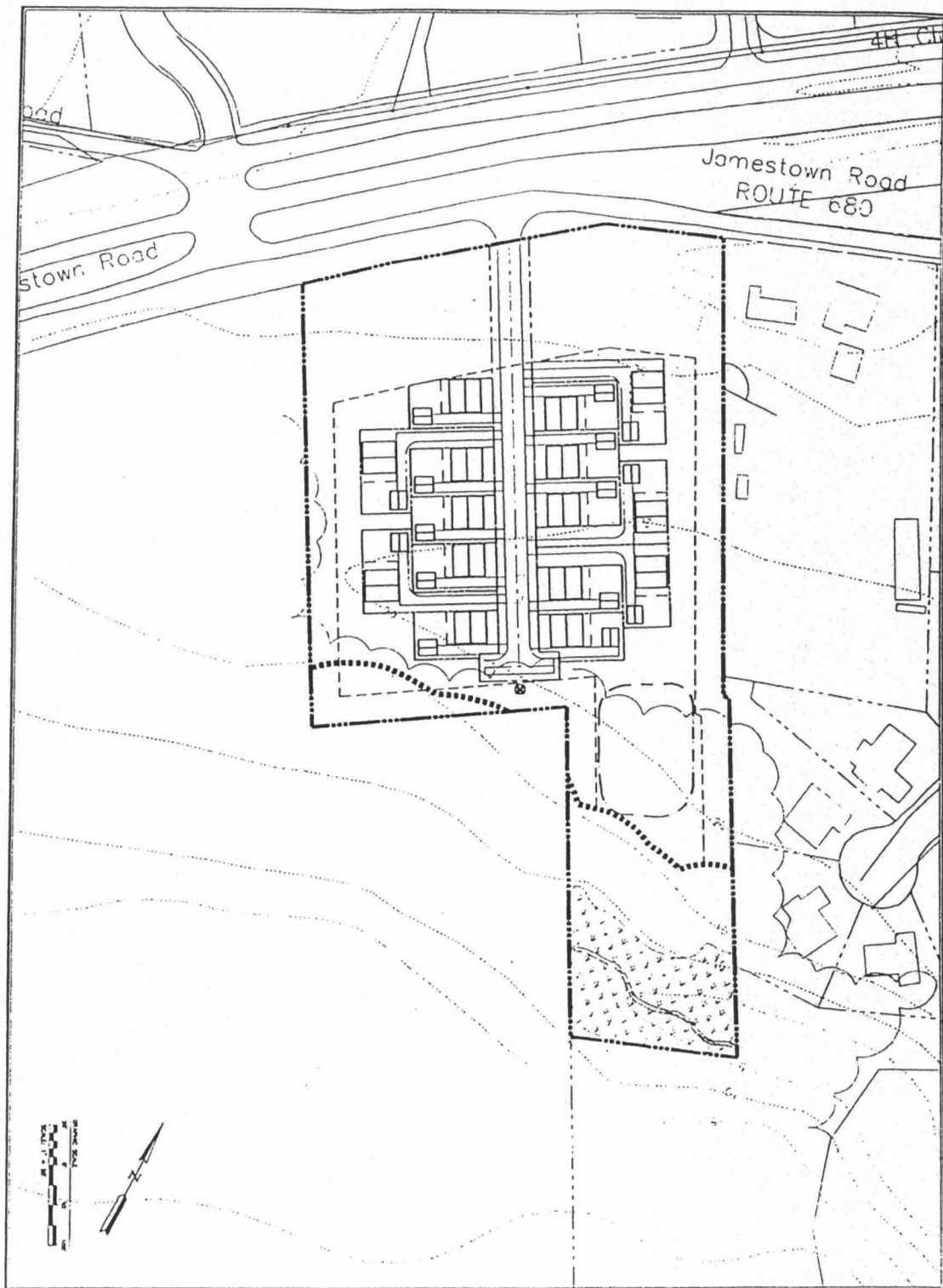
Based on the findings of our evaluation, the **1916 Jamestown Road Site** as proposed will result in an increase in traffic along Jamestown Road and the frontage road. However, these roadways will remain below capacity. The impact of this proposed development on the transportation infrastructure can be accommodated suitably.

I trust this information is beneficial and should you have any questions, please call.

cc: Ginger Walker HHHunt Homes
File

Attachments: Figure 1-Vicinity Map
Figure 2-Site Plan
ADT Data





1916 JAMESTOWN ROAD
CONCEPTUAL PLAN



3244 Old Town Road, Suite 1
Williamsburg, Virginia 23186
(757) 353-0540
Fax: (757) 320-0888

DATE	REVISION	BY	CHKD

NOT TO SCALE

Kubilins
TRANSPORTATION GROUP, INC.

1916 Jamestown Road
James City County, VA

Site Plan

FIGURE 2

Jamestown Road Development

**Fiscal Impact in James City County, Virginia
April 2006**

Prepared for:

HHH Hunt Homes of Hampton Roads

Prepared by:

The Wessex Group, Ltd.
479 McLaws Circle, Suite 1
Williamsburg, Virginia 23185
Telephone: (757) 253-5606
Facsimile: (757) 253-2565
E-mail: wessexgroup@wessexgroup.com
Web site: www.wessexgroup.com

Jamestown Road Development

Fiscal Impact in James City County, Virginia

EXECUTIVE SUMMARY

As part of a rezoning application submitted to James City County by **HHH Hunt Homes of Hampton Roads**, this report from **The Wessex Group, Ltd.** (TWG) presents estimates of the fiscal impact of building a small residential development in James City County. This development would consist of 9.2 acres located on Jamestown Road. Development plans include 15 single-family homes with an asphalt trail and sidewalks located on both sides of the development.

Development Schedule and Construction Investment: The developer anticipates that the 15 homes in the development will be built over a two year period (2008-2009) and fully occupied in the second year. The cumulative residential population is estimated at 35 persons. Total construction investment is estimated at \$5.3 million.

County Revenues, Expenditures and Net Fiscal Impact: Residential developments in James City County generate several types of revenues, including real estate tax, personal property tax, and retail sales tax. At buildout, the Jamestown Road development will provide nearly \$92,000 annually in new revenues for the county. In turn, the services that the county will provide to this community include police protection, fire protection and public education for the school children living in the development. Once fully developed and occupied, the development will incur costs for county services of approximately \$86,000 per year. At buildout, the **net** fiscal impact is estimated at more than \$6,000 annually, as shown in Table A below. All dollar figures contained in this report are expressed in 2006 dollars. No attribution for economic inflation has been made.

Table A
Jamestown Retreat - Net Fiscal Impact

	2008	Buildout
Total Annual County Revenues	\$181,900	\$91,800
Total Annual County Expenditures	<u>58,600</u>	<u>85,600</u>
Annual Net Fiscal Impact	\$123,300	\$6,200

Jamestown Road Development

Fiscal Impact in James City County, Virginia

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Jamestown Road Development

Fiscal Impact in James City County, Virginia

As part of a rezoning application submitted to James City County by **HHHunt Homes of Hampton Roads**, this report from *The Wessex Group, Ltd.* (TWG) presents estimates of the fiscal impact of a development planned for a 9.2-acre site in James City County, Virginia on Jamestown Road.

Introduction to the Study

The purpose of this report is to describe estimates of the **fiscal** revenues and expenditures that the housing development will generate for the local government of James City County. Fiscal impacts are those that directly affect a municipality's budget. Any new development that attracts new county residents generates the need for public services, such as emergency medical services, police, and fire protection. In turn, the development generates additional tax revenue for the county. The major portion of the county's revenues from residential development is derived from real estate taxes and local household spending. All dollar figures contained in this report are expressed in 2006 dollars.

The plans and estimates included in this report cover the development and sales schedules, construction investment, the employment directly associated with the construction of this development, and the local spending of new residents in the development. Employment estimates are used to calculate the marginal cost of government services and no attribution is made as to the residence location of any employees. The **fiscal** impacts that flow from the development efforts and new residents are the new revenues that James City County will collect and the new expenditures that James City County will incur to provide government services to the Jamestown Road development.

Development Plans and Construction Investment

The proposed development plans for the Jamestown Road community include the following:

- 15 single-family up-scale homes (construction cost per home including infrastructure: \$350,000)
- Community amenities, including an asphalt trail and sidewalks located on both sides of the development (construction cost: \$10,000).

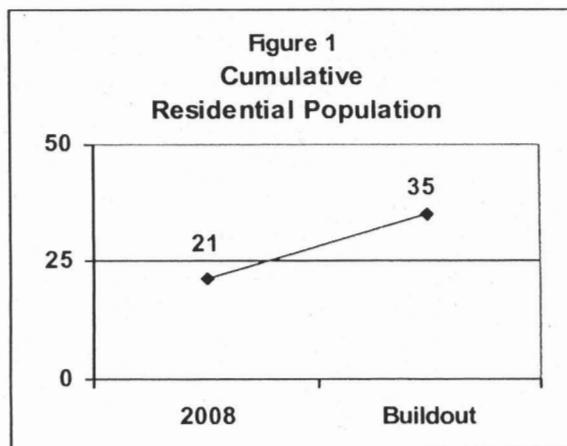
Development is assumed to begin in 2008 with buildout and full occupancy by 2009. The developer estimates that the construction of this residential community will total \$5.3 million. The development schedule and costs are shown in Table 1 on the following page.

Table 1
Development Schedule and Construction Investment

	2008	Buildout
Residential Development		
Single-family homes	15	0
Total Annual Units Developed	15	0
Cumulative Residential Units	15	15
Unit Occupancy Schedule		
Annual Units Occupied	9	6
Cumulative Units Occupied	9	15
Incremental Residential Population	21	14
Cumulative Residential Population	21	35
Construction Investment (\$ Millions)		
Residential	\$5.3	\$0.0
Total Annual Construction Investment	5.3	0.0
Cumulative Construction Investment	\$5.3	\$5.3
Construction Materials & Supplies (\$ Millions)		
Annual Total	\$2.6	\$0.0
Annual Purchases in James City County	0.5	0
Construction Payroll	\$2.1	\$0.0

Area contractors indicate that construction materials account for approximately 50% of all construction costs. The annual cost of materials for this project will total about \$2.6 million in 2008. It is estimated that 20% of construction materials will be purchased in James City County, resulting in sales of \$596,000 a year for county businesses during the development phase. Construction payroll of \$2.1 million is estimated to be generated in 2008 in this scenario.

Incremental Population: To estimate the population of the Jamestown Road development, an average household size of 2.35 persons has been assumed. To arrive at this estimate, a figure of 1.9 adults was used (source - U.S. Census Bureau) and 0.45 children for single-family homes (source - James City County). This method of estimation indicates that the population of the proposed development would reach 35 persons at 100% occupancy at buildout (Figure 1).



Employment and Payroll

The number of incremental FTE employees is included in this fiscal impact analysis because it is one basis of local government expenditure estimates attributed to new the construction activity. Assuming that payroll is 40% of construction costs and that construction workers earn an average of \$38,592 per year (based on wage data obtained from the Virginia Employment Commission), the construction efforts should provide jobs for approximately 75 workers in 2008, as indicated in Table 2 below.

Table 2
Employment Schedule

	2008	Buildout
Full Time Employees	25	0
Part Time Employees	50	0
Total Employees	75	0
Construction FTE Employment	50	0

On a Full Time Equivalent (FTE) basis, the construction employment averages approximately 50 annual positions. FTE employment is based on the assumption that 50% of all workers are full time and that part time employees work half time.

Local Government Revenues

Residential developments in James City County generate several types of revenues, including real estate tax, personal property tax, and retail sales tax. Figure 2 illustrates the annual revenue streams that the county can expect from this development, including the ongoing annual revenue at buildout. The annual line-item estimates are contained in Table 3 below and assumptions associated with the various components of the revenue stream follow.

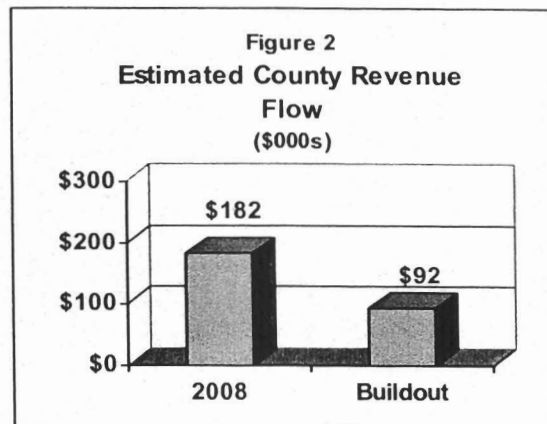


Table 3
Local Government Revenues

Revenue Component	2008	Buildout
Real Property Taxes	\$36,200	\$59,400
Personal Property Taxes	7,700	12,800
Proffers	91,560	0
Meals Tax	500	900
Retail Sales Tax	1,700	2,800
Business & Professional License Tax	8,400	0
Building Permits, etc.	13,200	0
Recordation	18,000	9,900
Miscellaneous Revenues	4,600	6,000
Total Annual Revenues	\$181,900	\$91,800

- **Real Property Taxes:** James City County's 2005-2006 Adopted Budget indicates that the current real estate tax rate is \$0.785 per hundred dollars of assessed value, and no change in this rate is assumed for this analysis. To determine real estate taxes, an average market value of \$500,000 per home has been used as suggested by the developer. Also, *The Wessex Group* researched comparable properties located in the study area which indicated it would be appropriate to apply an average of 2.5% of annual real appreciation to the homes. At buildout, real property taxes are estimated to reach more than \$59,000 and stay at that level.
- **Personal Property Tax:** James City County collects nearly \$20.2 million in personal property taxes. The county tax rate is \$4.00 per \$100 of assessed value and no increase is anticipated in this study. Assuming that 80% of this revenue category is generated by residential households for individual personal property, the household estimate is \$854.12 and has been applied to this study. Once constructed and fully occupied, the development is expected to generate nearly \$13,000 per year in personal property taxes.
- **Proffers:** The developer is offering a cash proffer of \$6,104 per residential unit, for a total of \$91,560 (\$6,104 x 15 units). Proffers include \$4,011 for schools, \$1,000 for other capital improvements items, and \$1,093 for water system improvements.
- **Meals Tax:** James City County levies a four-cent tax on restaurant food and beverages. The county anticipates that approximately 30% of its meals tax revenues will be generated by local residents rather than by tourists. Therefore, of the nearly \$4.5 million in meals taxes budgeted for the 2006 fiscal year, \$1.3 million is expected to come from local residents dining out in restaurants located in the county, a per household average of \$56.84. By buildout, the 15 households in the development would generate about \$900 of meals tax revenues each year.
- **Retail Sales Tax:** Typically, approximately one third of a household's income is spent on local retail sales (Bureau of Business Research). The household income of the Jamestown Road development residents is assumed to be the median household income in the county (reported to be \$62,168 by the U.S. Census Bureau). The county will realize 1% of retail sales, which is returned by the State of Virginia. By buildout, the development's residents should generate almost \$3,000 annually in retail sales tax revenue based on these assumptions.
- **Business License Tax:** The estimated business license tax is based on value of construction on the site. Contractors doing business in James City County pay a rate of \$0.16 per \$100 of the total construction investment. Total business license taxes collected by the county from this development will total \$8,400.
- **Building Permits:** As provided by the developer, building permit fees are estimated at \$695 per single-family home. Also included in this revenue stream are rezoning fees paid by the developer in the first year of \$2,820. In total, the county can expect more than \$13,000 throughout construction of this community.
- **Recordation:** James City County collects recording taxes on real estate transfers. These taxes include a deed recording tax of \$0.33 per \$100 of the selling price and a deed of trust recording tax of \$0.33 per \$100 of the selling price or of the face value of the mortgage, whichever is greater. During the first year of this scenario, it is assumed that the land will sale for \$950,000 collecting \$3,100 in recordation taxes. For the residential homes, this tax has been applied at the time the homes are originally sold. In total, the county can expect \$28,000 in this tax from this development.

