

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

December 12, 2006

7:00 P.M.

Page

A. ROLL CALL

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – Anthony Green, an eighth-grade student at James Blair Middle School

D. RECOGNITION

1. Chairman's Awards
 - a. Employee
 - b. Citizen

E. PRESENTATIONS

1. Annual Financial Report – KPMG, LLP1
Supports County's Strategic Pathway 1.a - evaluate service delivery costs
2. Environmental Development Award – Andrew R. Curtis, Jr., Curtis Contracting
Supports County's Strategic Pathway 4.c - ensure private development and government operations are environmentally sensitive

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M. BOARD REQUESTS AND DIRECTIVES

N. 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. Agricultural and Forestal District Advisory Committee
2. Consideration of the disposition of parcels of property for public use pursuant to Section 2.2-3711(A)(3) of the Code of Virginia.
3. Consideration of contract negotiations where financial interests of the County are involved pursuant to Section 2.2-3711(A)(6) of the Code of Virginia; and consideration of a specific legal matter requiring the provision of legal advice pursuant to Section 2.2-3711(A)(7) of the Code of Virginia
4. Consultation with legal counsel pertaining to actual or probable litigation pursuant to Section 2.2-3711(A)(7) of the Code of Virginia.

O. ADJOURNMENT

MEMORANDUM

DATE: December 12, 2006
TO: The Board of Supervisors
FROM: Suzanne R. Mellen, Assistant Manager of Financial and Management Services
SUBJECT: Annual Financial Report - KPMG LLP

Included in the Reading File are the FY 06 Financial Statements for James City County and James City Service Authority. Elizabeth P. Foster, Partner at KPMG LLP, will present an overview to the Board.

Suzanne R. Mellen

SRM/tlc
Audit06.mem

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF NOVEMBER 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

Larry M. Foster, Acting Assistant 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 – Kevin Tripp, a second-grade student at James River Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATIONS

1. Fiscal Year 2005-2006 Planning Commission Annual Report

Mr. Jack Fraley, Planning Commission Chair, gave an overview of the Planning Commission Annual Report for Fiscal Year 2005-2006. Mr. Fraley explained that of the 36 cases recommended for approval by the Planning Commission, all cases were approved but one. Mr. Fraley stated this case was recommended for approval by a 4-3 vote by the Planning Commission, but was denied by the Board by a 3-2 vote, which indicated to him that the Planning Commission and Board were closely aligned. Mr. Fraley stated major projects included Rural Lands Study, Toano Area Study, Better Sight Design, Norge Depot Relocation, GIS Layer, Historical Structures, Virginia Capital Trail design and construction, and landscaping enhancements on community character corridors. Mr. Fraley highlighted training and seminars attended by County staff, Planning Commissioners, and a Board member, Mr. Icenhour. Mr. Fraley outlined steps that facilitate a more efficient site review process to decrease deferrals and efforts to better evaluate traffic impacts. Mr. Fraley outlined four issues that he felt needed to be more carefully addressed in relation to Planning Commission activities, including: 1) a revamping of the adequate public facility policy; 2) incremental development impact on infrastructure needs to measure the cumulative impact; 3) identification and documentation of environmentally sensitive land to be protected; and 4) development of a water quality monitoring system. Mr. Fraley recognized builders, Planning Commissioners, staff, development industry representatives, citizens, and the Board for their input and work with the Planning Commission activities during the year.

Mr. Goodson thanked Mr. Fraley and recognized Planning Commissioner Billups who was in attendance.

2. 2007 James City County Calendar

Ms. Renee Dallman, Communications Specialist, presented the James City County Calendar, and explained the purposes of providing information about the upcoming 400-year commemoration events and County services, emergency information, and various contact information. She announced that the calendar would be sent to all James City County households beginning this week and would be available by request if a citizen did not receive a copy by December 15. Ms. Dallman introduced other members of the Calendar Committee, Ms. Beth Davis, JCSA, and Ms. Jennifer Privette, Recycling Coordinator.

Mr. Goodson recognized the 2007 James City County Calendar Committee and thanked them for their efforts in this matter.

E. HIGHWAY MATTERS

Mr. Mike Cade, Virginia Department of Transportation (VDOT) Assistant Resident Administrator, mentioned that the completion and dedication of the Capital Trail at the Greensprings section was a success. Mr. Cade stated that he had spoken with Mr. Icenhour about conducting a speed study on Mooretown Road to address citizens' concerns.

F. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on school financing; development in the Norge area with individual wells for the Uncle's Neck project; and on-street parking ordinance.

G. CONSENT CALENDAR

Mr. Icenhour asked to pull Items 3 and 5 to be highlighted.

Mr. McGlennon made a motion to adopt Items 1, 2, and 4, along with the amendments to the minutes.

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

1. Minutes – November 14, 2006, Regular Meeting

2. Dedication of a Street in Marl Hills, Section 2

RESOLUTION

DEDICATION OF A STREET IN MARL HILLS, SECTION 2

WHEREAS, the street described on the attached Additions Form AM-4.3, fully incorporated herein by reference, is shown on a plat recorded in the Clerk's Office of the Circuit Court of James City County; and

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

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on July 1, 2004, for comprehensive stormwater detention which applies to this request for addition.

WHEREAS, the County guarantees the necessary surety amount of \$2,000 to provide for all loss, cost, damage, or expense incurred to correct faulty workmanship or materials, associated with the construction of the street and/or related drainage facilities. The effective period of this surety obligation will last one calendar year from the day the street is added to the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the street described on the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to §33.1-229 of the Code of Virginia, and the Department's Subdivision Street Requirements.

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

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

4. Contingency Transfer – Peninsula Health District

RESOLUTION

CONTINGENCY TRANSFER – PENINSULA HEALTH DISTRICT

WHEREAS, the Board of Supervisors of James City County has received an amendment to the local agreement between the County and the Peninsula Health District that requires an additional local match; and

WHEREAS, the match is a requirement that was only realized with the release of the final State budget in late September.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute the amendment to the local agreement and hereby transfers \$11,335 from Operating Contingency to the Peninsula Health Department budget to meet the local match requirements.

3. Revisions to Section 5.4, Employee Benefits – Leave (Military Leave) of the James City County Personnel Policies and Procedures Manual

Mr. Icenhour highlighted the County's support of employees through military leave compensation as well as sick leave provisions that allow employees to take sick leave to care for members of their immediate families.

Mr. Icenhour made a motion to adopt the resolution for Item 3.

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

RESOLUTION

**REVISIONS TO SECTION 5.4, EMPLOYEE BENEFITS LEAVE (MILITARY LEAVE) OF THE
JAMES CITY COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, it is the practice of the County to periodically review its personnel policies for conformance to laws and alignment with the County's values; and

WHEREAS, the Military section of the Employee Benefits–Leave Policy was revised by adding other groups now covered by the law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that revisions to the Personnel Policies and Procedures Manual listed above are adopted effective November 28, 2006.

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

Chief Tal Luton introduced Arthur Kenny Lamm and indicated that he has completed all requirements to be appointed as Assistant Fire Marshall. Chief Luton stated that the position must be authorized by the Board and recommended approval of the resolution approving Mr. Lamm's appointment.

Mr. Icenhour made a motion to adopt the resolution for Item 5.

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

RESOLUTION

APPOINTMENT OF ASSISTANT FIRE MARSHAL, AUTHORIZATION OF FIRE

PREVENTION POWERS, AND AUTHORIZATION OF POLICE POWERS

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

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

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

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

WHEREAS, Arthur K. Lamm has completed all minimum training and certification requirements of the Department of Criminal Justice Services and the Department of the Department of Fire Programs.

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

Mr. Goodson congratulated Mr. Lamm on his appointment.

H. PUBLIC HEARING

1. Ordinance to authorize issuance of Employer Assisted Home Ownership Program grants

Ms. Carol Luckam, Human Resource Manager, stated five 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 five ordinances granting funds to employees applying for the Employer Assisted Home Ownership Program.

Mr. Harrison asked how the grant process worked if an employee received the grant and employment was discontinued.

Ms. Luckam stated the balance of the grant between the end of employment and a five-year service requirement would need to be repaid.

Mr. Goodson opened the public hearing.

As no one wished to speak to this matter, Mr. Goodson closed the public hearing.

Mr. McGlennon made a motion to adopt the five ordinances simultaneously.

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

I. BOARD CONSIDERATION

1. Acquisition of Property – Jamestown Campground and Yacht Basin

Mr. John Horne, Development Manager, stated that the resolution authorized the County Administrator to spend the necessary funds up to \$9.55 million and execute all documentation required to close on the property. Mr. Horne gave a brief history of the property and stated many years ago this property was noted as a priority for acquisition and through a variety of partners, including the Trust for Public Land, the County was able to work with the land owner to complete the property purchase in December 2006 to preserve the property as open space with a wide variety of assets. Mr. Horne indicated that the County staff anticipated significant refunds for its expenditure for the parcel within a calendar year, including funding from Federal and State programs. Staff recommended approval of the resolution.

Mr. Goodson thanked Mr. Horne and Development Management staff, as well as the Financial Management Services Department and County Attorney's staff for making this acquisition possible.

Mr. McGlennon stated the Trust for Public Land has played a very important role in this process and indicated this parcel was located in the Jamestown District.

Mr. McGlennon made a motion to approve the resolution.

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

RESOLUTION

AUTHORIZING ACQUISITION OF PROPERTY – JAMESTOWN CAMPGROUND AND

YACHT BASIN TAX PARCEL NOS. 4630100005, 4630100006, 4630100008, 4630100009,

4630100013, 4630100014, 4640100009, 4640100010, 4640100012, 4640100013, 4640100014,

AND 4640100015

WHEREAS, on April 25, 2005, the Trust for Public Land (TPL) entered into an option purchase contract with Ambler/Jamestown Campsite LLC and Jamestown Yacht Basin, LLC to acquire 202+/- acres of land commonly known as Jamestown Campground and Yacht Basin; and

WHEREAS, on December 13, 2005, James City County entered into an agreement with TPL to participate in the planning for and acquire the residual interest in this property upon closing; and

WHEREAS, the County's acquisition of the property will preserve the historic, recreational, environmental, and aesthetic values of the property and the area surrounding Jamestown Settlement and Historic Jamestowne; and

WHEREAS, the total purchase price of the property is \$12,500,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to expend up to \$9,550,000 from the FY 2007 Capital Budget and to execute any and all documents as may be necessary to acquire the property, pursuant to the above agreements.