- Miscellaneous Taxes and Revenues:** Other taxes and revenues collected by James City County include public service taxes, a variety of licenses, permits and fees, fines and forfeitures, revenues from the use of money and property, revenues from the Commonwealth and the Federal government, and charges for services. As can be seen in the chart below, the county's 2005-2006 Adopted Budget shows that miscellaneous revenue sources (excluding revenue from the Commonwealth for public education and recording taxes) are expected to total nearly \$11.2 million.

County Budget Line Items	Budget Amount
Public Service	\$1,400,000
Bank Franchise Tax	245,000
Telecommunications Taxes	1,227,725
Motor Vehicle Licenses	138,000
License Tax-Utilities	330,000
Dog Licenses	11,000
Cable TV Franchise Fee	622,035
Interest on Short-Term Investments	425,000
HB 599 Payments	1,379,722
ABC Profits	28,199
Wine Tax	29,558
Rolling Stock Tax	31,204
Shared Expenses (excluding Sales Tax for Education)	1,815,981
Categorical Aid	121,125
Revenue from the Federal Government	8,100
Charges for Current Services	3,279,007
Miscellaneous Revenue	83,100
TOTAL	\$ 11,174,756

The per capita amount of these miscellaneous revenues (assuming a population of 58,800) is \$190.05. For this analysis, 90% of the miscellaneous revenues have been attributed to county residents in this development at a per capita figure of \$171.05. The remaining 10% has been attributed to new employment on site. On a per employee basis, 10% of the listed revenues is \$19.00. This figure has been attributed to incremental employees generated by the construction and the new retail and commercial development. After buildout, the county should realize \$6,000 annually.

Local Government Expenditures

The county's estimated costs for providing public services to the development are shown in Figure 3. The data reflected in the figure can be seen in Table 4 on the next page. By buildout, the development will generate estimated county expenditures of about \$86,000 each year.

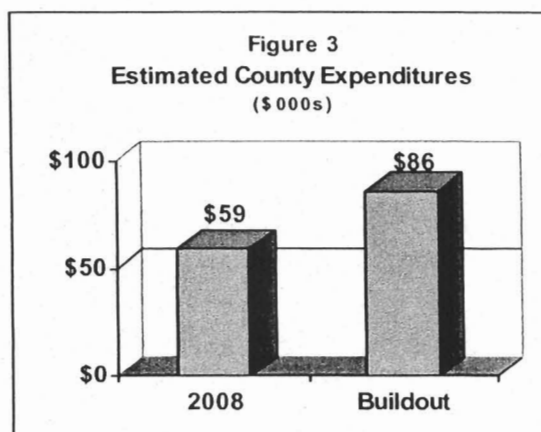


Table 4
Local Government Expenditures

Expenditures	2008	Buildout
General Government & Administration	\$2,800	\$4,400
Health & Welfare	1,400	2,300
Statutory, Unclassified	3,300	3,400
Recreation & Culture	3,600	5,400
Public Safety	11,100	11,600
Public Works	4,200	6,400
Capital Improvements (Non-School)	2,600	2,700
Capital Improvements-Schools	4,800	8,000
Education-Operating Costs	24,800	41,400
Total Annual Expenditures	\$58,600	\$85,600

To estimate the incremental expenditures that this development will generate for James City County's government, the current per capita costs, as reported in the county's budget, have been applied to the estimated population for the households in this scenario. Based on the county's population projection of 58,800, the per capita costs of government in the county's budget are as follows:

Expenditure Category	Per Capita Budget
General & Administrative	\$124.67
Health & Welfare	\$ 66.62
Statutory & Unclassified	\$ 95.29
Recreation & Culture	\$152.52
Public Safety	\$327.83
Public Works	\$182.08
Capital Improvements (Non-school)	\$ 76.23

The construction effort to build this development and the supporting infrastructure will generate some incremental county expenditures. Dr. Robert W. Burchell's Employment Anticipation Method has been used on a per FTE employee basis. This is a method of marginal costing that is based on an extensive study of the increase in a locality's government costs generated by new, non-residential development. The Employment Anticipation Method predicts the change in municipal costs by using the coefficients developed in the study by Dr. Burchell, the per capita cost of government, and the number of incremental FTE employment positions.

To calculate education costs for this community, the county's contribution to debt service costs for education (\$11,670,000) and education operating costs (\$60,212,437) have been divided by the estimated number of children in the public school system (9,820) to arrive at a per pupil cost (source: James City County and James City County Public Schools). Using these estimates, the estimated local per pupil cost for debt service is \$1,188, and \$6,132 for operating cost totaling \$7,320 per pupil in county education costs. The 15 homes are expected to generate a total of 7 pupils using an estimate of 0.45 children per household (source: James City County Planning Department). Using these estimates, the largest expenditure the county can expect at buildout from this development is \$41,400 for education operating costs.

Net Fiscal Impact

The **net** fiscal impact of a development on the local government is calculated by subtracting government expenditures from government revenues. The annual estimated net fiscal impacts during the development period and at buildout are illustrated in Figure 4. This data is shown in more detail in Table 5 below. At buildout, the net fiscal impact to the county from this development is estimated at more than \$6,000.

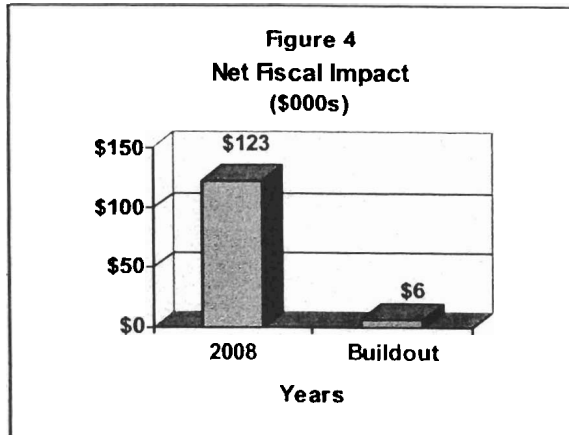
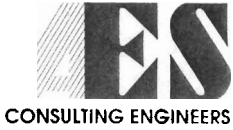


Table 5
Net Fiscal Impact

Cash Inflow and Outflow	2008	Buildout
Total Annual Revenues	\$181,900	\$91,800
Total Annual Expenditures	58,600	85,600
Net Fiscal Impact	\$123,300	\$6,200



5248 Olde Towne Road, Suite 1, Williamsburg, VA 23188
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July 20, 2006

Mr. John T.P. Horne
Development Manager
James City County
101-A Mounts Bay Road
Williamsburg, Virginia 23187

RE: Request for Reduced Street Widths (Z-02-06/MP-03-06/SUP-19-06, Mason Park)
AES Project No. 9676-01

Dear Mr. Horne:

In accordance with James City County's Reduced Street Widths Policy, and on behalf of our client HHHunt-Hampton Roads LLC, we request staff and Board of Supervisors support for reducing street widths within the proposed Mason Park subdivision from the normal 28' (curb to curb) to 22' (curb to curb), with an associated reduction in the right-of-way from 50' to 40'. A copy of the illustrative plan is attached for reference. We propose to address the eight requirements (shown in *italics*) of the Reduced Street Widths Policy Resolution as follows:

- 1) *At least one fire hydrant shall be provided every 400 feet on the road(s) subject to the reduced widths. No proposed road segments exceed 400' in length and a single fire hydrant located at the internal intersection provides coverage for all road segments.*
- 2) *For each lot which fronts on a road subject to reduced widths, the developer shall submit a letter stating that a minimum of three off-street parking spaces, exclusive of any garage or similar car shelter facility, shall be provided. A note to this effect shall be added to both the construction plans and record plat for the subdivision. All lots within the proposed subdivision front on reduced width streets and, as shown on the attached exhibit, provide off-street parking pad and driveway spaces sufficient to accommodate at least three vehicles. The requirement for construction plan and plat notes is acknowledged.*
- 3) *Front setbacks for all lots which front on a road subject to reduced widths shall increase to a minimum of 40 feet from the road right-of-way. However, this requirement shall not apply when design covenants, which are acceptable to the Director of Planning, indicating how the requirements of No.2 above will be met are recorded prior to, or concurrent with the final subdivision plat. However in no case shall the front setback be less than that required by the zoning ordinance. Design covenants will be provided prior to, or concurrent with the final subdivision plat.*

- 4) *The developer shall post signs in accordance with VDOT policy assuring that no on-street parking shall be allowed on the road(s) subject to reduced widths. **Required signs will be posted.***
- 5) *Roll top curb shall be used on all roads subject to reduced widths. **Roll top curb will be utilized.***
- 6) *A minimum three-foot sidewalk shall be provided on at least one side of all subdivision roads subject to reduced widths. **Sidewalks will be provided on one side of reduced width streets.***
- 7) *For each road where reduced widths are approved, trees shall be planted in accordance with the Streetscape Guideline Policy, as adopted by the Board of Supervisors. **Trees will be planted to meet or exceed guidelines.***
- 8) *No tree may be planted closer than 15 feet to the edge of pavement within 80 feet of any intersection on all roads with reduced widths. A note to this effect, combined with appropriate graphic delineations, shall be added to the record plat. **Request the Board of Supervisors exempt Mason Park from this requirement. From a public safety standpoint, our computer analysis shows sufficient pavement available at the intersection to support single movement turning of vehicles up to 45 feet in length. Minimum sight distance at the anticipated 20 mph speed limit is only 200' and can be achieved without the 15 foot clear zone (see attached exhibit). However well intentioned, we believe this requirement results in an unnecessary widening of the landscape at the intersection, creating an aesthetic discord in the normal rhythm of streetscape planting and defeating the purpose of reduced setbacks permitted under the cluster overlay.***

We hope staff and members of the Board of Supervisors will support this request and solicit VDOT approval. If you have any questions or concerns, feel free to contact me at any time.

Sincerely,

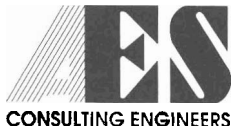
AES Consulting Engineers



Theodore R. Calver, LA, ASLA
Landscape Architect/Senior Planner

Attachments:

- 1-Sight Distance and Parking Exhibit
- 2-Vehicle Turning Exhibit



5248 Olde Towne Road, Suite 1, Williamsburg, VA 23188
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August 28, 2006



Mr. John T.P. Horne
Development Manager
James City County
101-A Mounts Bay Road
Williamsburg, Virginia 23187

RE: Modification of Request for Reduced Street Widths (Z-02-06/MP-03-06/SUP-19-06, Mason Park) AES Project No. 9676-01 (Our Letter dated July 20, 2006)

Dear Mr. Horne:

The referenced letter requested staff and Board of Supervisors (BOS) support for reducing street widths within the proposed Mason Park subdivision from the normal 28' (curb to curb) to 22' (curb to curb), with an associated reduction in the right-of-way from 50' to 40'. The letter also requested that Mason Park be exempt from the requirement to restrict tree planting to an area no closer than 15' from the edge of pavement within 80' of any intersection with reduced street widths, since the rationale for the restriction was not apparent and the compliance has a negative visual impact upon the streetscape. Staff has received feedback indicating reluctance to grant this waiver.


Subsequent review revealed this requirement is driven by Fire Department concerns over the possibility of branches intruding on the roadway and interfering with large fire and emergency vehicles. A meeting was hosted by Mr. Jose Ribeiro, staff planner on August 25, 2006 to address the issue. Mr. Greg Thompson, Assistant Fire Marshal, represented the Fire Department and agreed to support the request if the following conditions were met:

- 1) Only small trees such as Crape Myrtle or Hornbeam, or very narrow growing (fastigate) trees such as Princeton Sentry Ginkgo, Columnar American Holly or Washington Hawthorn would be planted as part of the streetscape within the restricted area.
- 2) The proffers would include a requirement for the Homeowners Association to provide annual maintenance to ensure that no branches intrude into any internal subdivision roadway below the 13' 6" fire vehicle clearance requirement.

We agree to the proposed conditions and believe they honor the purpose of the planting restriction while preserving the integrity of the proposed streetscape within the development. We ask that staff and members of the Board of Supervisors support this request and solicit VDOT approval. If you have any questions or concerns, feel free to contact me at any time.

Sincerely,

AES Consulting Engineers


Theodore R. Calver, LA, ASLA
Landscape Architect/Senior Planner

Attachment:-Restricted Planting Area Exhibit



15' LINE (TYP)
80' RESTRICTED
PLANTING RADIUS

RESTRICTED PLANTING
AREA EXHIBIT (N.T.S.)

RESOLUTION

REDUCED STREET WIDTHS POLICY

WHEREAS, Section 24 VAC-30-90-130 of the Virginia Department of Transportation (VDOT) *Subdivision Street Requirements* allows the VDOT Resident Engineer to approve a reduction in the residential curb and gutter roadway and right-of-way widths shown in 24 VAC 30-90-380; and

WHEREAS, such a reduction must be specifically requested in writing by the governing body; and

WHEREAS, reduced street widths may contribute to increased safety for both pedestrians and motorists by slowing traffic; and

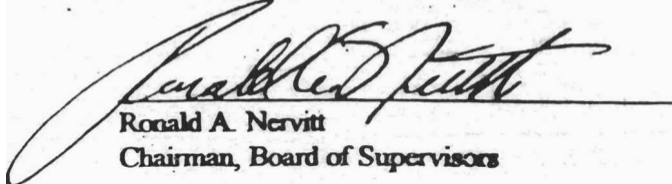
WHEREAS, reduced street widths contribute to improved stormwater management; and

WHEREAS, one of the requirements listed below encourages the preservation of trees along the right-of-way and where existing trees cannot be saved or do not exist, new trees will be planted which significantly contribute to the aesthetic character of the subdivision and of the County as a whole.

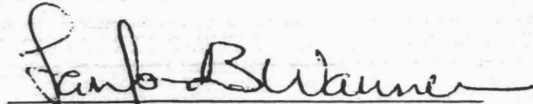
NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that in considering any request for a reduction in roadway widths, as provided for in the above-referenced VDOT document, and in addition to any other requirements that may be required by VDOT, the following shall be required:

1. At least one fire hydrant shall be provided every 400 feet on the road(s) subject to the reduced widths.
2. For each lot which fronts on a road subject to reduced widths, the developer shall submit a letter stating that a minimum of three off-street parking spaces, exclusive of any garage or similar car shelter facility, shall be provided. A note to this effect shall be added to both the construction plans and record plat for the subdivision.
3. Front setbacks for all lots which front on a road subject to reduced widths shall be increased to a minimum of 40 feet from the road right-of-way. However, this requirement shall not apply when design covenants, which are acceptable to the Director of Planning, indicating how the requirements of No. 2 above will be met are recorded prior to, or concurrent with, the final subdivision plat. However, in no case shall the front setback be less than that required by the Zoning Ordinance.
4. The developer shall post signs in accordance with VDOT policy assuring that no on-street parking shall be allowed on the road(s) subject to the reduced widths.
5. Roll top curb shall be used on all roads subject to reduced widths.
6. A minimum three-foot wide sidewalk shall be provided on at least one side of all subdivision roads subject to reduced widths.