Mr. Goodson and Mr. McGlennon recognized members of the Sharpe Community Scholars Program student group from the College of William and Mary and the Boy Scout troop in the audience.

J. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on an article related to traffic problems in the County.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Foster stated the 2007 Legacy Hall was nearing completion, and there were two invitation-only events for the dedication of the building and dedication of the public artwork. Mr. Foster stated that there was no need for a Closed Session as indicated on the agenda. Mr. Foster stated there needed to be a brief James City Service Authority Board of Directors meeting and when the Board completed its business, it may adjourn until December 12, 2006, at 7 p.m.

L. BOARD REQUESTS AND DIRECTIVES

Mr. Bradshaw responded to Mr. Oyer's comment and indicated that attention to the Chickahominy-Piney Point Aquifer was noted in the minutes. Mr. Bradshaw stated he felt the Board did fully address the consequences of this application on the aquifer.

Mr. Foster stated that a withdrawal for an independent facility servicing only 35 lots did not require a permit from the Department of Environmental Quality.

Mr. McGlennon stated that Mr. Oyer was featured in the Local section of the Daily Press in a front-page story and thanked him for his services rendered over the years.

M. CLOSED SESSION - None

N. 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 7:45 p.m., Mr. Goodson adjourned the Board until 7 p.m. on Tuesday, December 12, 2006.

Sanford B. Wanner
Clerk to the Board

112806bos.min

MEMORANDUM

DATE: December 12, 2006
TO: The Board of Supervisors
FROM: Beth Davis, Environmental Education Coordinator
SUBJECT: Recognition – Environmental Development Award

The 2006 Environmental Recognition Award Program has reviewed applications for the Environmental Development Award. The purpose of the award is to recognize the efforts of a developer whose building practices minimize environmental impact in James City County.

Curtis Contracting, Inc. is the 2006 Environmental Development Award recipient for taking the initiative to control erosion, reduce run-off from their site, and go above and beyond normal erosion and sediment control measures at the Warhill High School, Thomas Nelson Community College, and the James City County Sports Facility sites. A metal plaque will be posted at the selected site of Warhill (Roadways & Improvements).



Beth Davis

CONCUR:



John T. P. Horne

BD/cec
EnvDvlmtAwd.mem

Attachment

RESOLUTION

RECOGNITION – ENVIRONMENTAL DEVELOPMENT AWARD

WHEREAS, Curtis Contracting, Inc. is the 2006 Environmental Recognition Award Program Environmental Development Award recipient at the selected site of Warhill (Roadways & Improvements); and

WHEREAS, Curtis Contracting, Inc. has demonstrated building practices to minimize environmental impact in James City County; and

WHEREAS, Curtis Contracting, Inc. has taken the initiative to control erosion, reduce run-off from the Warhill High School, Thomas Nelson Community College, and the James City County Sports Facility sites, and go above and beyond normal erosion and sediment control measures.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby recognize the outstanding dedication of Curtis Contracting, Inc. for environmental protection in James City County.

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 12th day of December 2006.

EnvDvlmtAwd.res

M E M O R A N D U M

DATE: December 12, 2006

TO: The Board of Supervisors

FROM: O. Marvin Sowers, Jr., Planning Director

SUBJECT: Fiscal Year 2007 Virginia Department of Transportation (VDOT) Revenue Sharing Program

The Virginia Department of Transportation (VDOT) Revenue Sharing Program provides an opportunity for the County to receive up to an additional \$1.0 million for road improvements for the 2007 fiscal year. The program requires a dollar-for-dollar match by the County toward improvements to the local road system. The Revenue Sharing Program enables the County to better implement its current list of road improvements by providing an additional infusion of funds which can accelerate the construction of current projects or can be used for any other transportation-related need.

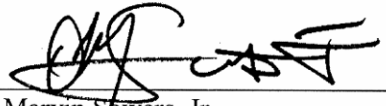
This year the Commonwealth Transportation Board approved new guidelines for the Revenue Sharing Program. The most significant change to the program is a tiered approach to providing funds. All requests in the preceding tier must be funded before requests in the next tier are considered. Tier one provides funding when the governing body commits *more than* \$1 million in local funds for a \$1 million State match. If requests exceed funds available, municipalities will compete for the available funds based on the amount of local funds committed above the matching funds. To be competitive among other municipalities, staff recommends committing \$1.1 million in County money toward the Revenue Sharing Program for a combined total of \$2.1 million.

If Revenue Sharing funds are available, VDOT has strongly encouraged the County to allocate most of the funds to the Ironbound Road (Route 615) widening project to keep it on schedule. The estimated cost of the project when it is scheduled to go to bid in mid-2009 is approximately \$14.5 million. However, only \$10.3 million is currently allocated, leaving a shortfall of \$4.2 million. VDOT continues to refine its cost estimates. If the allocated amount is later found unnecessary, the remaining monies can be transferred to any other project regardless if it was originally intended for Revenue Sharing funds. Staff recommends using \$2 million of the combined State and local funds toward Route 615 widening and \$100,000 toward current landscaping projects.

It is staff's opinion that the County should indicate its intent to fully participate in the FY 2007 Revenue Sharing Program at a local cost of \$1.1 million. This will provide the opportunity to receive the maximum additional infusion of funds toward transportation projects. The County must formally request participation in the FY 2007 program by December 22, 2006. Attached is a draft resolution of intent to participate in the program.

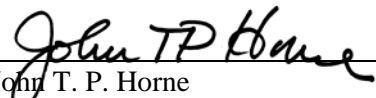
Please note that VDOT is soliciting interest in the FY 2007 Revenue Sharing Program on a delayed schedule. The Board should anticipate the FY 2008 Revenue Sharing Program information in the upcoming months. At that time, staff will bring forward recommendations regarding Ironbound Road, landscaping, improvements to the Monticello Avenue corridor, and the Route 60 relocation project. The Monticello Avenue corridor improvements, which were presented to the Board during its consideration of the New Town Settler's Market rezoning case earlier this year, have been allocated \$860,000 by the Hampton Roads Metropolitan Planning Organization. These funds will be available in 2009 and 2010. Supplemental funding will be necessary and staff will be working with VDOT to determine the amount needed and the schedule. Further, it is anticipated that the Route 60 relocation project will be a funding priority in FY 2008. At that time preliminary engineering, which is adequately funded, will be able to progress further and funding needs will be more refined.

Staff recommends that the Board of Supervisors approve the attached resolution stating the County's intent to participate in the FY 2007 Revenue Sharing Program.



O. Marvin Sowers, Jr.

CONCUR



John T. P. Horne

JTPH/cec
VDOTRevShare07.mem

Attachment

RESOLUTION

FISCAL YEAR 2007 VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)

REVENUE SHARING PROGRAM

WHEREAS, the Board of Supervisors of James City County desires to submit an application requesting \$1 million of Revenue Sharing funds through the Virginia Department of Transportation (VDOT) Fiscal Year 2007 Revenue Sharing Program; and

WHEREAS, the County will allocate \$1 million to match the Revenue Sharing Program funds; and

WHEREAS, the County will allocate \$100,000 as unmatched funds; and

WHEREAS, the combined County and State funding totaling \$2 million is requested to fund Ironbound Road (Route 615) widening; and

WHEREAS, \$100,000 shall be spent on various landscaping projects in the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports this application for an allocation of \$1 million through the VDOT Revenue Sharing Program and will contribute \$1.1 million.

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 12th day of December, 2006.

VDOTRevShare07.res

AGRICULTURAL & FORESTAL DISTRICT WITHDRAWAL CASE NO. 9-86-6 –

Gordon Creek Withdrawal

Staff Report for the December 12, 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:

Board of Supervisors:

Building F Board Room; County Government Complex

November 6, 2006, 7:00 p.m.

December 12, 2006, 7:00 p.m.

SUMMARY FACTS

Applicant:

Mr. Sanford Wanner, James City County Administrator

Land Owner:

Mr. Sanford Wanner, James City County Administrator

Proposal:

Withdrawal of approximately 40.285 acres to build an elementary school

Location:

4001 Brick Bat Road

Tax Map/Parcel No.:

(36-3)(1-1)

Parcel Size:

40.285+/- acres

Zoning:

A-1, General Agricultural

Comprehensive Plan:

Rural Lands

Primary Service Area:

Outside

STAFF RECOMMENDATION

This withdrawal request is necessary in order to adjust the boundary lines so they conform to the development plan. Staff finds the proposed withdrawal consistent with the Comprehensive Plan. Furthermore, staff finds this application meets all of the criteria for the withdrawal of lands from Agricultural and Forestal Districts outside the Primary Service Area (PSA). As a site currently zoned A-1, with the approval of Special Use Permit (SUP) No. 29-06 to allow for a public school, the site would be in conformance and consistent with zoning for General Agricultural districts. The use of the site for a public school makes the site consistent with these policies as well as consistent with the Comprehensive Plan. Therefore, staff recommends the Board of Supervisors approve of the request to remove 40.285 acres from the Gordon Creek AFD.

On October 17, 2006, the Agricultural & Forestal District (ADF) Advisory Committee recommended approval of this application by a vote of 5-2.

Staff Contact:

Jason Purse, Planner

Phone:253-6685

PLANNING COMMISSION RECOMMENDATION

On November 6, 2006, the Planning Commission voted 5-2 to approve this application.

Proposed Changes Made Since Planning Commission Meeting

None.

PROJECT DESCRIPTION

Mr. Sanford Wanner has applied, on behalf of James City County, to withdraw approximately 40.285 acres from the existing Gordon Creek AFD for the purpose of constructing an 8th Elementary School for James City County. The parcel is located at 4001 Brick Bat Road and is further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (36-3). This request is being reviewed as a part of the 8th James City County Elementary School SUP amendment (ref. Case No. SUP-29-06).

A withdrawal was previously approved for a portion of this site. The previous withdrawal was for approximately 44 acres. This withdrawal will change the boundary lines of the property being withdrawn to conform to the actual development plan as shown on the attached exhibit. The purpose of the amendment is to adjust the boundary lines of the project so they include the turn lanes, the stormwater management facility, and the baseball field as a part of the site. After the original condemnation and subsequent withdrawal, once the engineers went on site, they discovered the need for the different land requirements based on the development plan. As a part of the acquisition process, the Board of Supervisors adopted a resolution at its October 10, 2006, meeting finding that the acquisition of land in this District will not have an adverse effect on the remainder of the Gordon Creek AFD.