7. For each road where reduced widths are approved, trees shall be planted in accordance with the Streetscape Guidelines Policy, as adopted by the Board of Supervisors.
8. No tree may be planted closer than 15 feet to the edge of pavement within 80 feet of any intersection on all roads with reduced widths. A note to this effect, combined with appropriate graphic delineations, shall be added to the record plat.


Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:


Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
MCGLENNON	AYE
HARRISON	AYE
GOODSON	AYE
KENNEDY	AYE
NERVITT	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of April, 2000.

reducestwidth.res

PROFFERS

THESE PROFFERS are made this 29th day of August, 2006 by FLF, LLC, a Virginia limited liability company (together with its successors and assigns, the "Owner") and HHHUNT HOMES OF HAMPTON ROADS, LLC, a Virginia limited liability company ("Buyer").

RECITALS

A. Owner is the owner of a tract or parcel of land located in James City County, Virginia, with an address of 1916 Jamestown Road, Williamsburg, Virginia and being Tax Parcel (46-4)(1-17), being more particularly described on Exhibit A attached hereto (together, the "Property"). The Property is now zoned R-8.

B. 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 R-8 to R-2, General Residential District, with proffers.

D. Buyer has submitted to the County a master plan entitled "Master Plan Rezoning and Special use Permit for Mason Park for HHHunt - Hampton Roads, LLC." prepared by AES Consulting Engineers dated April 24, 2006, last revised August 3, 2006 (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-2.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2298 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.

CONDITION

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. There shall be no more than 15 single-family detached dwelling units within detached garages on the Property.

2. **Owners Association.** There shall be organized an owner's association (the "Association") in accordance with Virginia law in which all lot owners in the Property, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association

shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Governing Documents shall require that the Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs and recreation areas, and shall require that each initial purchaser of a lot make a capital contribution to the Association for reserves in an amount at least equal to one-sixth of the annual general assessment and that the Association (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant the Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents.

3. Water Conservation. (a) Water conservation standards shall be submitted to the James City Service Authority ("JCSA") as a part of the site plan or subdivision submittal for development on the Property and Owner and/or the Association 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. The standards shall be approved by JCSA prior to final subdivision plat approval.

(b) The Governing Documents shall provide that no more than 30% of the area of any residential lot on Property may be irrigated. Common areas shall not be irrigated from public water resources. Any irrigation well for the development shall be approved by the JCSA General Manager and will only be permitted to withdraw from the Aquia or Potomac aquifers.

4. Cash Contributions for Community Impacts. For each dwelling unit on the Property the one time cash contributions set forth in this Section 4 shall be made.

(a) A contribution of \$1,093.00 for each lot on the Property shall be made to the James City Service Authority ("JCSA") in order to mitigate impacts on the County from the physical development and operation of the Property. The JCSA may use these funds for development of alternative water sources or any project related to improvements to the JCSA water system, the need for which is generated by the physical development and operation of the Property.

(b) A contribution of \$1,000.00 for each lot on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and

operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated by the physical development and operation of the Property, including, without limitation, for emergency services equipment replacement and supply, off-site road improvements, library uses, and public use sites.

(c) A contribution of \$4,011.00 for each lot on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated by the physical development and operation of the property, including, without limitation, school uses.

(d) A contribution of \$500.00 for each lot on the Property shall be made to the County in order to mitigate impacts on the County from the physical development of the Property. The County may use these funds for any project in the County's Capital Improvement Plan, the need for which is generated by the physical development and operation of the Property, including, without limitation, for off-site stream restoration elsewhere in the Powhatan Creek watershed.

(e) The contributions described above, unless otherwise specified, shall be payable for each dwelling unit on the

Property at or prior to the final approval of the site plan or subdivision plat for such lot.

(f) The per lot contribution(s) paid pursuant to this Section shall be adjusted annually beginning January 1, 2007 to reflect any increase or decrease for the preceding year in the Marshall and Swift Building Costs Index (the "Index"). In no event shall the per lot contribution be adjusted to a sum less than the amounts set forth in paragraphs (a), (b), (c), and (d) of this Section. The adjustment shall be made by multiplying the per lot contribution for the preceding year by a fraction, the numerator of which shall be the Index as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the Index as of December 1 in the preceding year. In the event a substantial change is made in the method of establishing the Index, then the per unit contribution shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing the Index. In the event that the Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining the Index (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes

of increasing the per lot contribution to approximate the rate of annual inflation in the County.

5. **Jamestown Road Buffer.** There shall be a minimum 150 foot buffer along the Jamestown Road frontage of the Property generally as shown on the Master Plan. The buffer shall be exclusive of any lots. The entrance and entrance road designed as shown generally on the Master Plan, landscaping and berms, the soft surface trails and 8' multi-use paved trail as shown generally on the Master Plan, and with the approval of the Development Review Committee, utilities, fences, bioretention facilities, lighting, entrance features and signs shall be permitted in the buffer. A combination of preservation of existing trees, and landscaping (meeting or exceeding ordinance requirements as to quantity but utilizing plant materials with a size of at least 125% of ordinance requirements) shall be provided within the buffer in accordance with a landscaping plan approved by the Director of Planning which, when the landscaping has reached maturity, shall screen the adjacent homes and garages from the direct view of vehicles traveling on Jamestown Road. The buffer shall be planted or the planting bonded prior to the County being obligated to issue certificates of occupancy for dwelling units located on the Property.

6. **Side Perimeter Buffers.** The perimeter buffer on the north side of the Property between the Jamestown Road buffer and the natural open space easement area proffered by paragraph 9 (b) shall contain "enhanced landscaping" (defined as plant materials with a size of at least 125% of ordinance requirements) in accordance with a landscaping plan approved by the Director of Planning. The perimeter buffer on the south side of the Property between the Jamestown Road buffer and the natural open space easement area proffered by paragraph 9 (b) shall be landscaped in accordance with a landscaping plan approved by the Director of Planning. At the request of the Director of Planning after review of the landscape plan submitted by Owner, Owner shall install "enhanced landscaping" (defined as plant materials with a size of at least 125% of ordinance requirements) in this buffer. The buffers shall be planted or the planting bonded prior to the County being obligated to issue certificates of occupancy for dwelling units located on the Property.

7. **Entrance.** There shall be one entrance into the Property to and from State Route 680 as generally shown on the Master Plan. The entrance shall be designed and constructed in accordance with the current Virginia Department of Transportation standards of entrances to state highways,

including provision for sight distances. There shall not be a median in the entrance road.

8. Recreation. Owner shall provide a tot lot and open play field with approximate dimensions of 60 feet by 90 feet, approximately .84 acres of parkland, approximately .51 miles of trail with exercise stations, and a gazebo. All recreation facilities shall be constructed in accordance with County standards and shall be conveyed to the Association. In lieu of a court and ball field, Owner shall make a cash contribution in an amount equal to \$1,425.00 escalated from 1993 dollars to dollars for the year the contributions are made using the formula in Section 4(f) to the County at the time set forth in section 4(e). All cash contributions proffered by this Proffer 8 shall be used by the County for recreation capital improvements. The exact locations of the facilities proffered hereby and the equipment to be provided at such facilities shall be subject to the approval of the Director of Planning.

9. Environmental Protections. (a) Owner shall submit to the County a master stormwater management plan as a part of the development plan submittal for the Property, including facilities and measures necessary to meet the County's 10 point stormwater management system requirements and the special stormwater criteria applicable in the Powhatan Creek watershed,

and, in addition, including additional bioretention facilities and other low impact design features generally as illustrated on the Master Plan which include, without limitation, dry swales, porous pavement in driveway parking areas and at least one rain barrel per unit, and other design features such as use of grass strips in driveways to reduce impervious cover consistent with the goals of the Powhatan Creek Watershed Management Plan, for review and approval by the Environmental Division. The Governing Documents shall provide that lot owners may repair, maintain and replace low impact design features located on their lot, such as porous pavement, rain barrels and grass strips in driveways, only with comparable features. The master stormwater management plan may be revised and/or updated during the development of the Property with the prior written approval of the Environmental Director. The County shall not be obligated to approve any final development plans for development on the Property until the master stormwater management plan has been approved. The approved master stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.

(b) Prior to the issuance of any land disturbing permits for development pursuant to the Master Plan, Owner shall grant a natural open space easement to the County over the area within

the limits shown as "Existing Tree Line, Also Limits of Priority Conservation Areas C-42/C-43" on Exhibit B hereto. The easement area shall remain undisturbed except the easement shall permit, with the prior approval of the County Engineer, the installation of a sewer line crossing the easement area and an outfall for the storm water management pond and the installation of a soft surface walking trail to be designed and field located to avoid the necessity of clearing any mature trees.

10. **Archaeology.** A Phase I Archaeological Study for the Property shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to, and approved by, the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the

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

11. Architectural Review. Owner shall prepare and submit design review guidelines to the Development Review Committee setting forth design and architectural standards for the development of the Property generally consistent with the typical architectural elevations included in the Community Impact Statement submitted with the Application for Rezoning, requiring that all garages on the Property be detached and located to the rear of the house and incorporating appropriate

and suitable green building practices as recommended in the NAHB Model Green Building Guidelines, 2006 edition, for the approval of the Director of Planning prior to the County being obligated to grant final approval to any development plans for the Property (the "Guidelines"). Once approved, the Guidelines may not be amended without the approval of the Director of Planning. Owner shall establish a Design Review Board to review all building plans and building elevations for conformity with the Guidelines and to approve or deny such plans. Prior to the issuance of a building permit for each house and garage on the Property, architectural plans for such house and garage shall be submitted to the Director of Planning for his review for consistency with the Guidelines. The Director of Planning shall review and either approve or provide written comments setting forth changes necessary to obtain approval within 30 days of the date of submission of the plans in question. All houses and garages shall be constructed in accordance with the approved plans. In the case of plans that will be used on more than one lot, Director of Planning approval need only be obtained for the initial building permit. All exterior colors on homes and garages shall be from the Martin Senour "Williamsburg" exterior paint color palette or the Sherwin Williams "Preservation

Palette" excluding the "Postwar Romanticism" colors from the latter.

12. **Preservation of Specimen Trees.** Owner shall submit a tree survey of the buffers on Property with the site plan for development of the Property and shall use its best efforts to preserve trees located within the 150 foot Jamestown Road buffer identified on the survey as specimen trees to be preserved.

13. **Streetscape Guidelines.** The Owner shall provide and install streetscape improvements in accordance with the applicable provisions of the County's Streetscape Guidelines policy except as described in the letter to the County from AES Consulting Engineers dated August 28, 2006 modifying the applicant's request for reduced street widths, a copy of which is on file in the Planning Department. The streetscape improvements shall be shown on development plans for the Property and submitted to the Director of Planning for approval during the subdivision approval process. Streetscape improvements shall be either (i) installed or (ii) bonded in form satisfactory to the County Attorney prior to the approval of the final subdivision plat of the Property. The Association shall provide annual maintenance of all street trees to ensure that no branches intrude into any internal subdivision roadway below the 13' 6" fire vehicle clearance requirement.

14. **Nutrient Management Plan.** The Association shall be responsible for contacting an agent of the Virginia Cooperative Extension Office ("VCEO") or, if a VCEO agent is unavailable, a soil scientist licensed in the Commonwealth of Virginia or other qualified professional to conduct soil tests and to develop, based upon the results of the soil tests, customized nutrient management plans (the "Plans") for all common areas within the Property and each individual lot. The Plans shall be submitted to the County's Environmental Director for his review and approval prior to the issuance of the 6th certificate of occupancy for houses on the Property. Upon approval, the Association shall be responsible for ensuring that any nutrients applied to common areas which are controlled by the Association be applied in strict accordance with the Plan. The Owner shall provide a copy of the individual Plan for each lot to the initial purchaser thereof. Within 12 months after issuance of the Certificate of Occupancy for the final dwelling unit on the Property and every three years thereafter, a turf management information seminar shall be conducted on the site. The seminar shall be designed to acquaint residents with the tools, methods, and procedures necessary to maintain healthy turf and landscape plants.

15. **Sidewalks.** There shall be sidewalks five feet in width installed along one side of all streets within the Property generally as shown on the Master Plan. Owner shall, in lieu of installing a sidewalk along the Route 680 frontage of the Property, install an 8' wide paved trail across the Route 680 frontage of the Property connecting to the adjacent parcels to the north and south and to Route 680 in the general location shown on the Master Plan.

16. **Curb and Gutter.** Streets within the Property shall be constructed with curb and gutter provided, however, that this requirement may be waived or modified along those segments of street, including entrance roads, where structures are not planned.

17. **Entrance Sign.** Any entrance sign shall be a monument style sign no more than four feet in height. Owner shall submit an elevation of the entrance sign to the Director Of Planning for his reviewed and approval prior to installation of the sign.

18. **Construction Start.** No construction activity other than the demolition of existing structures and installation of landscaping shall take place before January 1, 2008.

WITNESS the following signatures.

FLF, LLC

By:

Title: MEMBER/OWNER

HHHunt Homes of Hampton
Roads, LLC

By: _____

Title: _____

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF Albemarle, to-wit:

The foregoing instrument was acknowledged this 5
day of September, 2006, by Griffin W. Fernando, as
_____ of FLF, LLC, a Virginia limited liability company,
of behalf of the company

Christine C. Hankins
NOTARY PUBLIC

My commission expires: September 30, 2007.

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this _____
day of _____, 2006, by _____, as
of HHHunt, Homes of Hampton Roads, LLC on behalf of the company.

NOTARY PUBLIC

My commission expires: _____

WITNESS the following signatures.

FLF, LLC

By: _____
Title: _____

HHHunt Homes of Hampton
Roads, LLC

By: [Signature]
Title: MANAGER

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this _____
day of _____, 2006, by _____, as
_____ of FLF, LLC, a Virginia limited liability company,
of behalf of the company

NOTARY PUBLIC

My commission expires: _____

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged this 29th
day of August, 2006, by Steve W. Miller, as Manager
of HHHunt, Homes of Hampton Roads, LLC on behalf of the company.

[Signature]
NOTARY PUBLIC

My commission expires: 12/31/09.

EXHIBIT A

PARCEL ONE

All that certain lot, piece or parcel of land containing 4.91 acres by survey, but conveyed in gross and not by acre, situate, lying and being in Jamestown District, James City County, Virginia, as shown on that certain plat entitled "JAMESTOWN DISTRICT, JAMES CITY COUNTY, VA., PLAT SHOWING BOUNDARY SURVEY OF A PARCEL OF LAND FOR FRANK AND MARY K. FERNANDEZ, BEING PART OF AMBLER'S PLANTATION", dated December 10, 1963, and made by Vincent D. McManus, Certified Surveyor, said plat being recorded in the Office of the Clerk of Circuit Court for the City of Williamsburg and the County of James City Virginia in Deed Book 94, page 55, to which plat reference is here made for a more particular description.

PARCEL TWO

All that certain lot or parcel of land situate in Jamestown District, James City County, Virginia, set up, shown and described on a plat of survey thereof entitled "Plat of part of A.C. Ammons prop.: Standing in the name of Charles W. Bulifant, Jamestown District, James City County, Va., " made by Stephen Stephens, Certified Land Surveyor, in April 1963, and whereon said land is shown to contain 4.202 acres, and is described by metes and bounds, courses and distances, and said plat is recorded in Plat Book 20, page 40, and is hereby made a part hereof by reference.

Parcels One and Two are a portion of the property conveyed to FLF, LLC by Deed dated July 14, 1998 recorded in the aforesaid Clerk's Office as Instrument No. 980014306, as corrected by Deed of Correction dated February 9, 2000 recorded in the aforesaid Clerk's Office as Instrument No. 000007980.

Prepared by:

Geddy, Harris, Franck & Hickman, LLP
1177 Jamestown Road
Williamsburg, Virginia 23185

MEMORANDUM

DATE: October 10, 2006

TO: The Board of Supervisors

FROM: Jason Purse, Planner

SUBJECT: Determination of Effect of Withdrawing Land from the Gordon's Creek AFD

James City County intends to acquire land located within the Gordon's Creek AFD totaling approximately 40.285 acres as shown on attached survey. The land will be used for the purpose of constructing the Williamsburg-James City County Public Schools' eighth elementary school.

As shown on the attached exhibit, the boundary lines have shifted slightly from what was originally intended to be used for this site. The change in boundary lines is necessary for the construction of turn lanes for the school, as well as the construction of the stormwater management facility and a portion of a playing field in the rear of the property. Even though the new land being acquired totals only a few acres, the process for the whole site is being completed again to assure that no further delays occur in the process.

As a part of that process, pursuant to State Code Section 15.2-4313 the Board of Supervisors must make a determination that the acquisition of land in the Gordon's Creek Agricultural and Forestal District (AFD) will not have an unreasonably adverse effect upon the remainder of the Gordon's Creek AFD, or have an effect on the preservation and enhancement of agricultural and forestal resources within the district. As this site went through a site selection process, and was determined by the Board of Supervisors to be the best location for this project, this public hearing process is not required by State Code. However, a public hearing was advertised and is being held in order to prevent any possible delays in construction for this project.

The withdrawal site is internal to the largest section of the Gordon's Creek AFD. The parcel can be withdrawn without adversely affecting any other District parcel, because no parcel will be more than a mile away from the main body of the AFD. The remaining 120.46 acres of the original parent parcel will also remain in the AFD, as it was recently renewed for a term length of four years and three months.

Given the need for additional school facilities in the County there is a projected completion date of September 2007. There is a very small window for starting and completing work on all areas of this site. The construction sequence for this project requires the stormwater management facility be constructed near the beginning of the process, as it is necessary to adequately mitigate environmental impacts of the site as the building pad is completed. As this area of the plan was not a part of the original boundary line for the site, this intent to acquire, and subsequent withdrawal from the AFD is necessary before construction can commence on that phase of the project. Any undue delay of this process will force postponement of the opening of the school.

The Agricultural and Forestal Advisory Committee, the Planning Commission and the Department of Conservation and Recreation were notified of the County's intent to acquire land and to elicit any input they might have on the possible withdrawal of land on the District. Their responses on the effects of this acquisition are attached. A copy of the intent to withdraw letter was also sent to all land owners in the District.

Determination of Effect of Withdrawing Land from the Gordon's Creek AFD

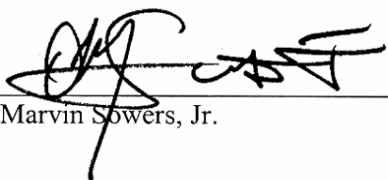
October 10, 2006

Page 2

Staff recommends the Board of Supervisors adopt the attached resolution making findings about the acquisition of the land in the Gordon's Creek AFD. Once the site is acquired by the County we will start the withdrawal process and SUP amendment for this additional land in November.

Jason Purse

CONCUR:



O. Marvin Sowers, Jr.

JP/cc

GordonCrkAFD.mem

Attachments:

1. Survey
2. Letter to Sandy Wanner dated 9/13/06
3. AFD Advisory Committee response
4. Planning Commission response
5. Department of Conservation and Recreation response

RESOLUTION

DETERMINATION OF EFFECT OF WITHDRAWING LAND FROM THE

GORDON'S CREEK AFD

WHEREAS, the Williamsburg-James City County Public Schools ("Schools") need to construct an eighth elementary school in order to meet the needs of the growing community; and

WHEREAS, the Schools and the County of James City, Virginia ("County") have determined that the 40.285 acres tract hereinafter described property is the necessary and proper location for a new elementary school; and

WHEREAS, the Schools and the County found that new boundary lines, different from the originally acquired land, would be needed to construct the turn lanes and stormwater management facility for the project; and

WHEREAS, although not required by State Code, a public hearing was advertised and the Department of Conservation and Recreation, the AFD Advisory Committee, and the Planning Commission were notified to provide advice on the matter.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, pursuant to Code Section 15.2-4313, determines that the acquisition of land in the Gordon's Creek Agricultural and Forestal District (AFD) will not have an unreasonably adverse effect upon the remainder of the Gordon's Creek AFD, or have an effect on the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the District.

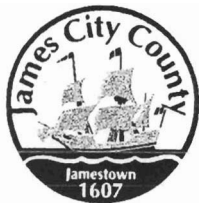
Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of October, 2006.

GordonCrkAFD.res



COUNTY ATTORNEY

101-C MOUNTS BAY ROAD, P.O. BOX 8784, WILLIAMSBURG, VIRGINIA 23187-8784
(757) 253-6612

Fax: (757) 253-6833

VIA HAND DELIVERY

September 13, 2006

Mr. Sanford B. Wanner
County Administrator
James City County
101-C Mounts Bay Road
Williamsburg, VA 23185

Dear Mr. Wanner:

RE: WJCC Elementary School Site Notice of Intent

I am writing on behalf of James City County to notify you of James City County's intent to acquire, by condemnation, land located within the Gordon Creek AFD and totaling 40.285 acres as shown on attached survey. The property is part of a parcel of 164.46 acres, in the Gordon Creek AFD, known as the "Jacksons" tract. It is located at 4001 Brick Bat Road, and can be further identified as parcel (1-1) on the James City County Tax Map (36-3). Originally the property was a part of the 163.880 acres placed in the AFD by the previous owner. The land will be used for the purpose of constructing the Williamsburg-James City County Public Schools eighth elementary school which is necessary due to the fact that existing W-JCC elementary schools are currently operating over-capacity.

As shown on the attached survey entitled "NEW ELEMENTARY SCHOOL", dated March 17, 2006, prepared by Moseley Architects, P.C. and the Timmons Group, and further identified as SDE No. 131-18A, the boundary lines have shifted slightly from what was originally intended to be used for this site. The change in boundary lines is necessary for the construction of turn lanes for the school, as well as the construction of the stormwater management facility in the rear of the property.

This tract of land was identified by James City County and the W-JCC School Administration, along with several other parcels throughout the County, as a potential site for an elementary or middle school based on facility needs for future schools. A wide variety of potential sites were evaluated by a School Site Selection Task Force and ranked based upon their location, infrastructure, availability, road access, acreage requirements, and topography. During the four-step process and consultation with the Task Force and County staff, the number of potential sites was narrowed down based on how well each site could meet the needs of the School Administration, resulting in a list of the top four potential elementary school sites which were located in an area most in need of an additional school and which contained enough buildable area for the physical facility. Of the four sites chosen, each was wholly or partially within one of

Mr. Sanford B. Wanner
September 13, 2006
Page 2

James City County's Agricultural and Forestal Districts. While alternative sites not contained within an AFD were evaluated, the four top sites and most especially the chosen site were selected because they were the most qualified potential elementary school sites.

The withdrawal site is internal to the largest section of the Gordon Creek AFD. The parcel can be withdrawn without adversely affecting parcels on the outside of it, because it will not cause parcels to be more than a mile away from the main body of the AFD. The remaining 120.46 acres of the original parent parcel will also remain in the AFD, as it was recently renewed for a term length of 4 years and 3 months.

Pursuant to State Code Section 15.2-4313, a letter is being sent to the Agricultural and Forestal Advisory Committee, the Planning Commission, the Department of Conservation and Recreation, and the Gordon Creek AFD Land Owners to notify them of this intent to acquire land, in order to elicit any input they might have on the possible withdrawal of land on the District. On October 10, 2006 the Board of Supervisors will hold a public hearing to consider a resolution of condemnation and any effects on the Gordon Creek AFD. If approved the withdrawal process for this land will start in November. All project information is on file with the local governing body. Please contact the Planning Office at 101-A Mounts Bay Road, James City County Virginia, 23185, (757) 253-6685, for more information.

Given the need for additional school facilities in the County there is a projected completion date of September 2007. There is a very small window for starting and completing work on all areas of this site. The construction sequence for this project requires the stormwater management facility be constructed near the beginning of the process, as it is necessary to adequately mitigate environmental impacts of the site as the building pad is completed. As this area of the plan was not a part of the original boundary line for the site, this intent to acquire, and subsequent withdrawal from the AFD is necessary before construction can commence on that phase of the project. Any undue delay of this process will force postponement of the opening of the school.

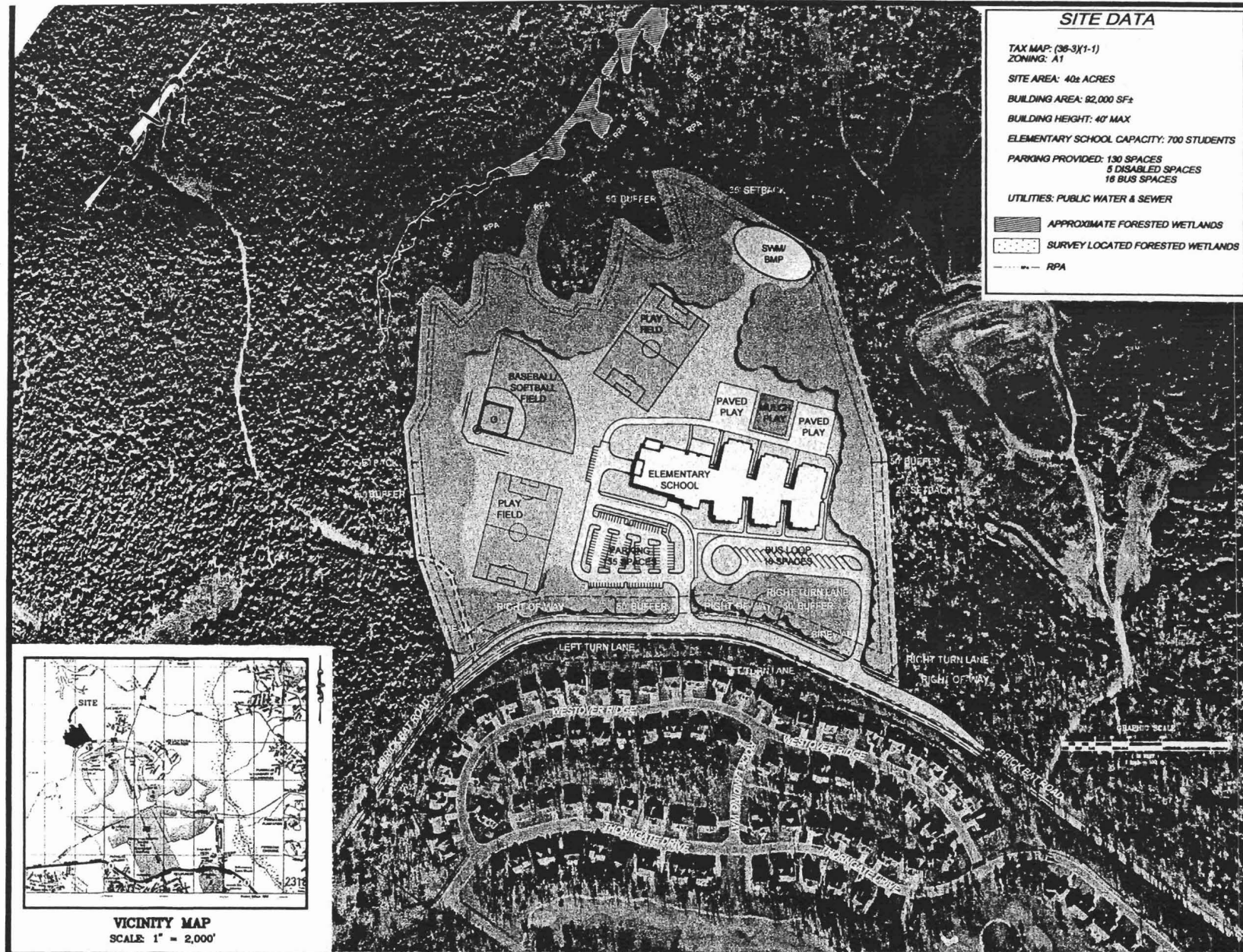
Please let me know if you need further information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Leo P. Rogers".

Leo P. Rogers
County Attorney

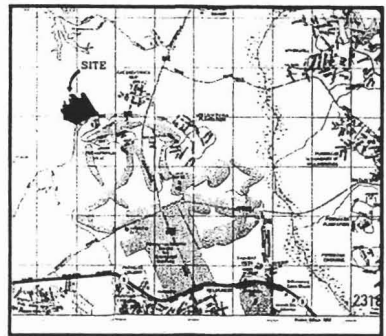
Attachment



SITE DATA

TAX MAP: (36-3)(1-1)
 ZONING: A1
 SITE AREA: 40± ACRES
 BUILDING AREA: 92,000 SF±
 BUILDING HEIGHT: 40' MAX
 ELEMENTARY SCHOOL CAPACITY: 700 STUDENTS
 PARKING PROVIDED: 130 SPACES
 5 DISABLED SPACES
 16 BUS SPACES
 UTILITIES: PUBLIC WATER & SEWER

APPROXIMATE FORESTED WETLANDS
 SURVEY LOCATED FORESTED WETLANDS
 RPA



VICINITY MAP
 SCALE 1" = 2,000'

MOSELEYARCHITECTS
 A PROFESSIONAL CORPORATION



NEW ELEMENTARY SCHOOL
 SDE NO. 131-18A
 WILLIAMSBURG - JAMES CITY COUNTY PUBLIC SCHOOLS
 WILLIAMSBURG - JAMES CITY COUNTY, VIRGINIA

DESIGNED BY	DATE
DRAWN BY	DATE
CHECKED BY	DATE
APPROVED BY	DATE

SLD-5-06

October 1, 2006

Mr. Leo Rogers
James City County
101-C Mounts Bay Road
Williamsburg, VA 23187

RE: WJCC Elementary School Site Notice of Intent

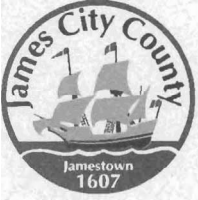
Dear Mr. Rogers:

The Agricultural and Forestal District Advisory Committee received your request for information regarding the acquisition of land at 4001 Brick Bat Road, and a summary of the effects this acquisition has on the Gordon's Creek AFD. The AFD Committee has no comments on this action at this time.