Property Description

The site is predominantly wooded with some open area near the middle of the original property. This parcel is a part of the easternmost main section of Gordon Creek, but will not have an adverse effect on outlying pieces of this AFD. Originally the piece was a part of the 163.880 acres placed in the AFD by the previous owner. The rest of that parcel will remain part of the AFD and was renewed in August.

Surrounding Land Uses and Development

A majority of the property to be withdrawn is surrounded by other properties located inside the Gordon Creek AFD along Brick Bat Road. The parcel is zoned A-1 and designated rural lands on the 2003 Comprehensive Plan Land Use Map. On the south side of Brick Bat and off Centerville Road, the parcel is adjacent to the Greensprings West subdivision, which is zoned R-4.

Comprehensive Plan

The withdrawal area is designated rural lands on the 2003 Comprehensive Plan. Rural Lands are areas containing farms, forests, and scattered houses, exclusively outside the PSA, where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for in the future.

Appropriate primary uses include agricultural and forestal activities, together with certain recreational, public or semi-public, and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.

Utilities

The entire parcel requesting the withdrawal is outside the PSA and is not currently served by public water and sewer. Once built, the new school would be connected to public water and sewer from an extension from the Greensprings facilities adjacent to this property.

Analysis

On September 24, 1996, the Board of Supervisors adopted a policy and withdrawal criteria for AFD parcels that are outside the Primary Service Area. The policy and criteria are as follows:

1. It is the policy of the Board of Supervisors to discourage the withdrawal of properties from AFDs during the terms of those districts.

2. The criteria for withdrawal during the terms of the districts are as follows:

In order to establish “good and reasonable cause,” any request by a landowner to withdraw property from an AFD must submit written information to demonstrate compliance with the following criteria:

- A. The request is caused by a change in circumstances that could not have been anticipated at the time an application was made for inclusion in the district.
- B. The request would serve a public purpose, as opposed to the proprietary interest of the landowner, that could not otherwise be realized upon expiration of the AFD.
- C. The request would not cause damage or disruption to the existing district.
- D. If the request for withdrawal is in conjunction with a proposal to convert the land use of a property to a different use than is currently in place on the property, the new land use would be in conformance with the Comprehensive Plan.

The Board shall weigh each of the above criteria in its deliberation, but may also use whatever other criteria as it deems appropriate for the individual case.

Each of these criteria has been evaluated by staff:

Criteria A: Unanticipated Withdrawal

With the accelerated growth of the number of school children in the County, there is an increased need for additional school sites. After the evaluation of possible sites in and around this area of the County, it was felt that this site provided the best opportunity for construction of the 8th elementary school. Areas were compared both inside and outside the PSA, but in the end this site provided the best option for the County. The section of the parcel was only recently evaluated and selected as an appropriate site for the elementary school. There was no way of forecasting that this specific parcel would be chosen as the school site during the last AFD renewal period in 2002. **The application meets this criteria.**

Criteria B: Public Purpose

The withdrawal site will be used for a public school facility, which is a public purpose. Public elementary schools have certain specific location, transportation, and acreage needs that are unique to that use. An exhaustive study determined that this site provided for all of the necessities for a public school site. **The application meets this criteria.**

Criteria C: Damage to the existing district

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 additional acreage being withdrawn only totals approximately two acres on the sides of the project site. The remainder of the parent parcel is still enrolled in the AFD program and was recently renewed for a term length of four years and three months. **The application meets this criteria.**

Criteria D: Comprehensive Land Use conformance

The withdrawal site is located within a rural lands area of the Comprehensive Plan. In the description of possible land uses within rural lands, there are provisions for “public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.” As this site will be used for an elementary school and needs at least 20 acres of land to meet Comprehensive Plan criteria, this meets the provision for public uses. In actuality, public elementary schools require considerably more acreage in terms of developable land in order to fit all of the necessary elements onto the site. Many of the elementary schools in the County have sites of between 30 and 40 acres of land.

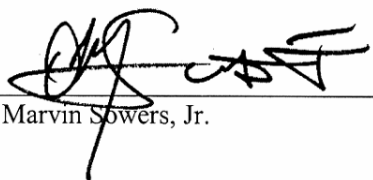
While the extension of utilities beyond the PSA is contrary to the Comprehensive Plan, the Public Facilities section stresses that the location of new public facilities should be close to the greatest number of people served. It also stresses the need for construction of public facilities in a timely manner to meet the needs of the County. A public school is needed in this area of the County in order to meet current demand. The withdrawal is consistent with the public facility goals of the Comprehensive Plan. The James City County Board of Supervisors reviewed a number of sites in and outside the PSA and chose this site as best meeting all of the criteria for construction of the 8th elementary school. **The application meets this criteria.**

RECOMMENDATION

This withdrawal request is necessary in order to adjust the boundary lines so they conform to the development plan. Staff finds the proposed withdrawal consistent with the Comprehensive Plan. Furthermore, staff finds this application meets all of the criteria for the withdrawal of lands from AFDs outside the PSA. As a site currently zoned A-1, with the approval of SUP-29-06 to allow for a public school, the site would be in conformance and consistent with zoning for General Agricultural districts. The use of the site for a public school makes the site consistent with these policies as well as consistent with the Comprehensive Plan. Therefore, staff recommends the Board of Supervisors approve the request to remove 40.285 acres from the Gordon Creek AFD.

Jason Purse

CONCUR:



O. Marvin Sowers, Jr.

JP/gb
Afd-9-86-6.doc

ATTACHMENTS:

1. Resolution
2. Unapproved Minutes of the October 17, 2006, AFD Advisory Committee Meeting
3. Unapproved Minutes of the November 6, 2006, Planning Commission Meeting
4. Location Map
5. Boundary Line Exhibit
6. Letter from Sanford Wanner dated October 11, 2006, requesting withdrawal from an AFD

ORDINANCE NO. _____

AFD-9-86-6. GORDON CREEK WITHDRAWAL

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia (the "Board of Supervisors") to withdraw 40.285 acres of land owned by James City County located along Brick Bat Road and identified as a portion of Parcel No. (1-1) on James City County Real Estate Tax Map No. (36-3) from Agricultural & Forestal District (AFD) Case No. 9-86, which is generally known as the 3,343-acre "Gordon Creek Agricultural and Forestal District" (the "Application"); and

WHEREAS, at its October 17, 2006, meeting, the AFD Advisory Committee voted 5-2 to recommend approval of the application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its November 6, 2006, meeting pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the "Virginia Code"), after which the Commission voted 5-2 to recommend approval of the application; and

WHEREAS, pursuant to Section 15.2-4214 of the Virginia Code a public hearing was advertised and held by the Board of Supervisors; and

WHEREAS, the Board of Supervisors finds that the withdrawal request meets the criteria set forth in the Board of Supervisors Withdrawal Policy for Agricultural and Forestal District Parcels Outside the Primary Service Area, dated September 24, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby removes 40.285 acres owned by James City County, as referenced herein from the 3343 acres of the Gordon Creek AFD.

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 12th day of December, 2006.

Afd-9-86-6.res

AT THE MEETING OF THE AGRICULTURAL AND FORESTAL ADVISORY
COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 17TH
DAY OF OCTOBER, TWO THOUSAND SIX, AT 4:00 P.M. AT THE HUMAN
SERVICES BUILDING, 5249 OLDE TOWNE ROAD, WILLIAMSBURG, VIRGINIA.

1. Roll Call

Members Present

Mr. Gilley
Mr. Ford
Ms. Garrett
Ms. Smith
Mr. Richardson
Mr. Abbott
Mr. Bradshaw

Members Excused

Mr. Icenhour
Mr. Meadows

Also Present

Ms. Milly Story
Mr. Jason Purse
Mr. Leo Rogers

2. Minutes

Minutes from August 29, 2006 were approved on a motion by Mr. Ford and seconded by Ms. Garrett.

3. Old Business

No old business was discussed.

A. AFD Renewals

Mr. Purse stated that the reason for the Gordon Creek withdrawal being presented again was due to a boundary line adjustment. Committee members questioned the exact location of the new boundary lines and the time frame for the completion of the school. Mr. Purse went over the map showing that the turn lanes, stormwater management facility and part of a playing field were outside of the originally withdrawn area and stated that it was still scheduled to be open in the Fall of 2007. Ms. Smith asked about the legality of process. Mr. Leo Rogers joined the meeting to explain why there was a boundary line change with the property. The acreage changed from 44 to 40.2 acres. Mr. Rogers also discussed the need for the school in this area and future schools in the county, and the counties process for finishing the condemnation process. He further stated that the Board of Supervisors had approved the take of the new acreage. Mr. Ford expressed concern over the process, but stated that Mr. Rogers had answered most of his questions. Mr. Gilley inquired about the compensation for the land owners and Mr. Rogers stated that it was still being worked out with the appraiser. Mr. Abbott inquired about the acreage that was already withdrawn and not being used and whether it could be returned to the District. Mr. Rogers stated that it could once the process was completed, which would not be for some time though.

The members voted 5-2 in a roll call vote to approve the withdrawal on a motion by Mr. Ford, which was seconded by Mr. Abbott.

4. New Business

A. Mr. Jason Purse opened the discussion regarding the applicants to fill the vacancy on the committee. Two very strong candidates stood out among the committee members, discussion took place on the merits of each candidate. Mr. Gilley initiated the discussion and the possibility of sending both candidates to the Board of Supervisors. Mr. Ford noted that the committee was fortunate to have such a quality number of applications. Mr. Ford moved that both Mr. Thomas Hitches and Mr. Payton Harcum be recommended to the Board of Supervisors for their inclusion on the AFD Advisory Committee, and Mr. Abbott seconded the motion. The committee unanimously voted to recommend Mr. Thomas Hitchens and Mr. Payton Harcum to the Board of Supervisors. Mr. Jason Purse ended the discussion with a commitment to research the regulations and see if it was possible for the AFD Board to send two candidates to the Board of Supervisors.

5. Adjournment

Mr. Gilley adjourned the meeting at 4:40 p.m.

Mr. R.E. Gilley, Chairman

Jason Purse, Planner

Milissa Story, Development Management Assistant

**UNAPPROVED MINUTES OF THE NOVEMBER 6, 2006 MEETING
OF THE PLANNING COMMISSION**

AFD-9-86 Gordon Creek Withdrawal

Mr. Jason Purse presented the staff report stating that Mr. Sanford Wanner has applied to withdraw approximately 40.285 acres from the existing Gordon Creek AFD. The withdrawal site will be used for the 8th Elementary School in W-JCC. A withdrawal was previously approved for a portion of this site. This withdrawal will change the boundary lines of the property being withdrawn to conform to the actual development plan. The property is located at 4001 Brick Bat Road, and can further be identified as parcel (1-1) on the JCC Tax Map (36-3).

Mr. Kennedy asked if portions of the property were being returned to the AFD while other portions were being withdrawn. He also asked if there would be any taxation issues.

Mr. Purse indicated the previous and proposed boundary lines on a map. He stated that conversations were on-going with the property owners and that it was uncertain whether any of the unused portions was be returned to the AFD.

Mr. Kennedy noted that no one was present from the School Board. He stated that Commissioners had been assured previously that there was enough land for adequate road frontage and that the County owned the land. He stated he felt key elements had been left out. Mr. Kennedy stated his concern that the unusable portion of the property would be returned to the owner to deal with.

Mr. Fraley opened the public hearing.

Hearing no requests to speak the public hearing was closed.

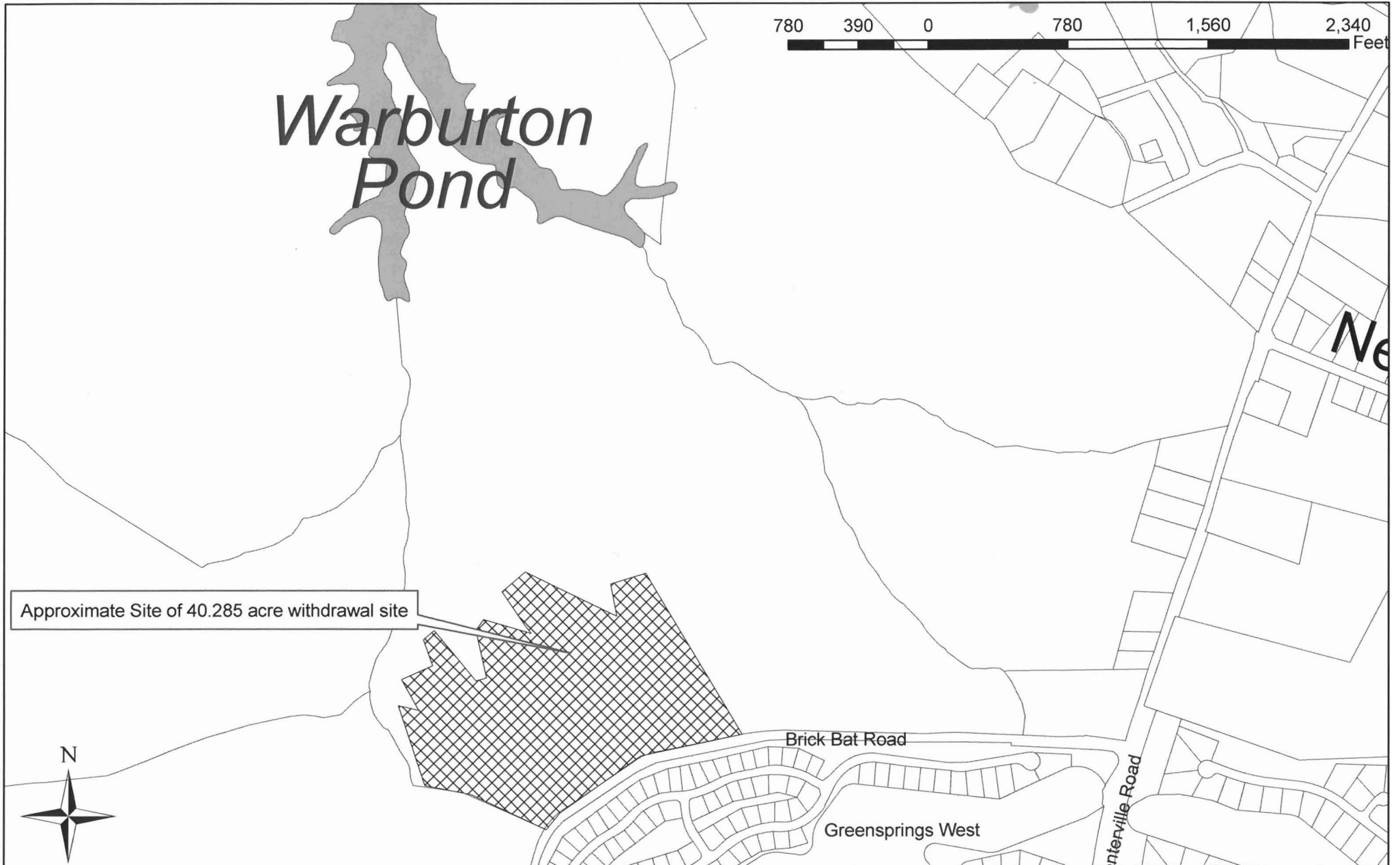
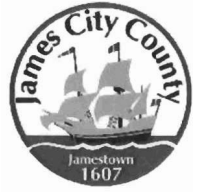
Ms. Jones motioned for approval.

Ms. Hughes seconded the motion.

In a roll call vote the application was recommended for approval (5-2). AYE: Billups, Obadal, Jones, Fraley, Hughes (5); NAY: Hunt, Kennedy (2).

AFD-9-86-6

Gordon Creek Withdrawal





MAY 21, 2006
 REVISED
 DRAWING BY

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



MOSELEY ARCHITECTS
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 601 SOUTHVALE BOULEVARD, RICHMOND, VIRGINIA 23260
 PHONE (804) 796-7886 FAX (804) 379-6868
 MOSELEYARCHITECTS.COM



COUNTY ADMINISTRATION

101-C MOUNTS BAY ROAD, P.O. BOX 8784, WILLIAMSBURG, VIRGINIA 23187-8784
(757) 253-6728

E-MAIL: cadm@james-city.va.us
Fax: (757) 253-6833

October 11, 2006

Mr. Jason Purse, Planner
James City County
101-A Mounts Bay Road
Williamsburg VA 23185

RE: WJCC Elementary School Site Withdrawal from the Gordon Creek AFD

Dear Mr. Purse:

I am writing on behalf of James City County to apply to withdraw approximately 40.285 acres from the Gordon Creek AFD for the purpose of constructing the County's 8th Elementary School.

A withdrawal was previously approved for a portion of this site. This withdrawal will change the boundary lines of the property being withdrawn to conform to the actual development plan. The purpose of the amendment is to fix the boundary lines of the project so they include the turn lanes, the stormwater management facility, and the playing field as a part of the site.

The property in question is outside the Primary Service Area (PSA) and is designated Rural Lands on the 2003 Comprehensive Plan Land Use Map. The property is zoned A-1 and is now part of a parcel of approximately 164 acres in the Gordon Creek AFD, known as the "Jacksons" tract. Originally the piece was a part of the 163.880 acres placed in the AFD by the previous owner. The rest of that parcel is still a part of the AFD and is up for renewal this August.

The James City County Board of Supervisors previously adopted a resolution delineating criteria for withdrawal from an AFD outside the PSA. Given this sites use as a public elementary school owned by the County, this request conforms to all of the criteria stated in the enclosed Board of Supervisors resolution for withdrawal of land from an AFD outside the PSA.

This request is being filed jointly with an SUP amendment application, which will amend the boundary lines for this parcel in order to have it more closely conform to the actual development plan for the project. This withdrawal is necessary in order for the completion of this project to occur within the desired time frame for opening the school in the fall of 2007. Please let me know if you need any further information.

Sincerely,

Sanford B. Wanner
County Administrator

SBW/gb
JPurse.ltr

**SPECIAL USE PERMIT CASE NO. 29-06 W-JCC 8th Elementary School Amendment
Staff Report for the December 12, 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:
Board of Supervisors:

Building F Board Room; County Government Complex

November 6, 2006, 7:00 p.m.
December 12, 2006, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Sanford Wanner, James City County Administrator

Land Owner: Mr. Sanford Wanner, James City County Administrator

Proposal: To construct an elementary school in A-1

Location: 4001 Brick Bat Road

Tax Map/Parcel No.: (36-3)(1-1)

Parcel Size: 40.285+/- acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

STAFF RECOMMENDATION

Staff finds the proposal, with the attached conditions, to be consistent with surrounding land uses, and because it is a public use site, consistent with the Comprehensive Plan, staff recommends the Board of Supervisors approve this Special Use Permit (SUP) amendment application.

Staff Contact: Jason Purse, Planner Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

On November 6, 2006, the Planning Commission voted 7-0 to approve this application.

Proposed Changes Made Since Planning Commission Meeting

None.

PROJECT DESCRIPTION

Mr. Sanford Wanner, on behalf of James City County, has applied for an SUP to allow for an elementary school on approximately 40.285 acres of land, on a parcel zoned A-1, General Agricultural. The parcel is located at 4001 Brick Bat Road, which is northwest of the Centerville and Brick Bat Road intersection and is further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (36-3). The site is shown on the 2003 Comprehensive Plan Land Use Map as Rural Lands.

An SUP was previously approved for a portion of this site. This SUP amendment will include the land that the Board of Supervisors recently approved to be condemned, mostly along the frontage of the property. This amendment will change the boundary lines of the property receiving the SUP to conform to the actual development plan. The purpose of the amendment is to adjust the boundary lines of the project so they include the turn lanes, the stormwater management facility, and a playing field as a part of the site. After the original condemnation, once the engineers went on site, they discovered the need for the different land requirements based on the development plan. The conditions for this case remain the same as the previously approved conditions.

Surrounding Zoning and Development

The parcel is zoned A-1 and designated rural lands on the 2003 Comprehensive Plan Land Use Map. On the north side of Brick Bat Road, and adjacent to the east and west of the project site, the parcels are all zoned A-1, General Agricultural, as well. On the south side of Brick Bat Road, and off Centerville Road, the parcel is adjacent to the Greensprings West subdivision, which is zoned R-4.

PUBLIC IMPACTS

Environmental

Watershed: Gordon Creek

Environmental Staff Conclusions: The Environmental Division has reviewed the proposal and concurs with the Master Plan and conditions as proposed.

Public Utilities

The site is located outside the Primary Service Area (PSA), but will be served by public water and sewer through a connection with Greensprings West.

Conditions:

- The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA) prior to final development plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
- Irrigation from the JCSA water distribution system and the installation of irrigation wells will not be permitted, unless approved by the JCSA General Manager.