Please let me know if you need further information.

Sincerely,

Robert Gilley 
Chairman, Agricultural and Forestal District Advisory Committee



DEVELOPMENT MANAGEMENT

101-A MOUNTS BAY ROAD, P.O. BOX 8784, WILLIAMSBURG, VIRGINIA 23187-8784
(757) 253-6671 Fax: (757) 253-6822 E-MAIL: devtman@james-city.va.us

ENVIRONMENTAL DIVISION
(757) 253-6670
environ@james-city.va.us

PLANNING
(757) 253-6685
planning@james-city.va.us

COUNTY ENGINEER
(757) 253-6678

INTEGRATED PEST MANAGEMENT
(757) 259-4116

October 2, 2006

Mr. Leo Rogers
James City County
101-C Mounts Bay Road
Williamsburg, VA 23187

RE: WJCC Elementary School Site Notice of Intent

Dear Mr. Rogers:

Thank you for your letter notifying the Planning Commission of the County's intent to acquire land in the Gordon Creek AFD for the purpose of building a new elementary school. The Planning Commission has no comments at this time but will reserve our comments at the public hearing for the AFD withdrawal and an SUP amendment application.

Sincerely,

Jack Fraley
Chairman, Planning Commission

L. Preston Bryant, Jr.
Secretary of Natural Resources

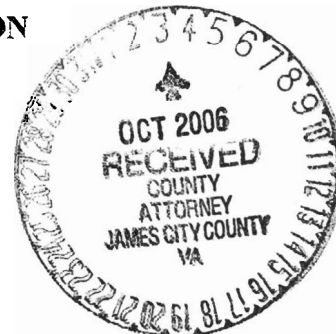


Joseph H. Maroon
Director

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

203 Governor Street
Richmond, Virginia 23219-2010
(804) 786-6124

October 2, 2006



Mr. Leo Rogers, County Attorney
101-C Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187

Dear Mr. Rogers:

Thank you for providing the Department of Conservation and Recreation (DCR) with the opportunity to comment on James City County's proposal to acquire, by condemnation, approximately 40 acres of land within an Agricultural and Forestal District (AFD) in order to build an elementary school on the site.

The purposes of the Virginia Agricultural and Forestal District Act are set out in Va. Code § 15.2-4301:

It is the policy of the Commonwealth to conserve and protect and to encourage the development and improvement of the Commonwealth's agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also the policy of the Commonwealth to conserve and protect agricultural and forestal lands as valued natural and ecological resources, which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes.

Virginia Code § 15.2-3213 states that DCR may advise a local governing body on the issues related to acquisition and construction within an AFD. Code § 15.2-3213(B) spells out those issues:

- (i) the effect the action would have upon the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the district and the policy of this chapter;
- (ii) the necessity of the proposed action to provide service to the public in the most economical and practical manner; and
- (iii) whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts on agricultural and forestal resources within the district.

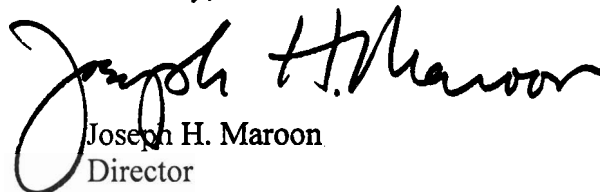
*State Parks • Soil and Water Conservation • Natural Heritage • Outdoor Recreation Planning
Chesapeake Bay Local Assistance • Dam Safety and Floodplain Management • Land Conservation*

With the purposes of the Agricultural and Forestal District Act in mind that provide the framework for DCR's response, DCR's review focuses on the effect of the withdrawal of this land from the Gordon Creek AFD as it pertains to Code § 15.2-3213(B)(i). Judging by the map provided with your letter, the AFD appears to be largely in forestal (rather than agricultural) use. You state in your letter that "the withdrawal site is internal to the largest section of the Gordon Creek AFD". In accordance with this statement and the materials provided, DCR notes that the removal of trees required to clear the land for construction may interfere with preservation or enhancement of the forestal resources within the district. Besides reducing the stock of trees available for economic use, fragmentation of the existing forest cover often has a degrading effect on wildlife habitat and species. In addition, the quality of downstream waterways may be impacted if runoff and erosion from the site are not carefully controlled.

In considering Code § 15.2-3213(B)(ii), the construction of a school will undoubtedly provide service to the public. Your letter states that alternative sites for the school were evaluated based upon location, infrastructure, availability, road access, acreage requirements, and topography, which suggests that the County has found "the most economical and practical manner" to provide that service. Code § 15.2-3213(B)(iii), however, requires the County to provide alternatives to a proposed acquisition of land in an AFD "that would minimize or avoid any adverse impacts on agricultural and forestal resources within the district." DCR would like to be informed as to whether the County has made an analysis of alternatives that conforms to the statute.

I am interested to know the outcome of the public hearing scheduled for October 10, and I will request a member of my staff to attend that hearing. Please let me know if I can be of further assistance.

Sincerely,



Joseph H. Maroon
Director

c: David Dowling, Policy, Planning and Budget Director
Sarah Richardson, Land Conservation Coordinator

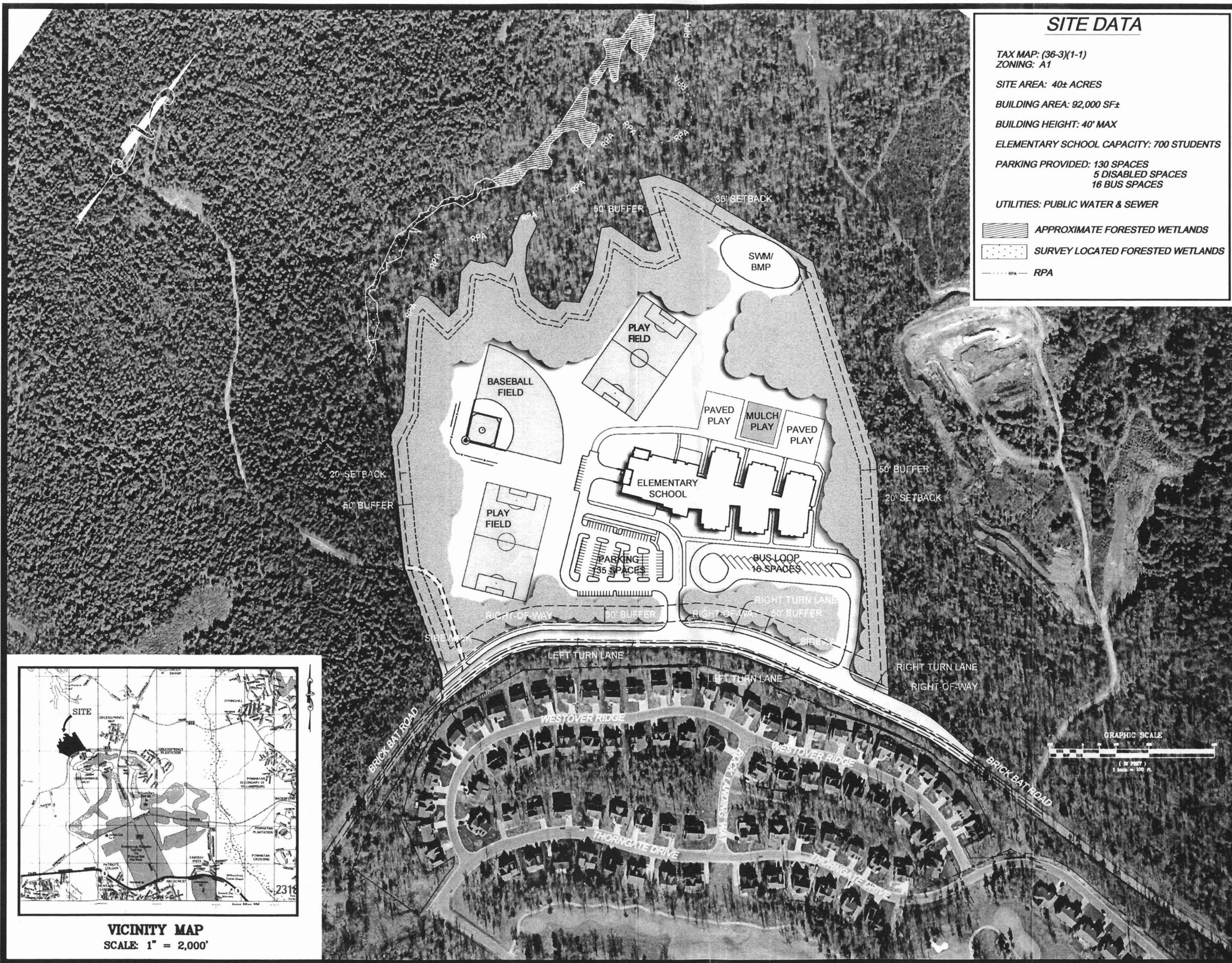


PROJECT NO. 131-18A
 DATE: JULY 21, 2006
 REVISIONS:
 DESIGNED BY: BSC
 CHECKED BY: SEB

NEW ELEMENTARY SCHOOL SDE NO. 131-18A **WILLIAMSBURG - JAMES CITY COUNTY PUBLIC SCHOOLS** **WILLIAMSBURG - JAMES CITY COUNTY, VIRGINIA**

TIMMONS GROUP
 1000 BROADWAY, SUITE 1000
 NEW YORK, NY 10003
 (212) 693-1000
 FAX: (212) 693-1001
 WWW.TIMMONSGROUP.COM

ARCHITECTS
 A PROFESSIONAL CORPORATION
 407 BOUTIQUE BOULEVARD, BOHACAS, VIRGINIA 22026
 PHONE (850) 764-7566 FAX (850) 379-8880
 WWW.ARCHITECTS.COM



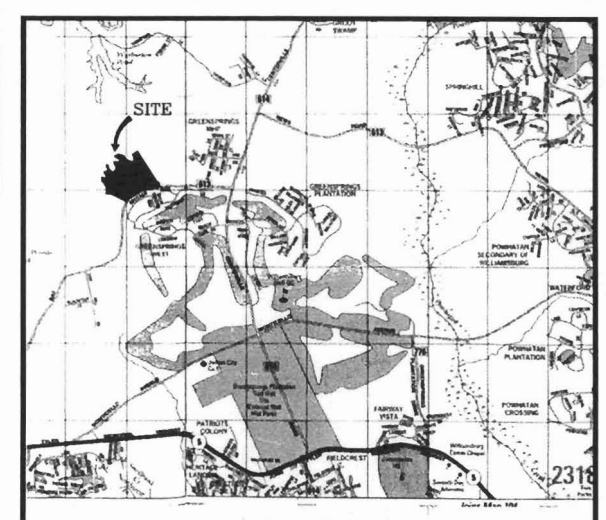
SITE DATA

TAX MAP: (36-3)(1-1)
ZONING: A1

SITE AREA: 40± ACRES
BUILDING AREA: 92,000 SF±
BUILDING HEIGHT: 40' MAX
ELEMENTARY SCHOOL CAPACITY: 700 STUDENTS
PARKING PROVIDED: 130 SPACES
5 DISABLED SPACES
16 BUS SPACES

UTILITIES: PUBLIC WATER & SEWER

- APPROXIMATE FORESTED WETLANDS
- SURVEY LOCATED FORESTED WETLANDS
- RPA



VICINITY MAP
SCALE: 1" = 2,000'



NEW ELEMENTARY SCHOOL
SDE NO. 131-18A
WILLIAMSBURG - JAMES CITY COUNTY PUBLIC SCHOOLS
WILLIAMSBURG - JAMES CITY COUNTY, VIRGINIA

PROJECT NO.	131-18A
DATE	MARCH 7, 2005
REVISION	
DRAWN BY	BSC
REVIEWED BY	SES

MOSELEY ARCHITECTS
A PROFESSIONAL CORPORATION
601 SOUTHSHORE BOULEVARD, SUITE 200
PHONE (800) 794-1555 FAX (800) 794-1556
MOSELEY.ARC@JCS.COM



SUP-05-06

MEMORANDUM

DATE: October 10, 2006

TO: The Board of Supervisors

FROM: Leo P. Rogers, County Attorney
John T.P. Horne, Development Manager

SUBJECT: Resolution to Authorize Acquisition by Voluntary Conveyance or Condemnation of a 40.285 Acre Tract, Plus Easements, for an Elementary School Site ("Matoaka School")

Attached for your consideration is a resolution authorizing the County Attorney's Office and/or the law firm of Randolph, Boyd, Cherry and Vaughan to voluntarily acquire or condemn 40.285 acres of land, plus easements, off Brick Bat Road for an elementary school site. The property is a portion of a 164+/- acre site designated as Parcel No. 3630100001 on the James City County Real Estate Tax Map and commonly known as the "Jacksons" Tract, 4085 Centerville Road in James City County, Virginia. Attached is the Timmons Survey which depicts the property and the proposed improvements.

The acquisition of property for what is now called Matoaka School first came before the Board on December 13, 2005. At that time, a 44+/- acre parcel was sought. The Certificate of Take was filed in January 2006. In order to address technical issues raised by one of the trustees or property owners, the Board adopted a similar resolution on May 9, 2006. Shortly thereafter, the W/JCC Schools design for the Matoaka School showed the size and configuration of the site needed to be changed. The County sought to address the changes to the site and other issues by reaching a settlement with the property owners. Although some of the property owners were cooperative, the County could not reach agreement with all of the property owners which would be required in order to add new land to a certificate of take. It became apparent that a second condemnation would be needed.

The attached resolution not only includes the additional land needed due to the revised engineering of Matoaka School, it included a portion (roughly 38 acres) of the land previously taken by the County. It is the County's position that the prior take is valid; consequently, it is Staff's belief that the County is taking the land from itself, as well as from the private property owners. At least one of the trustees/property owners maintains that the original take was invalid. As you heard from his representative at the Board's meeting on September 12, this could jeopardize the timing and costs involved with constructing Matoaka School. We believe his challenge will not be successful. If he were successful, however, the County would be put in a position of choosing to pay considerably more than the land is worth or to not open Matoaka School on time and within budget. In order to avoid this risk, the second condemnation will assure that Makoaka School construction will proceed as planned. The County will continue to defend the validity of the prior take and seek to have the cases consolidated.

It should be noted that County and School staff have had constructive dialogue with some of the property owners and have offered to meet to resolve all outstanding issues with all of the property owners. Following the public hearing, staff recommends the adoption of the attached resolution authorizing the County to pursue the acquisition of the Matoaka School site on voluntary basis or by condemnation.