JCSA Staff Conclusions: The James City Service Authority (JCSA) has reviewed the proposal and concurs with the Master Plan and conditions as proposed.

Traffic

The applicant used the ITE manual for Elementary Schools to determine traffic generation for the site and determined that there would be 294 total AM Peak trips and 196 total PM Peak trips generated. Using 2004 VDOT traffic count data and HCS two-lane capacity analysis software, the applicant determined Brick Bat Road is currently operating at a LOS "A." In 2005, for the Monticello to Brick Bat Road section of Centerville Road, the Traffic Count survey indicated there were 5,060 trips daily, and from the Brick Bat Road to News Road section there were 5,719 trips daily. The 2026 projected Traffic Counts

indicate an increase to 9,500 trips for the Monticello to Brick Bat interchange, along with listing this section of Centerville Road as an “ok” area.

Conditions:

- All traffic improvements required by the Virginia Department of Transportation (VDOT) around the Centerville Road (Route 614) and Brick Bat Road (Route 613) intersection, as well as shoulder strengthening/widening of Brick Bat Road (Route 613) between Centerville Road (Route 614) and the school site, shall be installed or bonded by James City County prior to issuance of a Certificate of Occupancy for any structure on the site. All frontage improvements required by VDOT along the school site, including the widening of Brick Bat Road (Route 613) to accommodate appropriate turn lanes, shall be installed or bonded by the developer, and the appropriate right-of-way dedicated to VDOT, prior to issuance of a Certificate of Occupancy for any structure on the site.

VDOT Conclusions: VDOT has reviewed the proposal and concurs with the Master Plan and conditions as proposed.

COMPREHENSIVE PLAN

The project area is designated as rural lands on the 2003 Comprehensive Plan. Rural Lands are areas containing farms, forests, and scattered houses, exclusively outside the Primary Service Area (PSA), where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for in the future. Appropriate primary uses include agricultural and forestal activities, together with certain recreational, public or semi-public, and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.

Staff Conclusions: The project site is located within a rural lands area of the Comprehensive Plan. In the description of possible land uses within rural lands, there are provisions for “public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.” As this site will be used for an elementary school and needs at least 20 acres of land to meet Comprehensive Plan criteria, this meets the provision for public uses. In actuality, public elementary schools require considerably more acreage in terms of developable land in order to fit all of the necessary elements onto the site. Many of the elementary schools in the County have sites of between 30 and 40 acres of land. One of the main reasons this site was chosen was because of its capacity for playing fields and accessory play areas for the community. The Parks and Recreation section of the Comprehensive Plan suggests that there continue to be efficient utilization of athletic facilities between the Williamsburg-James City County Public Schools and the Parks and Recreation Division. This site, as a public use, meets not only the County’s school needs, but also Parks and Recreation’s ability to meet the community’s need for additional recreation fields. When looking at the Strategies section of the Public Facilities section of the Comprehensive Plan, this site enables the County to have maximum site utilization while providing optimum service to, and compatibility with, the surrounding community.

While the Comprehensive Plan does not suggest that utilities be extended beyond the PSA, the Public Facilities section stresses that the location of new public facilities should be close to the greatest number of people served and located so that accessibility is maximized with minimum neighborhood effects. The extension of utilities to the school site required an SUP and was approved by the Board of Supervisors on May 9, 2006. A condition was added to that SUP to limit connections to the service which will reduce the impact that this project has on lands outside the PSA. For the purpose of a public use, this site provides more ability for the County to meet community needs than any available parcel in the area that was inside the PSA.

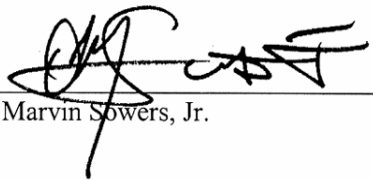
The Comprehensive Plan also stresses the need for construction of public facilities in a timely manner to meet the needs of the County. A public school is needed in this area of the County in order to meet current demand. This use is consistent with the public facility goals of the Comprehensive Plan. With the approval of an SUP to allow for a public school, the site would be in conformance and consistent with zoning for General Agricultural districts, and consistent with surrounding uses. The James City County Board of Supervisors reviewed a number of sites in and outside the PSA and chose this site as best meeting all of the criteria for construction of the 8th elementary school.

RECOMMENDATION:

Staff finds the proposal, with the attached conditions, to be consistent with surrounding land uses, and because it is a public use site consistent with the Comprehensive Plan, staff recommends the Board of Supervisors approve this SUP amendment application.

Jason Purse

CONCUR:



O. Marvin Sowers, Jr.

JP/gb
Sup-29-06.doc

ATTACHMENTS:

1. Resolution
2. Unapproved Minutes from the November 6, 2006, Planning Commission Meeting
3. Location Map
4. Master Plan

RESOLUTION

CASE NO. SUP-29-06. WILLIAMSBURG-JAMES CITY COUNTY

8TH ELEMENTARY SCHOOL AMENDMENT

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. Sanford Wanner has applied, on behalf of James City County, for an SUP to allow for an elementary school on approximately 40.285 acres of land on a parcel zoned A-1, General Agricultural; and

WHEREAS, the proposed school site is shown on a conceptual layout prepared by Timmons Group, entitled "New Elementary School" and dated March 7, 2006; and

WHEREAS, the property is located on land zoned A-1, General Agricultural, and can be further identified as a portion of James City County Real Estate Tax Map/Parcel No. (36-3)(1-1); and

WHEREAS, the Planning Commission of James City County, following its public hearing on November 6, 2006, recommended approval of this application by a vote of 7-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, following a public hearing, finds this use to be consistent with the 2003 Comprehensive Plan Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP No. 29-06 as described herein with the following conditions:

1. The Property shall be developed generally as shown on the Master Plan entitled "New Elementary School" and dated March 7, 2006 (the "Master Plan"), with only changes thereto that the Director of Planning determines do not change the basic concept or character of the development.
2. There shall be a 50-foot perimeter buffer generally as shown on the Master Plan. The buffer shall be exclusive of any structures or paving and shall be undisturbed, except for the entrances and sidewalks shown generally on the Master Plan, and with the approval of the Director of Planning, for lighting, entrance features, fencing, and signs. Dead, diseased and dying trees or shrubbery, invasive or poisonous plants may be removed from the buffer area with the approval of the Director of Planning. With the prior approval of the Director of Planning, utilities may intrude into or cross the perimeter buffer; provided, however, that such crossings or intrusions are generally perpendicular to the perimeter buffer and are given prior approval from the Director of Planning.

3. Any new exterior site or building lighting shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light sources are not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 30 feet in height. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines. The height limitation provided in this paragraph shall not apply to athletic field lighting provided that proper permits are issued under the James City County Zoning Ordinance.
4. All traffic improvements required by the Virginia Department of Transportation (VDOT) around the Centerville Road (Route 614) and Brick Bat Road (Route 613) intersection, as well as shoulder strengthening/widening of Brick Bat Road (Route 613) between Centerville Road (Route 614) and the school site, shall be installed or bonded by James City County prior to issuance of a Certificate of Occupancy for any structure on the site. All frontage improvements required by VDOT along the school site, including the widening of Brick Bat Road (Route 613) to accommodate appropriate turn lanes, shall be installed or bonded by the developer, and the appropriate right-of-way dedicated to VDOT, prior to issuance of a Certificate of Occupancy for any structure on the site.
5. A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted 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 III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading, or construction activities thereon.
6. The Williamsburg-James City County School Board shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA) prior to final development plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures

and appliances to promote water conservation and minimize the use of public water resources.

7. The developer shall integrate LID techniques and measures into the site development plan and shall work with the James City County Environmental Division to determine the most appropriate locations and techniques to be used based on the intended road, building and athletic facilities layout, grading, and drainage plan and site soils information. At a minimum 30 percent of the stormwater runoff generated from impervious surfaces shall be captured and treated by LID components above and beyond what is currently shown in the approved stormwater master plan. More than 30 percent is encouraged should greater opportunity for LID be present on the site. The LID measures shall not be used to comply with the James City County 10-point Best Management Plan (BMP) system or with the James City County special stormwater criteria as required by any applicable approved County watershed management plan. All stormwater basin components shall be in compliance with all Federal, State, and local regulations including, but not limited to, aquatic benches, forebays, landscaping, buffers/setbacks, and safety requirements. The percentage of impervious surface for the site shall not exceed 60 percent.
8. If construction has not commenced on this project within 36 months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
9. This SUP is not severable. Invalidation of any word, phrase, clause, sentences, 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 12th day of December, 2006.

Sup-29-06.res

**UNAPPROVED MINUTES OF THE NOVEMBER 6, 2006 MEETING
OF THE PLANNING COMMISSION**

SUP-29-06 WJCC 8th Elementary School Amendment

Mr. Jason Purse presented the staff report stating that Mr. Sanford Wanner, on behalf of James City County, has applied for a Special Use Permit to amend SUP-5-06, which was for the 8th Elementary School. This project is located on approximately 40.285 acres of land, on a parcel zoned A-1, General Agricultural. The property is located at 4001 Brick Bat Road. The property is currently part of a larger parcel located off of Brick Bat Road, which can further be identified as parcel (1-1) on the JCC Tax Map (36-3). The purpose of the amendment is to adjust the boundary lines of the project so they include the turn lanes, the stormwater management facility and the baseball field as a part of the site. The site is shown on the 2003 Comprehensive Plan Land Use Map as Rural Lands. Recommended uses on property designated for Rural Lands areas are agricultural and forestal activities, together with certain recreational, public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.

Ms. Jones stated her concern that the site is near two hunt clubs and asked for their locations.

Mr. Purse stated that one was located off of Busch Neck Road. He said he did not know the location of the other one. .

Mr. Hunt stated that Ordinance prohibits discharge of a firearm within 50 feet of a school.

Ms. Jones stated that this would impede the rights of the hunters.

Mr. Kennedy stated that construction had already begun on the school. He asked who reviewed the plans and why they did not realize the gymnasium was too small.

Mr. Sowers said they are required to go through a site plan process and building permit inspection. He said he did not know the status of either at the time.

Mr. Kennedy asked why the County was not made that a change order had been placed for a larger gymnasium. He also stated his disappointment that a representative of the School Board was not present.

Mr. Obadal asked if construction had begun.

Mr. Purse said it had begun for the portions that were already approved.

Mr. Obadal asked it was substantial.

Mr. Purse said it was everything within the yellow lines on the map shown earlier.

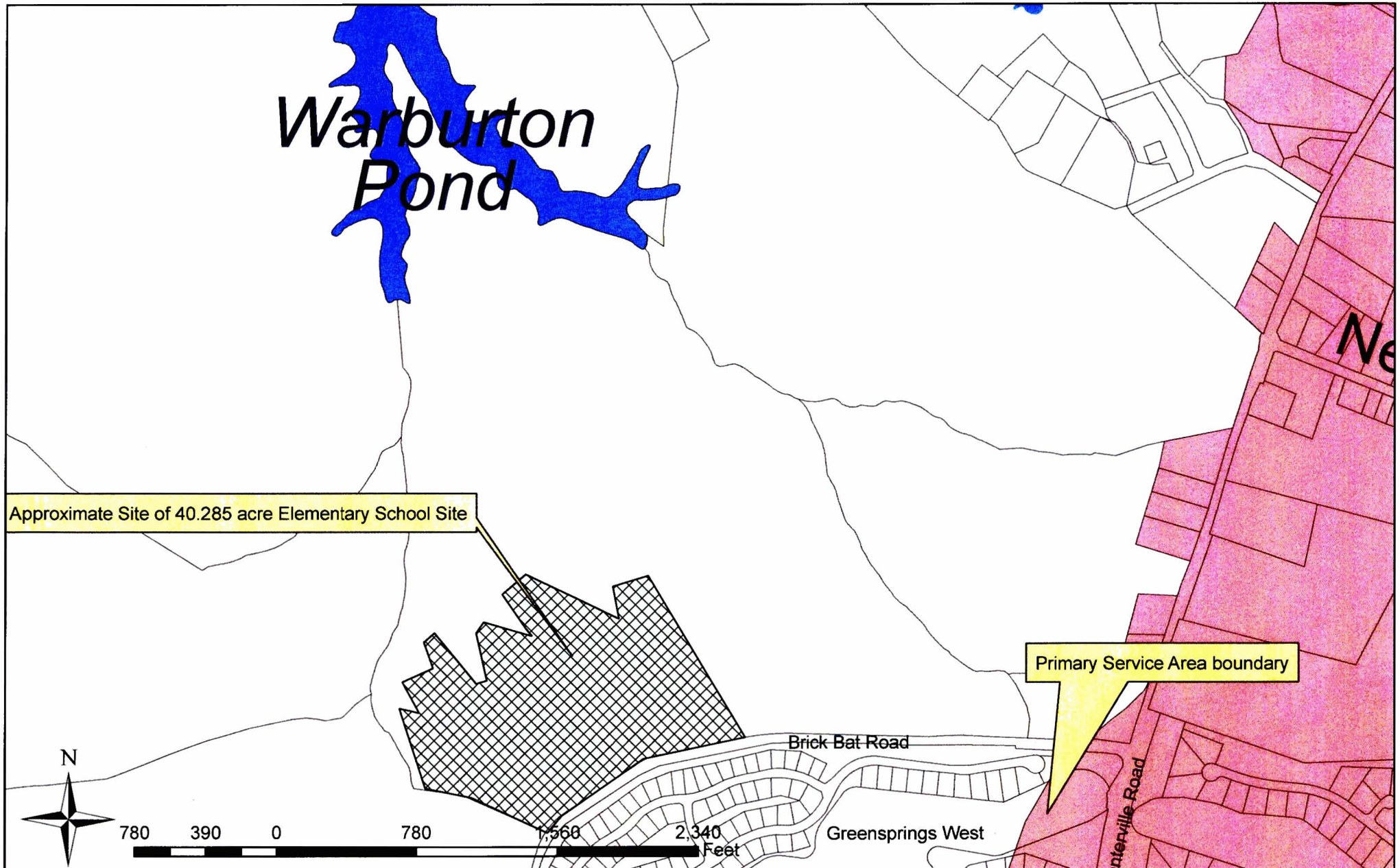
Mr. Kennedy motioned for approval.

Ms. Jones seconded the motion.

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

SUP-29-06

W-JCC Elementary School Amend.





SITE DATA

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

SITE AREA: 40± ACRES

BUILDING AREA: 92,000 SF±

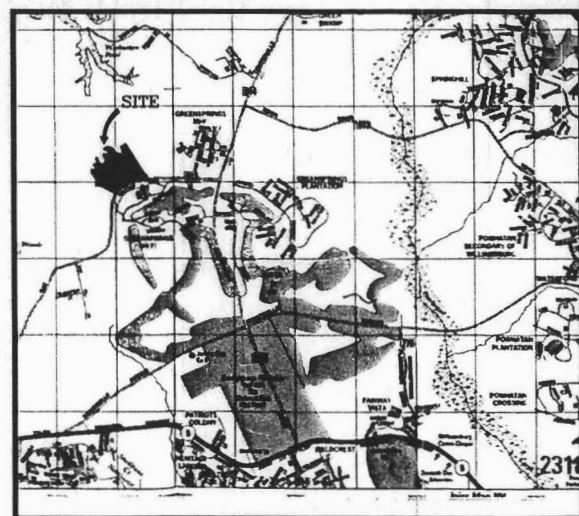
BUILDING HEIGHT: 40' MAX

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'

GRAPHIC SCALE

(1" = 100')



NEW ELEMENTARY SCHOOL

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

PROJECT NO.	40000
DATE	MARCH 17, 2006
BY	REVISIONS
DESIGNER	
CHECKED BY	
DATE	

MOSELEY ARCHITECTS
ARCHITECTURAL CORPORATION



29
SUP-06

REZONING-5-06/MASTER PLAN-7-06. New Town Sections 7 & 8
Staff Report for the December 12, 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:
Board of Supervisors:

Building F Board Room; County Government Complex

November 6, 2006, 7:00 p.m.
December 12, 2006, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Gregory Davis on behalf of New Town Associates, LLC

Land Owner: New Town Associates, LLC

Proposal: To apply Design Guidelines and rezone 108.1 acres to MU, Mixed Use, with proffers. If approved, the property will be primarily developed with residential development of up to 400 units and may also include 62,300 square feet of nonresidential development.

Location: North of the intersection of Monticello Avenue and Route 199

Tax Map/Parcel Nos.: (38-4) (1-51) and (38-4) (1-56)

Parcel Size: 108.1 acres

Existing Zoning: R-8, Rural Residential with proffers and an approved Master Plan

Proposed Zoning: MU, Mixed Use, with proffers

Comprehensive Plan: Mixed Use

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds this proposal for New Town Sections 7 & 8 is generally consistent with the adopted 1997 New Town Master Plan and Design Guidelines, with the exception of the Community Character Corridor buffer (formerly known as a greenbelt), which is depicted as a 150-foot open-space greenbelt road easement on the original Master Plan and Section 6.9 on page 121 of the original Design Guidelines, which references a 150-foot greenbelt buffer along Route 199. The proposed development is compatible with surrounding zoning and development; however the proposal is not consistent with the 2003 Comprehensive Plan recommendations, specifically the section pertaining to the width of Community Character Corridor buffers. The inconsistencies with the Comprehensive Plan, original Design Guidelines and Master Plan and previously approved residential development in New Town are outlined in the staff report. Staff recommends the Board of Supervisors deny this case.

Staff Contact: Matthew J. Smolnik

Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

On November 6, 2006, the Planning Commission voted 4-3 to recommend approval of this application. The Planning Commission also made suggestions regarding water quality monitoring, stream channel monitoring and remediation, and holding a public meeting with persons who spoke at the public hearing. Changes have been made to the proffers to address monitoring and remediation and the applicant has met with the persons who spoke at the public hearing to discuss the proposal in greater detail. Staff has reviewed the changes and supports their addition to the proffers.

Proposed Changes Made Since Planning Commission Meeting

1. The applicant has proffered a water quality monitoring plan and stream channel stability monitoring (proffers 13c and 13d).
2. The applicant has proffered money for the purpose of funding water quality or stream channel remediation efforts on the property (proffer 15i).

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

Cash Proffer Summary (See staff report narrative and attached proffers for further details)	
Use	Amount
Water	\$820 per single-family attached dwelling unit \$1,093 per single-family detached dwelling unit
Recreation	\$109 per dwelling unit
School Facilities	\$4,011 per single-family detached dwelling unit
Library Facilities	\$61 per dwelling unit
Fire/EMS Facilities	\$71 per dwelling unit
Water Quality/Stream Channel Stability Remediation	\$30,000
Road Improvement Contribution	\$12,728
Total Amount (2006 dollars)	\$1,121,098.00

BRIEF HISTORY AND DESCRIPTION OF NEW TOWN

In August 1995, James City County and the C.C. Casey Limited Company sponsored parallel design competitions for a Courthouse and Town Plan, respectively, to be located on approximately 600 acres known as the "Casey" Property. The winning town plan, chosen from among 99 entries worldwide, was submitted by Michel Dionne, Paul Milana and Christopher Stienon of New York City. The program included several civic facilities, 600,000 square feet of regional and community retail, 400,000 square feet of office space, and 2,000 residential units of varying types. The plan locates a civic green at the southeast corner of the site where it becomes central to the larger Williamsburg region and an urban gateway to the town. A retail square is the focus of the mixed-use town center with research and development corporations along Discovery Boulevard. The neighborhoods are composed of a simple urban street and block pattern that accommodates alleys and permits a variety of lot sizes and housing types. The public spaces of the plan connect to the regional system of public open space so that the new town becomes an urban extension and center for the region.

Using the winning town plan as a launching pad, on December 22, 1997, the Board of Supervisors approved rezoning applications (Case Nos. Z-4-97 and Z-10-97) that set forth the New Town binding master plan and Design Review Guidelines by rezoning 547 acres of the Casey Tract to R-8 with proffers. The purpose of the

R-8 zoning was to bind the property to the Proffers and Master Plan, which set maximum densities, major roads, major open spaces and types of uses. The rezoning also established Monticello Avenue and Ironbound Road through New Town as major urban arterials with design and operating standards more reflective of urban rather than suburban roads. Under the proffers, the R-8 area could not actually be developed until further rezoning to MU. The purpose for this was to gradually implement the full development. Also, by rezoning areas separately, the Planning Commission and Board will have the opportunity to gauge proposed development against current situations (in an attempt to best mitigate impacts) and to evaluate the proposed development against the Master Plan, the proffers and the design guidelines.