Resolution to Authorize Acquisition by Voluntary Conveyance or Condemnation of a 40.285 Acre Tract,
Plus Easements, for an Elementary School Site ("Matoaka School")
October 10, 2006
Page 2

Leo P. Rogers


John T.P. Horne

LPR/JTPH/cc
Acquisition.mem

Attachment

A RESOLUTION, FOLLOWING A PUBLIC HEARING, TO AUTHORIZE THE ACQUISITION,
BY VOLUNTARY CONVEYANCE OR CONDEMNATION, OF A 40.285-ACRE TRACT OF
LAND, TOGETHER WITH CERTAIN EASEMENTS BEING A PORTION OF THE 164 ± ACRES
OF REAL PROPERTY COMMONLY KNOWN AS THE “JACKSONS” TRACT, 4085
CENTERVILLE ROAD IN JAMES CITY COUNTY, OWNED BY SALLIE ARMISTEAD
WILSON, INDIVIDUALLY AND AS SUCCESSOR TRUSTEE UNDER THE DEED AND TRUST
AGREEMENT MADE BY ROBERT T. ARMISTEAD AND SARAH H. ARMISTED DATED
DECEMBER 27, 1970; MARY ARMISTEAD HOGGE, INDIVIDUALLY AND AS SUCCESSOR
TRUSTEE UNDER THE DEED AND TRUST AGREEMENT MADE BY ROBERT T.
ARMISTEAD AND SARAH H. ARMISTEAD DATED DECEMBER 27, 1970; R. TRAVIS
ARMISTEAD, JR., INDIVIDUALLY AND AS SUCCESSOR TRUSTEE UNDER THE DEED
AND TRUST AGREEMENT MADE BY ROBERT T. ARMISTEAD AND SARAH H.
ARMISTEAD DATED DECEMBER 27, 1970; LETITIA A. HANSON, TRUSTEE UNDER THE
LETITIA ARMISTEAD HANSON REVOCABLE TRUST; MICHAEL J. CAVANAUGH,
TRUSTEE UNDER THE LETITIA ARMISTEAD HANSON REVOCABLE TRUST AND JAMES
CITY COUNTY, VIRGINIA, FOR PUBLIC PURPOSES, AND FURTHER TO AUTHORIZE
ENTRY UPON SUCH PARCEL PRIOR TO COMPLETION OF CONDEMNATION

PROCEEDINGS AND TO WIT:

CONSTRUCTION OF AN ELEMENTARY SCHOOL

WHEREAS, the Williamsburg-James City County Public Schools (“Schools”) need to construct an eighth elementary school in order to meet the needs of the growing community; and

WHEREAS, the Schools and the County of James City, Virginia (“County”) have determined that the 40.285 acre tract hereinafter described is the necessary and proper location for a new elementary school; and

WHEREAS, on December 13, 2005, the Board of Supervisors of James City County adopted a Resolution authorizing the acquisition of a 44-acre tract of land which in large part is the same as the 40.285 acres hereinafter described, however, due to the refinement of the

plans, the boundary is now different in certain regards and certain easements not described in the December 13, 2005, resolution are now necessary; and

WHEREAS, the December 13, 2005, resolution identified the owners of the herein described Property as Sarah H. Armistead, Trustee/Executor, Letitia A. Hanson and Michael J. Cavanaugh, Trustees under the Letitia Armistead Hanson Revocable Trust and further stated that the County may proceed against any successors in title; and

WHEREAS, the County, prior to filing the Certificate of Take, learned that the ownership of this property was uncertain, and probably includes, in whole or in part, Sallie Armistead Wilson, Mary Armistead Hogge and Robert T. Armistead, as individuals and/or Trustees, of the Deed and Trust Agreement made by Robert T. Armistead and Sarah H. Armistead dated December 27, 1970, and each was given proper notice prior to filing the Certificate of Take; and

WHEREAS, counsel for one or more of the owners who was provided notice of the pre-Resolution and post-Resolution offers and the filing of the Certificate of Take, complained that, despite the savings clause, all property owners were not specifically referenced in the December 13, 2005 Resolution; and

WHEREAS, the County adopted a second Resolution on April 25, 2006, correcting the names of the owners, but identifying the same land as identified in the December 13, 2005 Resolution; and

WHEREAS, the County and the Schools have moved forward with the acquisition of the property described in the aforesaid prior Resolutions by filing the Certificate of Take and a petition in condemnation and by entering upon the property for the design and engineering of the new elementary school; and

WHEREAS, the County believes that the original Certificate is valid, but it needs certain additional land and easements not described in the initial Certificate; and

WHEREAS, certain of the landowners, by counsel, have objected to the efficacy of the first Certificate and have moved to dismiss the pending condemnation proceeding and the matter has been set down for hearing; and

WHEREAS, despite the County's confidence that the original Certificate is valid, the critical nature of this public school project is such that the County cannot accept any risk that the project be delayed in any way and it further being necessary to add certain land and easements and to subtract certain other land; and

WHEREAS, the County has exhausted all reasonable efforts to settle and resolve preliminary challenges to the first Certificate; and

WHEREAS, after holding a public hearing the Board of Supervisors determined that the removal of the hereinafter described 40.285± acres of land from the Gordon's Creek Agricultural and Forestal District will not have an unreasonable adverse effect on state or local policy or the remaining land in the Gordon's Creek Agricultural and Forestal District; and

WHEREAS, after holding a public hearing, the Board of Supervisors of James City County is of the opinion that a public necessity exists for the acquisition of the hereinafter described

property for the construction and operation of a new elementary school in order to provide an adequate public education system and for such public purposes as to provide for the preservation of the health, safety, peace, good order, comfort, convenience, morals, and welfare of the County and that public necessity requires entry onto the property prior to the completion of condemnation proceedings.

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

1. The acquisition of the hereinafter described property for a public school is declared to be a public necessity pursuant to Section 15.2-1903, Code of Virginia (1950), as amended, and to constitute an authorized public undertaking pursuant to Section 15.2-1901.1, Code of Virginia (1950), as amended, and it is further declared that the acquisition and use of such property by the County will constitute a public use as defined by Section 15.2-1900, Code of Virginia (1950), as amended, and that said public use is approved pursuant to Section 15.2-1903 and it is directed that the County and/or the law firm of Randolph, Boyd, Cherry and Vaughan acquire the property for said use by voluntary transfer or condemnation if necessary.
2. A public necessity exists that the County enter upon and take the hereinafter described property for the purposes described hereinabove prior to or during the condemnation proceedings and the County declares its intent pursuant to Section 15.2-1905 C, Code of Virginia (1950), as amended, to so enter and take the property under the power granted the County by Chapter 3 of Title 25.1, Code of Virginia (1950), as amended (Section 25.1-300, et seq.).
3. Prior to the initiation of condemnation proceedings the County Attorney and/or the law firm of Randolph, Boyd, Cherry and Vaughan is directed to make a bona fide effort to purchase the property by compliance with Section 25.1-204 Code of Virginia (1950), as amended. The offer shall be based upon the revised, approved appraisal in the amount of \$506,001 by Michael Simerlein which includes \$449,888 for the fair market value of the land and easements acquired and \$56,113 for damages to the residue.
4. The names of the present owners of the property to be acquired, if the current Certificate is invalidated, are: Sallie Armistead Wilson, individually and as Successor Trustee under the Deed and Trust Agreement made by Robert T. Armistead and Sarah H. Armistead dated December 27, 1970; Mary Armistead Hogge, individually and as Successor Trustee under the Deed and Trust Agreement made by Robert T. Armistead and Sarah H. Armistead dated December 27, 1970; R. Travis Armistead, Jr., individually and as Successor Trustee under the Deed and Trust Agreement made by Robert T. Armistead and Sarah H. Armistead dated December 27, 1970; Letitia A. Hanson, Co-Trustee under the Letitia Armistead Hanson Revocable Trust; Michael J. Cavanaugh, Co-Trustee under the Letitia Armistead Hanson Revocable Trust and James City County, Virginia, as their respective interests may appear.
5. A substantial description of the property is:

40.285 acres in fee simple located on the north side of Route 613,

Brick Bat Road and more particularly described on a plat of survey titled "Plat Showing 40.285 acres of Land and Various Easements Lying on the North Line of Brick Bat Road (State Rte 613)" by Paul N. Huber, land surveyor of Timmons Group, dated June 8, 2006 a copy of which (3 pages) is attached hereto and recorded herewith.

Reserving unto the owners a variable width access easement comprising 31,107 square feet, more or less, to run with the land, as described in the "Note" appearing on the aforesaid plat and running partial along the western boundary of the aforesaid property as shown on said plat.

Together with the following easements as shown on the aforesaid plat: Permanent Slope Easement, Variable ("Var.") Width JCSA Utility easement for conveyance to the James City Service Authority comprising 2,377 square feet, more or less.

BEING apart of the same property as that conveyed to Rosa L. Armistead by deed of W.A. Bozarth, et als. dated June 7, 1920, recorded April 11, 1921 in James City Deed Book 19, page 241, the said Rosa L. Armistead having died seized and possessed of the said property at her death on August 11, 1956 and by her will dated September 20, 1953, and recorded in James City County Will Book 6, at page 195, she devised the said property to R. T. Armistead and Letitia Hanson; and

BEING a part of the same property a partial interest in which was conveyed to THE LETITIA ARMISTEAD HANSON REVOCABLE TRUST, Letitia Armistead Hanson and Michael J. Cavanaugh, Trustees, from Letitia Armistead Hanson, by Deed of Gift dated December 5, 2003 and recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and James City County, Virginia as Document No. 030038497; a portion of such property being subject to the Certificate of Take recorded as Instrument No. 060000510 on January 9, 2006 in the Clerk's office of the Circuit Court of Williamsburg and James City County.

6. In the event that the original Certificate is held valid the County Attorney and/or firm of Randolph, Boyd, Cherry and Vaughan is directed to move to amend any Certificate filed pursuant to this Resolution to delete therefrom any land not needed and to adjust the compensation offered and the new Certificate shall remain valid only as to new land acquired in fee and the easements taken and reserved.
7. In the event the landowners elect to withdraw the funds under this Certificate, the prior Certificate, identified in paragraph 5 above, shall with leave of the Court be invalidated and the funds thereunder refunded to the County.
8. In the event any of the property described in paragraph 5 of this resolution has been conveyed, the County Attorney and/or the law firm of Randolph, Boyd,

Cherry and Vaughan is authorized and directed to institute proceedings against the successors in title.

9. An emergency is declared to exist and this resolution shall be in effect from the date of its passage.

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 10th day of October, 2006.

JacksonTract.res

LINE TABLE					
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S05°32'45"E	32.93'	L24	N54°48'32"W	61.12'
L2	N88°17'39"W	20.16'	L25	N42°21'20"W	105.55'
L3	N05°32'45"W	14.09'	L26	N07°46'35"W	81.01'
L4	N83°52'05"W	275.29'	L27	N28°37'14"W	90.52'
L5	N80°51'07"W	22.60'	L28	N08°07'05"E	50.85'
L6	N81°19'51"E	73.68'	L29	N70°54'50"E	24.85'
L7	S37°51'28"E	9.16'	L30	S80°56'14"E	85.98'
L8	N37°51'26"W	18.77'	L31	N09°41'34"E	37.56'
L9	S79°13'16"W	59.42'	L32	N29°06'38"W	109.55'
L10	N88°17'39"W	91.89'	L33	N05°40'30"E	48.56'
L11	S19°55'36"W	54.89'	L34	N72°00'10"E	37.99'
L12	N36°10'26"W	47.97'	L35	N43°50'34"E	31.30'
L13	N09°23'28"E	96.58'	L36	N79°41'58"E	40.40'
L14	N54°27'11"E	140.75'	L37	N08°08'00"W	51.08'
L15	N25°45'46"E	13.32'	L38	N36°40'03"W	48.40'
L16	N51°36'04"E	73.31'	L39	N12°02'51"W	69.24'
L17	N82°37'02"E	125.25'	L40	N50°24'04"E	34.00'
L18	N79°12'58"E	49.87'	L41	S60°34'58"E	40.44'
L19	N49°12'58"E	11.58'	L42	S08°20'50"E	68.44'
L20	N74°19'23"E	84.13'	L43	S30°06'42"E	72.02'
L21	N81°19'51"E	99.16'	L44	S49°11'48"E	78.76'
L22	N36°10'26"W	27.37'	L45	S85°47'47"E	61.59'
L23	N52°36'01"W	104.33'	L46	N68°15'34"E	24.67'
L47	N03°10'52"E	32.55'	L48	N61°42'33"E	53.34'
L49	N09°33'11"W	97.97'	L49	N23°57'59"W	141.17'
L50	N23°57'59"W	141.17'	L51	N46°31'10"E	30.36'
L52	N89°30'23"E	131.04'	L52	N89°30'23"E	131.04'
L53	N63°56'03"E	29.55'	L53	N63°56'03"E	29.55'
L54	N30°16'01"E	15.69'	L54	N30°16'01"E	15.69'
L55	N44°19'48"E	67.09'	L55	N44°19'48"E	67.09'
L56	N74°14'03"E	76.88'	L56	N74°14'03"E	76.88'
L57	S01°48'47"W	20.79'	L57	S01°48'47"W	20.79'
L58	S80°51'07"E	134.06'	L58	S80°51'07"E	134.06'
L59	N08°36'03"E	108.50'	L59	N08°36'03"E	108.50'
L60	N11°59'25"E	58.05'	L60	N11°59'25"E	58.05'
L61	N24°49'21"E	58.54'	L61	N24°49'21"E	58.54'
L62	N32°57'07"E	58.66'	L62	N32°57'07"E	58.66'
L63	N40°55'04"E	59.13'	L63	N40°55'04"E	59.13'
L64	N51°40'07"E	59.14'	L64	N51°40'07"E	59.14'
L65	N57°02'30"E	50.45'	L65	N57°02'30"E	50.45'
L66	N80°04'13"E	50.05'	L66	N80°04'13"E	50.05'
L67	N49°19'51"E	106.56'	L67	N49°19'51"E	106.56'
L68	N53°53'36"E	46.38'	L68	N53°53'36"E	46.38'
L69	N64°36'00"E	113.12'	L69	N64°36'00"E	113.12'
L70	N67°16'30"E	56.59'	L70	N67°16'30"E	56.59'
L71	N72°53'54"E	58.92'	L71	N72°53'54"E	58.92'
L72	N80°06'14"E	53.12'	L72	N80°06'14"E	53.12'
L73	N84°08'22"E	50.48'	L73	N84°08'22"E	50.48'
L74	N86°58'00"E	50.27'	L74	N86°58'00"E	50.27'
L75	N79°42'29"E	51.88'	L75	N79°42'29"E	51.88'
L76	N73°42'34"E	75.11'	L76	N73°42'34"E	75.11'
L77	N70°14'44"E	22.74'	L77	N70°14'44"E	22.74'
L78	N75°57'14"E	51.01'	L78	N75°57'14"E	51.01'
L79	N17°17'48"W	9.41'	L79	N17°17'48"W	9.41'
L80	S72°17'56"W	20.00'	L80	S72°17'56"W	20.00'
L81	S17°17'48"E	8.65'	L81	S17°17'48"E	8.65'
L82	N64°35'33"W	10.74'	L82	N64°35'33"W	10.74'
L83	N24°33'44"E	20.00'	L83	N24°33'44"E	20.00'
L84	S65°40'26"E	10.72'	L84	S65°40'26"E	10.72'
L85	S88°32'18"E	45.34'	L85	S88°32'18"E	45.34'
L86	S61°34'50"E	9.42'	L86	S61°34'50"E	9.42'
L87	N84°18'29"E	154.53'	L87	N84°18'29"E	154.53'
L88	S87°55'17"E	53.45'	L88	S87°55'17"E	53.45'
L89	S82°26'17"E	103.47'	L89	S82°26'17"E	103.47'
L90	S77°49'03"E	53.83'	L90	S77°49'03"E	53.83'
L91	S19°34'52"E	5.87'	L91	S19°34'52"E	5.87'
L92	N80°51'07"E	92.02'	L92	N80°51'07"E	92.02'

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING	CHORD
C1	595.65'	185.23'	93.37'	17°49'02"	S89°45'38"E	184.48'
C2	902.02'	198.55'	98.67'	12°29'05"	S85°27'49"W	196.16'
C3	315.09'	196.95'	101.81'	35°48'48"	S37°50'00"W	193.76'
C4	372.71'	293.13'	154.62'	45°03'43"	N31°55'19"E	285.63'
C5	542.58'	293.71'	150.55'	31°00'57"	N67°06'33"E	290.14'
C6	542.58'	20.02'	10.01'	2°06'51"	S70°08'22"W	20.02'
C7	372.71'	20.21'	10.10'	3°06'22"	S24°30'20"W	20.20'
C8	542.58'	108.15'	54.26'	11°25'14"	S76°54'24"W	107.97'
C9	372.71'	88.22'	44.32'	13°33'41"	S16°10'18"W	88.01'
C10	372.71'	30.47'	15.24'	4°41'04"	S11°44'00"W	30.46'

OWNERS CERTIFICATE:

THE SUBDIVISION OF LAND SHOWN ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND/OR TRUSTEES.