To allow for initial and immediate construction, 27.5 acres of the Plan (Section 1) were rezoned to Mixed Use in 1997. Section 1 approved uses included 146,000 square feet for institutional and public use (80,000 square feet for the Courthouse and 66,000 square feet for the Williamsburg United Methodist Church); 60,000 square feet for office space, Institutional/Office Mixed Use, or Office/Commercial Mixed Use; and 3.5 acres for Open Space.

On what is commonly referred to as the west side of New Town due to its location west of Route 199, the Windsor Meade Retirement Community rezoning application (Case Z-02-01/MP-02-01) was approved by the Board of Supervisors on October 23, 2001. Windsor Meade Retirement Community will provide 300 residential units of various levels of continuous health care and have a maximum of 19,500 square feet of commercial office space. Windsor Mead Marketplace (Case Z-05-03/MP-06-03) was approved on October 14, 2003, and will include approximately 200,000 square feet of commercial and retail space fronting Monticello Avenue.

On the east side of New Town, Sections 2 & 4, or the New Town Center, were rezoned to Mixed Use with proffers on December 11, 2001, (Case No. Z-03-01) and amended on October 14, 2003, when approximately three acres were added on October 14, 2003 (Case No. Z-06-03/MP-4-03). Sections 2 & 4 border both Ironbound Road and Monticello Avenue and contain the initial development opened in New Town.

Accessed from Tewning Road and separated by wetlands from the core of New Town East, Section 5 was rezoned to M-1, Limited Business/Industrial with proffers, on June 8, 2004 (Case No. Z-1-04/MP-2-04).

Encompassing approximately 70 acres to the north of Sections 2 & 4 are New Town Sections 3 & 6, which were rezoned from R-8, with proffers, to MU, with proffers, on October 26, 2004 (Case No. Z-05-04/MP-05-04). Sections 3 & 6 are bounded by Ironbound Road to the east, Discovery Boulevard to the south and west, the lands of Eastern State Hospital to the north and east and an industrial neighborhood (Section 5 and Tewning Road) directly to the north. Sections 3 & 6 will consist of a maximum of 470 dwelling units with an overall density cap of 4.5 dwelling units per acre and a maximum of 220,000 nonresidential square feet.

Encompassing approximately 58 acres, Section 9 was rezoned from R-8, with proffers to MU, with proffers, on May 9, 2006 (Case No. Z-16-05/MP-13-05). Section 9 of New Town was master planned as the Gateway Commercial District in the New Town Master Plan. The proposed mixed-use development includes well-appointed residential condominiums and townhomes, office uses, nationally recognized retail tenants and specialty shops to serve the daily needs of the residents and workers within New Town. Section 9 will consist of residential dwellings in the range of 215 to 279 units and between 401,945 and 426,342 square feet of nonresidential square footage.

In each of the subsequent rezonings, the cases were evaluated to ensure consistency with the original New Town vision as set out in the master plan, proffers and design guidelines. The cases were also evaluated to ensure their impacts were consistent with the other standards and impacts envisioned in the original rezoning especially in regard to traffic, fiscal, and environmental impact.

PROJECT DESCRIPTION

The current request is to rezone approximately 108 acres in Sections 7 & 8 from R-8, with proffers, to MU, with proffers. The project area for Sections 7 & 8 is located in the northwestern corner of New Town, which is west of Sections 3 & 6, north of Section 9 (Settler's Market), and east of State Route 199. Sections 7 & 8 will be primarily residential development with up to 400 dwelling units made up of a mixture of single-family attached and single-family detached dwelling units. The attached fiscal impact study indicates Sections 7 & 8 will be evenly balanced between single-family attached and single-family detached units. Sections 7 & 8 may also include up to 62,300 square feet of nonresidential development.

Plan Flexibility

When New Town was originally rezoned in 1997, rather than set finite square footages and dwelling uses for each use in each section, the adopted master plan establishes certain uses for each section and then describes in tables the maximum and minimum square footages and dwelling units which would occur under two market scenarios.

The 1997 results for the entire east side of New Town development (Sections 1-10) are summarized below:

EAST SIDE OF NEW TOWN, SECTIONS 1-10		
	<u>Maximum Residential Scenario</u>	<u>Maximum Nonresidential Scenario</u>
Residential	1,972 dwelling units	1,171 dwelling units
	4.5 du/acre overall cap	4.5 du/acre overall cap
Nonresidential	1,361,157 square feet	2,008,657 square feet

The original land use tabulations for Sections 7 & 8 from 1997:

SECTIONS 7 & 8		
	<u>Maximum Residential Scenario</u>	<u>Maximum Nonresidential Scenario</u>
Residential	596 dwelling units	596 dwelling units
Nonresidential	62,300 square feet	62,300 square feet

The revised land use tabulations for Sections 7 & 8 are proposed as follows:

PROPOSED SECTIONS 7 & 8		
	<u>Maximum Residential Scenario</u>	<u>Maximum Nonresidential Scenario</u>
Residential	400 dwelling units	400 dwelling units
Nonresidential	62,300 square feet	62,300 square feet

Design Guidelines

Design guidelines were adopted with the original rezoning to ensure the vision of the winning town plan and establish the New Town Design Review Board and a process from which to review and approve proposed developments. The Design Guidelines for Sections 7 & 8 address street design, streetscape, parking, block design, architecture, landscaping and suggested greenbelt buffers. The original Design Guidelines recommend the depth of the greenbelt buffer along Route 199 be 150 feet. The New Town Design Review Board has reviewed the proposed Master Plan and revised Design Guidelines for Sections 7 & 8 and has approved them for conformance with the adopted Master Plan and original New Town Design Guidelines.

Master Plan

Staff believes that the proposed submitted Master Plan is compatible with surrounding zoning and development and is generally consistent with the approved 1997 New Town Master Plan. The 1997 Master Plan suggests residential development types A, B, C and D for both Sections 7 & 8, which are single-family detached, two-family house/townhouse, two-story apartment building and three-story apartment building respectively. In general, Section 8 is comprised of all residential development and Section 7, while mainly residential, is projected to have a minimal amount of nonresidential development. Material submitted by the

applicant indicates that there will be a total of 334 dwelling units for Sections 7 & 8 and approximately 28,800 square feet of nonresidential development in Section 7. The proposed residential and nonresidential densities are both consistent with the original 1997 Master Plan. The Master Plan and Design Guidelines are designed to work together to ensure that the overall project achieves the design objectives. The original 1997 Master Plan depicts a 150-foot open space greenbelt easement along Route 199, which is inconsistent with the submitted Master Plan for Sections 7 & 8.

PUBLIC IMPACTS

Archaeology

Proffers:

- The applicant has proffered that prior to any final site plan or subdivision plan approval for development in Sections 7 & 8, a treatment plan for the Archaeological Interpretive Park shown on the Master Plan shall be reviewed and approved by the Director of Planning.
- The archaeological site in Section 8 will be encompassed by the Small Whorled Pogonia preserve, protecting the site from future development.

Staff Comments: There are two archeological preserves located within Sections 7 & 8. The site in Section 8 is encompassed by the Small Whorled Pogonia preserve, while the site in Section 7 will be preserved as an interpretative park. Staff believes that the preserve and submitted proffers are consistent with the County's archaeological policy.

Environmental

Watershed: Powhatan Creek

Proffers:

- The binding master plan shows a variable width buffer around environmentally sensitive areas. The applicant has proffered that no building or impervious cover shall be constructed or installed within 15 feet of this buffer, except in areas shown as COMM on the Master Plan.
- The applicant has proffered to preserve as natural open space the area including and surrounding the Small Whorled Pogonia colony in Section 8.
- The applicant has proffered a nutrient management plan for the Residential Association and Commercial Association of New Town.
- The applicant has proffered to upgrade BMP #53 to a wet pond which shall be in service prior to the issuance of a land disturbance permit for development on Section 8.
- For a period of five years after build-out for Sections 2, 4, 7, 8 & 9 the owner or the Residential Association shall monitor water resources on the Property biannually for the purpose of conducting water quality sampling and testing for Total Suspended Solids ("TSS") and Total Phosphorus.
- The Owner shall establish an interest bearing capital reserve account in the amount of Thirty Thousand and 00/100 Dollars (\$30,000) in the name of the Residential Association for the purpose of funding water quality or stream channel remediation efforts on the Property.

Staff Comments: The intermittent stream buffers are consistent with the Powhatan Creek Watershed Management Plan adopted on October 10, 2006. The RPA buffers are consistent per the approved New Town Master Stormwater Plan and Water Quality Impact Assessment dated November 2004. The money proffered by the applicant will not completely fund remediation for the entire stream. However, water quality measures are in place which have shown to prevent the degradation of stream channels and water quality in other similar developments in James City County.

Fiscal

Proffers: Cash contributions for various public facilities have been proffered to offset the project's fiscal impact. In addition, a Fiscal Impact Study has been submitted in accordance with Zoning Ordinance Requirements.

Staff Comments: At buildout (assumed to be in the year 2011) the proposal for just Sections 7 & 8 provides a net positive annual fiscal impact of approximately \$418,300. The residential sections of New

Town were programmed in 1997 with a balanced mix in both timing and dollar investment with nonresidential sections. The nonresidential development has exceeded expectations, from a fiscal standpoint, while the residential development has lagged from the initial schedule. The fiscal benefits of the New Town development, originally planned as a break-even, are positive and will continue to be with the completion of Sections 7 & 8.

Housing

Proffers:

- A minimum of twelve (12) units constructed on the Property will be initially offered for sale for a period of nine continuous months after the issuance of a building permit for such residential units at a price at or below \$154,000 subject to the Marshall Swift Index price adjustment.

Staff Comments: Staff has reviewed this proffer. The price meets the County criteria for affordable housing and the percentage of affordable units proffered by the applicant is consistent with previous rezonings for New Town.

Fire and EMS:

Proffers: A cash contribution of \$71 per residential unit is proffered for fire and rescue equipment and facilities.

Staff Comments: This figure is consistent with the need indicated by the Fire Department and consistent with other recent rezonings.

Libraries

Proffers: A contribution of \$61 for each residential unit is proffered for library needs.

Staff Comments: In the near future, another library facility will need to be considered to adequately meet service demands. The proffered amount helps offset building construction costs but does not provide sufficient funds for the opening day collection needs.

Public Utilities

Proffers:

- A cash contribution of \$820 for each single-family attached dwelling unit and \$1,093 for each single-family detached dwelling unit on the property shall be made to the James City Service Authority in order to mitigate impacts on the County from the physical development and operation of the property.
- Appropriate water conservation measures will be developed and submitted to the JCSA for review and approval prior to any site plan approval.