THE LETITIA ARMISTEAD HANSON REVOCABLE TRUST

DATE NAME PRINTED SIGNATURE

DATE NAME PRINTED SIGNATURE

CERTIFICATE OF NOTIFICATION:

CITY/COUNTY OF

I, _____, A NOTARY PUBLIC IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE PERSONS WHOSE NAME ARE SIGNED TO THE FOREGOING WRITING HAVE ACKNOWLEDGED THE SAME BEFORE ME IN THE CITY/COUNTY AFORESAID, GIVEN UNDER MY HAND THIS _____ DAY OF _____.

SIGNATURE

MY COMMISSION EXPIRES _____

CERTIFICATE OF SOURCE OF TITLE:

THE PROPERTY SHOWN ON THIS PLAT WAS CONVEYED TO THE LETITIA ARMISTEAD HANSON REVOCABLE TRUST BY INSTRUMENT NO.: 030038497, DATED DECEMBER 5, 2003 AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF THE COUNTY OF JAMES CITY.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE OR BELIEF, THIS PLAT COMPLIES WITH ALL OF THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND THE ORDINANCES OF THE COUNTY OF JAMES CITY, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY.

MAY 3, 2006

DATE

PAUL N. HUBER, LS

REGISTRATION NO. 2379

CERTIFICATE OF APPROVAL:

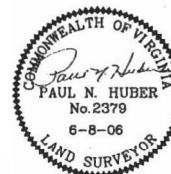
THIS SUBDIVISION IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH THE EXISTING SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD.

DATE

VIRGINIA DEPARTMENT OF TRANSPORTATION

DATE

SUBDIVISION AGENT OF JAMES CITY COUNTY



PLAT SHOWING TWO PARCELS OF LAND AND VARIOUS EASEMENTS LYING ON THE NORTH LINE OF BRICK BAT ROAD (STATE RTE. 613).

POWHATAN DISTRICT	James City County, Va
DATE: MAY 3, 2006	SCALE: 1"=100'
SHEET: 1 OF 3	J.N.:22943
DRAWN BY: RLF	CHECK BY: MSF/PNH

REVISED: 6-8-06
REVISED: 6-8-06

THIS DRAWING PREPARED AT THE
TIMMONS GROUP, INC., 1000
1001 Boulder Parkway, Suite 300, Richmond, VA 23225
TEL: 804.205.6500 FAX: 804.581.0116 www.timmons.com

TIMMONS GROUP

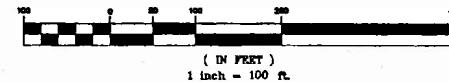
YOUR VISION ACHIEVED THROUGH OURS
Site Development Residential Infrastructure Technology





TRUSTEES OF THE LETITIA ARMISTEAD
HANSON REVOCABLE TRUST
D.B. 130 PG. 167
PARCEL ID.:3630100001

GRAPHIC SCALE



TRUSTEES OF THE LETITIA ARMISTEAD
HANSON REVOCABLE TRUST
D.B. 130 PG. 167
PARCEL ID.:3630100001

PARCEL 'A' 37.781 ACRES

TRUSTEES OF THE LETITIA
ARMISTEAD HANSON
REVOCABLE TRUST
D.B. 130 PG. 167
PARCEL ID.:3630100001

NOTE:

ACCESS EASEMENT TO THE BENEFIT OF PARCEL 3520100016 FOR ONE UNPAVED ACCESS ROAD TO THE EQUIVALENT DESIGN AND CONSTRUCTION OF THE EXISTING ACCESS ROAD, TO BE BUILT BY JAMES CITY COUNTY. THE ACCESS EASEMENT MAY BE CONVERTED TO A RIGHT OF WAY SUFFICIENT TO CONSTRUCT A STATE MAINTAINED OR PRIVATE ROADWAY TO PROVIDE ACCESS TO AN APPROVED DEVELOPMENT ON PARCEL 3520100016 WHEN AND IF THAT DEVELOPMENT AND THE ACCESS ROADWAY RECEIVES ALL NECESSARY APPROVALS FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION OR OTHER GOVERNMENTAL AGENCIES. JAMES CITY COUNTY SHALL PROVIDE SUFFICIENT LAND TO ACCOMMODATE THE CONSTRUCTION OF TURN LANES ON THE SCHOOL PROPERTY AS REQUIRED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR A FUTURE STATE MAINTAINED OR PRIVATE ROADWAY.

SWR-PINEWOOD LLC
INSTR. NO.: 040032119
PARCEL ID.:3630100003

PARCEL 'A' 37.781 ACRES

TRUSTEES OF THE LETITIA
ARMISTEAD HANSON
REVOCABLE TRUST
D.B. 130 PG. 167
PARCEL ID.:3630100001

PARCEL 'B'
2.504 ACRES
R/W TO BE
DEDICATED
109,053 SQ. FT.

PERMANENT SLOPE
EASEMENT
14,695 SQ. FT.
0.337 AC.

20' JCSA UTILITY
EASEMENT
179 SQ. FT.
0.004 AC.

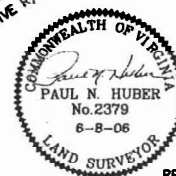
20' JCSA UTILITY
EASEMENT
214 SQ. FT.
0.005 AC.

VAR. WIDTH
ACCESS
EASEMENT
31,107 SQ. FT.
0.714 AC.

R=545.11
L=223.40
Δ=23°28'53"
T=113.29
CHB=S67°28'50"W
CHD=221.84

GREENSPRINGS WEST OWNERS
ASSOCIATION
INSTR. NO.: 000001440
PARCEL ID.:36302000018

PLAT SHOWING TWO PARCELS
OF LAND AND VARIOUS
EASEMENTS LYING ON THE
NORTH LINE OF BRICK BAT
ROAD (STATE RTE. 613).



REVISED: 6-8-06
REVISED: 6-8-06

POWhatan District	James City County, Va
DATE: MAY 3, 2006	SCALE: 1"=100'
SHEET: 3 OF 3	J.N.: 22943
DRAWN BY: RLF	CHECK BY: MSF/PNH

**HEIGHT WAIVER-4-06. Dominion Virginia Power Cellular Antenna Colocation
Staff Report for the October 10, 2006, 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

Board of Supervisors:

Building F Board Room; County Government Complex

October 10, 2006, 7 p.m.

SUMMARY FACTS

Applicant: Nathan Holland, T-Mobile Northeast

Land Owner: Newport Datsun

Proposal: Height waiver from Section 24-354 of the Zoning Ordinance to colocate a cellular antenna on an existing Dominion Virginia Power Pole.

Location: 93 Tadich Drive; Roberts District

Tax Map/Parcel No.: (59-2)(1-1)

Parcel Size: 77.15 acres

Zoning: R-8, Rural Residential

Comprehensive Plan: Moderate-Density Residential

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal consistent with the requirements stated under Section 24-354 of the Zoning Ordinance. Staff recommends that the Board of Supervisors approve this application.

Staff Contact: Ellen Cook Phone: (757) 253-6685

PROJECT DESCRIPTION

Nathan Holland of T-Mobile has requested a height limitation waiver from the Board of Supervisors. On property zoned R-8, accessory and non-accessory wireless communications facilities that utilize alternative mounting structures may be erected to a total height of 60 feet from grade, or, with approval of a height limitation waiver by the Board, may exceed 60 feet in height but not to exceed 120 feet. The applicant has specifically requested that a height limitation waiver be granted to allow for the placement of a cellular antenna mounted at 104 feet, with a total antenna height of 107 feet on an existing 100-foot-tall Dominion Virginia Power Pole. A utility transmission structure such as the Dominion Power Pole qualifies as an alternative mounting structure as defined under the Zoning Ordinance. The Dominion Pole is an existing pole within the Dominion Virginia Power easement that runs through Country Village Mobile Home Park. Placement of an antenna on the pole would also involve installation of support equipment at the base of the pole. A site plan for the antenna and support equipment would be required if the height waiver were approved. The Wireless Communications Facilities section of the Zoning Ordinance specifies certain requirements that a site plan would need to address, including provisions for screening of support equipment, submission of documentation that the antennas will not interfere with radio/T.V. broadcasts or with public safety communications, and documentation that the non-ionizing electromagnetic radiation emitted by the antennas will fall within Federal Communications Commission guidelines.

ANALYSIS

Section 24-354 of the James City County Zoning Ordinance states that wireless communications facilities that utilize alternative mounting structures exceeding 60 feet in height, but not to exceed 120 feet, may be erected only upon the granting of a height limitation waiver by the Board of Supervisors and upon finding that:

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

Staff comment: Given the distances to the property lines, and the small mass of the antennas, staff finds that the proposed antennas will not obstruct light from adjacent properties.

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

Staff comment: The proposed location within Country Village Mobile Home Park puts this facility within the region of Carter's Grove Plantation and the Old Country Road, both of which are areas of significant historic interest. However, given that the pole and antennas will not be visible off-site, staff finds that the antennas will not impair enjoyment of these areas. Similarly, staff finds that due to the proposed location, the antennas will have little or no impact on surrounding developments. Any impact will be primarily on residents of Country Village Mobile Home Park, and that impact will primarily be from the support equipment rather than the antennas which will be located at the top of the existing pole. The support equipment will be screened by fencing and landscaping as required by the Zoning Ordinance.

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

Staff comment: The Real Estate Assessments Division indicated that the region immediately adjacent to the subject site (both within Country Village Mobile Home Park and adjacent developments) has experienced increases in land and improvement values, even with the presence of the existing Dominion Power Poles in the easement area.

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

Staff comment: The antennas and support equipment will require proper building permits and inspections from the County, which should ensure that the structures are adequately designed from a safety and structural soundness standpoint. The site plans will also be reviewed by the Fire Department.

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

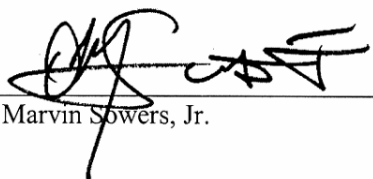
Staff comment: Based on the current proposal and supporting information submitted by the applicant, staff believes the cellular antenna array will not unduly or adversely affect the public health, safety, or general welfare.

RECOMMENDATION

Staff finds the proposal consistent with the requirements stated under Section 24-354 of the Zoning Ordinance. Staff recommends that the Board of Supervisors approve this application.

Ellen Cook

CONCUR:



O. Marvin Sowers, Jr.

EC/gb
Hw-4-06

ATTACHMENTS:

1. Location Map
2. Photographs
3. Diagram of Dominion Pole with Proposed Antennas
4. Resolution

RESOLUTION

CASE NO. HW-4-06. DOMINION VIRGINIA POWER CELLULAR ANTENNA CO-LOCATION

WHEREAS, Mr. Nathan Holland of T-Mobile Northeast has applied for a height limitation waiver to allow for the placement of a cellular antenna array on an existing Dominion Power Pole with a maximum antenna height of 107 feet; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. HW-4-06; and

WHEREAS, the proposed antenna array will be located on property zoned R-8, Rural Residential, and is further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (59-2); and

WHEREAS, after a public hearing the Board of Supervisors finds that the requirements of Section 24-354 of the James City County Zoning Ordinance have been satisfied, in order to grant a 47-foot waiver to the height limitation requirements to allow for the erection of a wireless communications facility that utilizes an alternative mounting structure in excess of 60 feet in height.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-4-06, granting the Applicant a 47-foot height limitation waiver to allow for the placement of a wireless communications facility that utilizes an alternative mounting structure.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

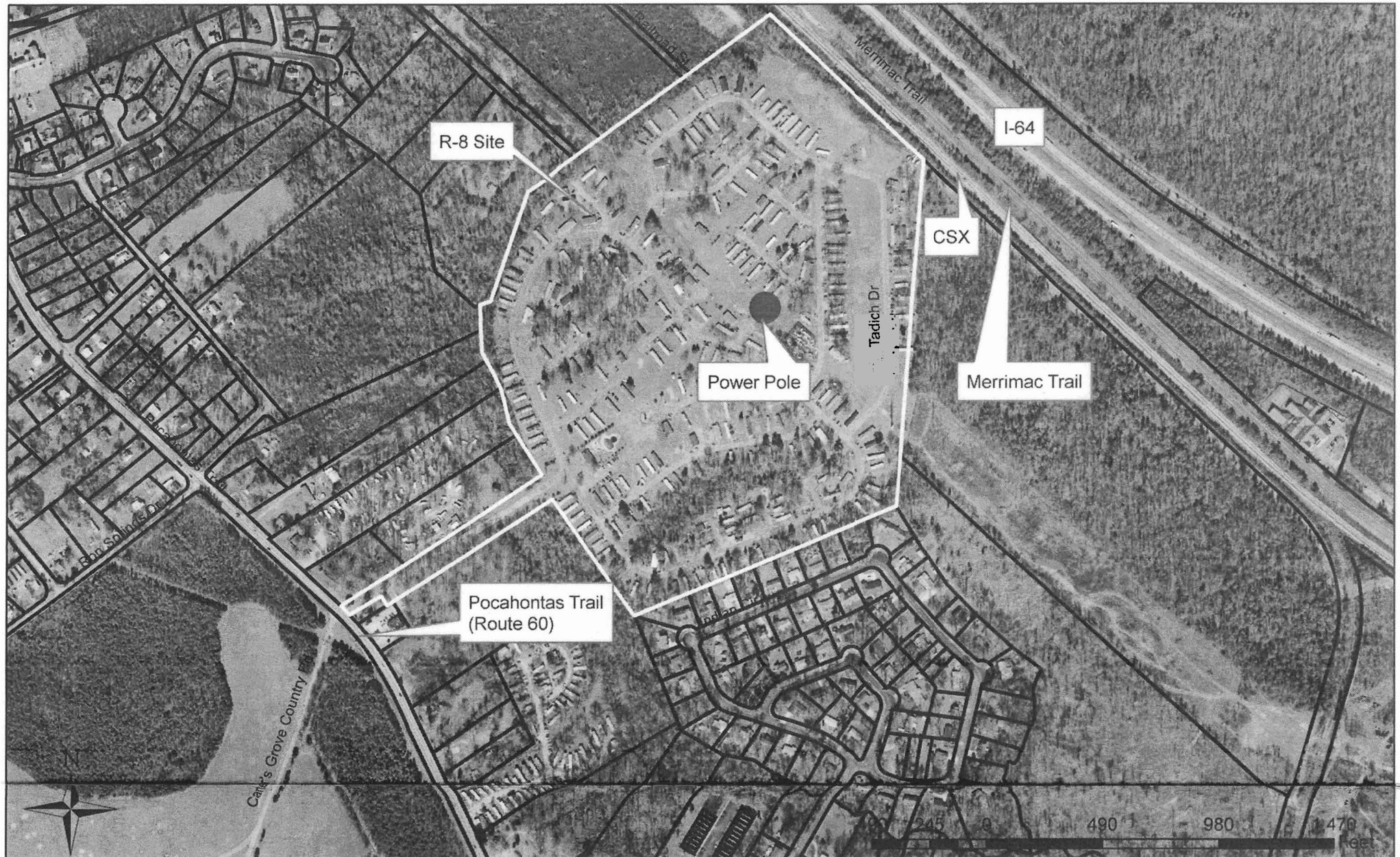
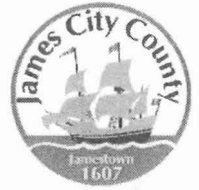
Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of October, 2006.

Hw-4-06.res

JCC-HW-4-06

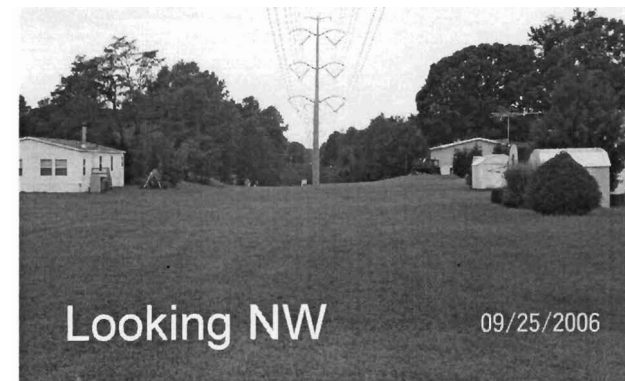
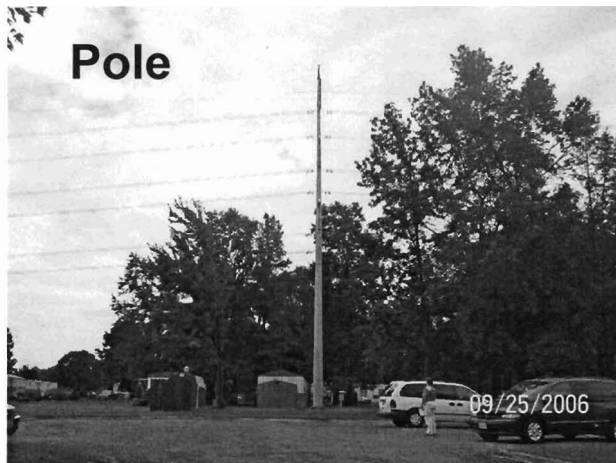
Dominion Virginia Power Cell Antenna



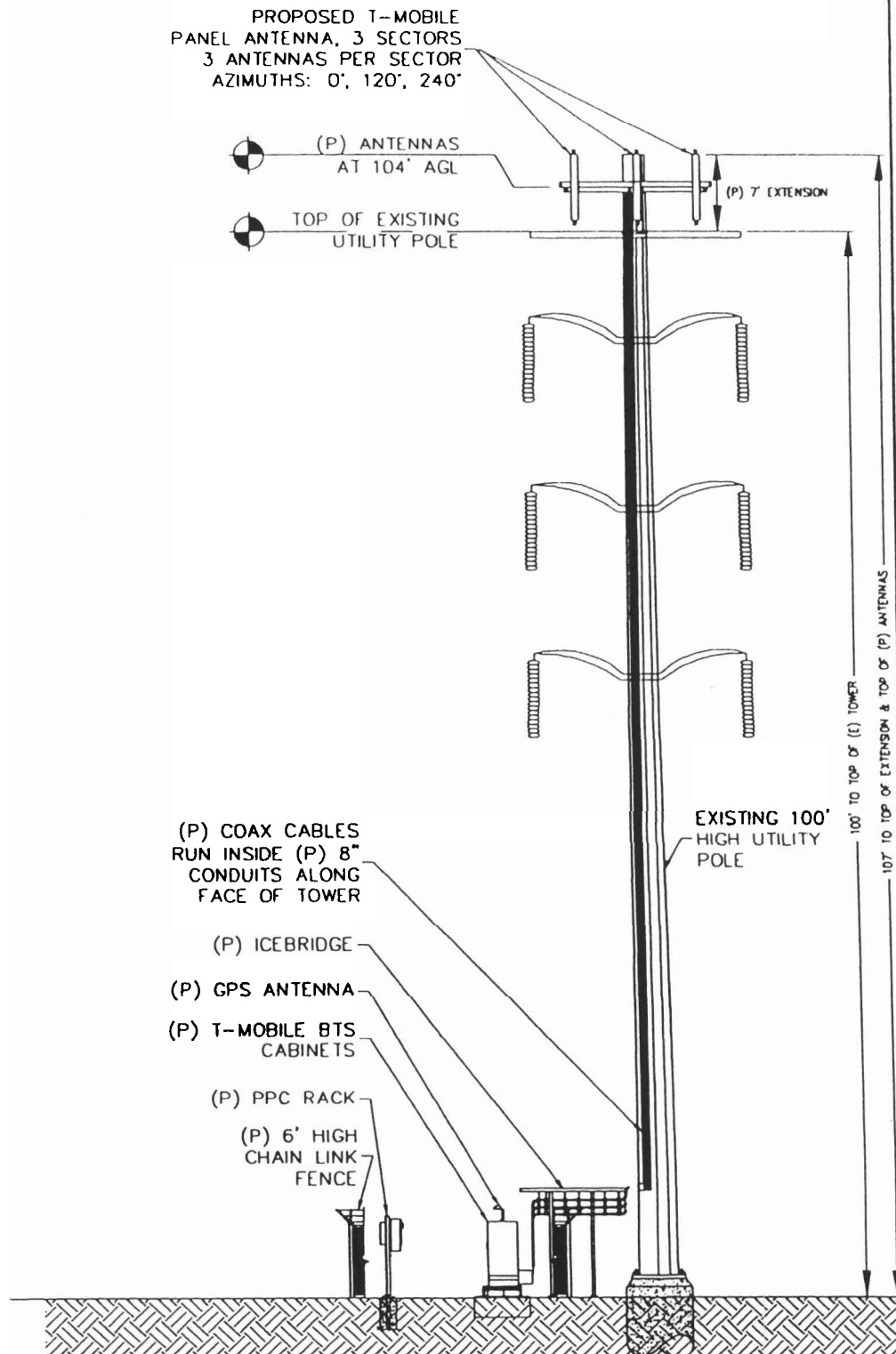
Similar Co-Location (Richmond Road in the City)



Views of Pole and Surrounding Area



NOTE: PRIOR TO ATTACHING ANTENNAS AND MOUNTING SECTIONS, EXISTING TOWER AND TOWER FOUNDATION MUST BE ANALYZED BY A LICENSED STRUCTURAL ENGINEER TO VERIFY TOWER IS CAPABLE OF SUPPORTING PROPOSED LOADS. REFER TO STRUCTURAL ANALYSIS BY OTHERS FOR EXACT MOUNTING DETAILS AND INFORMATION.



TOWER ELEVATION



MEMORANDUM

DATE: October 10, 2006
TO: The Board of Supervisors
FROM: Michael D. Woolson, Senior Watershed Planner
SUBJECT: Revision and Re-adoption of Powhatan Creek Watershed Management Plan

Attached is a resolution requesting the re-adoption of the Powhatan Creek Watershed Management Plan, per the September 26, 2006, Reading File memorandum, *Revisions to the Powhatan Creek and Yarmouth Creek Watershed Management Plans*. The attached resolution is intended to institute the recommendations related to legislative cases brought before the Board of Supervisors. The September 26 memorandum also recommends application of the Riparian Buffers in previously zoned "by-right" development. Staff will bring ordinance amendments to the Board at a later date.

Staff recommends adoption of the attached resolution.

Michael D. Woolson

CONCUR:


John T.P. Horne

MDW/cc
PCRevision.mem

Attachment

RESOLUTION

REVISION AND RE-ADOPTION OF THE

POWHATAN CREEK WATERSHED MANAGEMENT PLAN

WHEREAS, James City County employed the Center for Watershed Protection to prepare a Watershed Management Plan to protect the Powhatan Creek Watershed; and

WHEREAS, the Watershed stakeholders identified eight goals; and

WHEREAS, the draft plan contains 24 priorities/tools for protecting the Powhatan Creek Watershed; and

WHEREAS, the James City County Board of Supervisors adopted, in concept, the Powhatan Creek Watershed Management Plan on February 26, 2002.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, formally adopts the Powhatan Creek Watershed Management Plan.

BE IT FURTHER RESOLVED that the Board hereby adopts Priority No. 2 of the Powhatan Creek Watershed Management Plan as amended and restated below.

Priority No. 2 shall be entitled "Riparian Buffers" and include the following:

- 2a. Implement the RPA requirements per current County Chesapeake Bay Preservation Ordinance.
- 2b. Implement a 50-foot intermittent stream buffer and a 50-foot non-RPA wetland buffer in legislative cases.
- 2c. Implement a three-zone riparian buffer in the tidal mainstem and non-tidal mainstem of Powhatan Creek. The first zone (Zone 1) is the regulatory, 100-foot RPA buffer. The second zone (Zone 2) is a variable width buffer, up to 175 feet, based upon site characteristics. The third zone (Zone 3) is a 25-foot buffer. Zone 1 restrictions are outlined in the Chesapeake Bay Preservation Ordinance. Zone 2 restrictions are similar to Zone 1, with the exception that stormwater management facilities and passive recreation facilities may be located within this zone. Zone 3 restrictions are no impervious cover (primary residence, decks, patios, garages, sidewalks, driveways, pools, sheds, gazebos, etc.) and no septic systems or fields. Zone 1 and Zone 2 must have a Natural Open Space Easement recorded for those areas prior to plan approval. This is to be applied in legislative cases.
- 2d. Implement buffer management criteria per the current County Chesapeake Bay Preservation Ordinance.

- 2e. Directing required open space or natural areas derived from clustered development to riparian buffer areas.
- 2f. Continue watershed education on buffer management.

BE IT FURTHER RESOLVED that the Board hereby adopts Priority No. 3 of the Powhatan Creek Watershed Management Plan as amended and restated below.

Priority No. 3 – All new land development should consider the amount and effect of proposed impervious cover and include measures to limit impervious cover to the maximum extent possible. On-site and/or off-site measures should be developed that protect sensitive wetland and stream ecosystems, such as infiltration of stormwater and stream restoration to lessen the effects of new impervious cover within the watershed.

BE IT FURTHER RESOLVED that the Board hereby adopts Priority No. 4 of the Powhatan Creek Watershed Management Plan as originally worded.

Priority No. 4 – Cluster down. The ability to reduce lot sizes in low-density zoning areas to create additional open space.

BE IT FURTHER RESOLVED that the Board hereby adopts Priority No. 11 of the Powhatan Creek Watershed Management Plan as amended and restated below.

Priority No. 11 – All new land development should consider the amount and effect of proposed impervious cover and include measures to limit impervious cover to the maximum extent possible. On-site and/or off-site measures should be developed that protect sensitive wetland and stream ecosystems, such as infiltration of stormwater and stream restoration, to lessen the effects of new impervious cover within the watershed.

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 10th day of October, 2006.

PCRevision.res

MEMORANDUM

DATE: October 10, 2006
TO: The Board of Supervisors
FROM: Michael D. Woolson, Senior Watershed Planner
SUBJECT: Revision and Re-adoption of Yarmouth Creek Watershed Management Plan

Attached is a resolution requesting the re-adoption of the Yarmouth Creek Watershed Management Plan, per the September 26, 2006, Reading File memorandum, *Revisions to the Powhatan Creek and Yarmouth Creek Watershed Management Plans*. The attached resolution is intended to institute the recommendations related to legislative cases brought before the Board of Supervisors. The September 26 memorandum also recommends application of the Riparian Buffers in previously zoned "by-right" development. Staff will bring ordinance amendments to the Board at a later date.

Staff recommends adoption of the attached resolution.

Michael D. Woolson

CONCUR:


John T. P. Horne

MDW/cec
YrmouthCrkWMP.mem

Attachment

RESOLUTION

REVISION AND RE-ADOPTION OF THE

YARMOUTH CREEK WATERSHED MANAGEMENT PLAN

WHEREAS, the Yarmouth Creek Watershed is a resource of local and national significance; and

WHEREAS, the Board authorized staff to prepare a Management Plan to help the County and landowners protect the watershed and its natural resources; and

WHEREAS, stakeholders, staff, and consultants have met over a period of 12 months to share information, set goals, and develop the Watershed Management Plan; and

WHEREAS, by resolution dated October 14, 2003, the Board adopted the Yarmouth Creek Watershed Management Plan dated July 14, 2003, with the exception of Priority No. 3, Special Stormwater Criteria; and

WHEREAS, by resolution dated December 14, 2004, the Board adopted the Special Stormwater Criteria.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts Priority No. 3 of the Yarmouth Creek Watershed Management Plan dated July 14, 2003.

BE IT FURTHER RESOLVED that the Board hereby adopts Priority No. 14 of the Yarmouth Creek Watershed Management Plan as amended and restated below.

Priority No. 14 shall be entitled "Riparian Buffers" and include the following:

- 14a. Implement the RPA requirements per current County Chesapeake Bay Preservation Ordinance.
- 14b. Implement a 50-foot intermittent stream buffer and a 50-foot non-RPA wetland buffer in legislative cases.
- 14c. Implement a three-zone riparian buffer in the tidal mainstem and non-tidal mainstem of Yarmouth Creek. The first zone (Zone 1) is the regulatory, 100-foot RPA buffer. The second zone (Zone 2) is a variable width buffer, up to 175 feet, based upon site characteristics. The third zone (Zone 3) is a 25-foot buffer. Zone 1 restrictions are outlined in the Chesapeake Bay Preservation Ordinance. Zone 2 restrictions are similar to Zone 1, with the exception that stormwater management facilities and passive recreation facilities may be located within this zone. Zone 3 restrictions are no impervious cover (primary residence, decks, patios, garages, sidewalks, driveways, pools, sheds, gazebos, etc.) and no septic systems or fields. Zone 1 and Zone 2 must have a Natural Open Space Easement recorded for those areas prior to plan approval. This is to be applied in legislative cases.

- 14d. Implement buffer management criteria per the current County Chesapeake Bay Preservation Ordinance.
- 14e. Directing required open space or natural areas derived from clustered development to riparian buffer areas.
- 14f. Continue watershed education on buffer management.

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 10th day of October, 2006.

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