Staff Comments: This site is served by public water and sewer. The proffered dollar amount is consistent with the need indicated by the JCSA and other recent rezonings with adjustments made for inflation.

Public Facilities

Proffers:

- Total contributions of \$1,061 per single-family attached dwelling unit and \$5,345 per single-family detached dwelling unit are proffered to the County (\$0 per single-family attached dwelling unit and \$4,011 per single-family detached dwelling unit for schools, which are in accordance with the Board adopted cash proffer policy for schools).

Staff Comments: According to the Public Facilities section of the Comprehensive Plan, Action number four 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 (1), the Board of Supervisors has adopted the adequate public school facilities policy. With respect to item (2), the County has identified methods for calculating cash proffer amounts for schools, recreation, and water supply facilities.

New Town Sections 7 & 8 are located within the Clara Byrd Baker Elementary School, Berkeley Middle School, and Jamestown High School districts. Under the proposed Master Plan, a maximum of 400 units are proposed while the concept plan included in the Design Guidelines and Table C in the Fiscal Impact Study indicate that Sections 7 & 8 will consist of a total of only 334 units. Per the adequate public school facilities policy adopted by the Board of Supervisors, all special use permit or rezoning applications should meet the policy for adequate public school facilities. The policy adopted by the Board uses the design capacity of a school, while the Williamsburg - James City County Schools recognize the effective capacity as the means of determining student capacities. In Table B on page ii of the attached Fiscal Impact Study, the applicant has indicated that the development will produce 47 school-aged children. According to Financial and Management Services, the breakdown of students in the Williamsburg - James City School District is as follows: approximately 44 percent elementary (21 students), 24 percent middle school (11 students) and 32 percent high school (15 students). With respect to the policy, the following information is offered by the applicant:

School	Design Capacity	Effective Capacity	Current Enrollment (Sept 2005)	Projected Students Generated	Enrollment + Projected Students
Clara Byrd Baker	804	660	752	21	773
Berkeley Middle	725	816	876	11	887
Jamestown High	1,250	1,177	1,524	15	1,539
Total	2,779	2,653	3,152	47	3,199

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 School and Jamestown High School. 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 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, this proposal meets the policy guidelines for the high school level. The proposal does not meet the policy guidelines at the middle school level.

Staff would like to note that the proposed number of schoolchildren presented by the applicant takes into account that 50 of the proposed 147 condominium units will be age-restricted; however the applicant has not proffered any age-restricted dwelling units. If the additional 50 dwelling units were used to calculate the proposed number of schoolchildren, an additional four school-aged children would be produced by the development, taking the total number of predicted new students to 51. Based on figures provided by Financial and Management Services, single-family detached units tend to produce 0.45 kids per household, while condos tend to produce 0.30 kids per household, which when using these student generator numbers, Sections 7 & 8 are projected to produce 126 school aged children. Using either the FMS numbers or those provided by the applicant, Sections 7 & 8 meet the standards of the adequate public facilities policy at the elementary and high school level; however it does not meet the standards at the middle school level.

The cash amount proffered for schools for Sections 7 & 8 varies from previous New Town rezonings. To offset project-wide impacts, the 1997 proffers state that New Town and the County “acknowledge that it is the expectation of the County that at the time of approval of rezoning for residential development that significantly contributes to the need for a new public school, New Town will either contribute an elementary school site, or make cash contributions to the County in the amount and upon terms agreed to.” New Town has chosen to make cash contributions. Therefore, the proffered amount used in all previous New Town residential rezonings was based on the number of units likely to be constructed in all of New Town and the cost needed to acquire a new elementary school site off-site (approximately \$240,000 based on the 1997 Comprehensive Plan standards for acreage and the cost per acre of acquiring

the Stonehouse Elementary site).

On September 13, 2005, the Board of Supervisors adopted a cash proffer policy for schools that the Board will use to guide its decision in residential zoning applications received after November 13, 2005. The cash proffer amounts for school construction are:

\$4,011 per Single-Family Detached Unit

\$0 per Single-Family Attached Unit

\$4,275 per Multi-Family Unit

The applicant for Sections 7 & 8 has proffered cash for school construction in accordance with this Board adopted policy.

Parks and Recreation

Proffers:

- The proffers provide for several community spaces referred to as “Community Space” which are also shown and labeled on the master plan as “Open Space” and “Median/Urban Parks”.
- The applicant has proffered to construct on the property: one playground, one pool, one urban park associated with the pool, one archaeological interpretive park, one urban park in Section 8 and a system of pedestrian/jogging paths.
- The proffers provide for a cash contribution of \$109 for each residential unit developed on the property.

Staff Comments: In addition to the items depicted on master plan, the Design Guidelines call for sidewalks along all public roads and bikeways along Casey Boulevard. Given this is an urban development the proffered recreational facilities are different than those provided by suburban developments. Based on previous New Town rezonings, the proffers are acceptable.

Transportation

2005 Traffic Counts on Monticello Avenue (Ironbound Road to State Route 199): 23,662 vehicles/day

2005 Traffic Counts on Monticello Avenue (State Route 199 to News Road): 36,548 vehicles/day

2005 Traffic Counts on Ironbound Road (Monticello Avenue to Watford Lane): 10,157 vehicles/day

A traffic impact study was submitted to the County in accordance with the requirements of Section 4 of the original New Town proffers. Staff did not require the applicant for Sections 7 & 8 to submit a traffic impact analysis as their property was included in the traffic impact analysis for the Section 9 rezoning during the spring of 2006. The Planning Commission recommended approval of the Section 9 rezoning on April 3, 2006, and the Board of Supervisors approved the Section 9 rezoning on May 9, 2006. A number of road improvements were proffered as part of the rezoning as well as cash for a prorated share of the improvements west of Route 199. The results of the traffic study completed in the spring of 2006, which included Sections 7 & 8, indicates that all New Town intersections are in compliance with the original traffic proffers from 1997.

Proffers:

- A cash contribution of \$12,728 to be used towards the conceptual road improvements on the west side of Route 199. This proffer includes funds for roadway construction and utility relocation.
- One bus pull-off area and bus shelter are to be constructed on the property.

1997 Proffer Criteria: The 1997 proffers require an updated traffic impact study to be submitted with the rezoning of each section from R-8 to MU. These proffers also specify operational standards for the Monticello Avenue and the methodology and criteria for the studies. The 1997 proffers require the provision of road improvements to maintain an overall level of service (LOS) C for the design year of 2015 at all New Town intersections. Of note, however, is a relaxed level of service standard in the 1997 proffers that permits lane groups to have LOS D if they are part of a coordinated traffic signal system

and the overall intersection maintains LOS C. Although LOS C for all lane groups is the accepted standard for most roads in the County by both staff and VDOT, it is a very suburban type standard that produces very wide roads. An overall LOS D is an accepted urban standard and produces narrow more pedestrian-friendly design and traffic movement and is used in most cities. In an effort to reduce the scale of the road network and the related improvements (i.e., dual left-turns) so that the streets would fit the vision of New Town, the relaxed standard was accepted by James City County and VDOT for some lane groups in 1997 and has been accepted in all subsequent rezonings.

Traffic Study Findings: The updated traffic impact study for this rezoning is based on existing peak p.m. hour traffic and counts compiled by VDOT and DRW Consultants, LLC. The nine intersections along Monticello Avenue that were analyzed for this study include; Ironbound Road, Courthouse Street, New Town Avenue, Settler's Market Boulevard (proposed), Old Ironbound Road (Casey Boulevard), State Route 199, WindsorMeade Way, Monticello Marketplace and News Road. It should be noted that the intersections at Monticello Marketplace and News Road were not included in the 1997 proffers, but were analyzed for this traffic impact study at the County's request. While these two intersections were designed by VDOT as part of the Route 199 project, the other seven intersections were designed by New Town's traffic consultant. Three scenarios were analyzed in the applicant's traffic impact study: 2015 traffic conditions without Section 9, 2015 traffic conditions with Section 9; and 2015 traffic conditions with Sections 7, 8 and 9.

The results of the traffic impact study indicate that the seven intersections included under the 1997 proffers (Ironbound Road to WindsorMeade Way) will operate in accordance with the original proffers. An overall LOS C is projected as is a LOS D for some lane groups for these seven intersections for all three scenarios in 2015; therefore the proposal meets the standards of the original New Town proffers.

It was also demonstrated that the other intersections not part of the 1997 proffers will also meet the 1997 proffer standards except at the News Road intersection for 2015. The News Road intersection is projected to achieve an overall LOS D for all three scenarios. Both the Monticello Marketplace intersection and News Road intersection have individual turning lane movements that do not achieve a LOS D. Although these intersections were not included in the original New Town proffers, these intersections are vital in regards to the movement of traffic along the Monticello Avenue corridor. These intersections will require upgrades to achieve the 2015 LOS of the other seven intersections along this corridor. The applicant for the Section 9 rezoning submitted conceptual plans for recommended road improvements on the west side of Monticello Avenue. Staff and Kimley-Horn have reviewed the conceptual road improvement plans and with some minor engineering adjustments, both believe the conceptual road improvements will allow for smoother traffic flow along the west side of Monticello Avenue.

Kimley-Horn has provided staff with cost estimates for the conceptual road improvements and for underground utility relocation, which total \$860,000. DRW Consultants estimated that Sections 7 & 8 will contribute approximately 1.48 percent of the traffic to the two most problematic intersections along Monticello Avenue, News Road and Monticello Marketplace. The developers of Sections 7 & 8 have proffered to contribute 1.48 percent, or \$12,728 towards the total cost of upgrading the road system along the west side of Monticello Avenue. This is a cost sharing funding mechanism similar to that adopted by the Board of Supervisors for Five Forks.

VDOT Comments: VDOT concurred with the initial traffic study for Sections 7 & 8 earlier this year during the rezoning for Section 9 of New Town. With the current proposal, there are a few road alignments and layouts internal to Sections 7 & 8 that do not meet VDOT criteria to become accepted into the VDOT system. Specific comments pertaining to these areas were passed on to the applicant and the applicant may revise the current proposal. If not, VDOT recommends that these particular areas be privately maintained.

Staff Comments: Staff is working with VDOT and the applicant to reduce or eliminate the need for private streets. Private streets may be permitted upon approval by the Board of Supervisors and shall be coordinated with existing or planned streets. Staff concurs with the traffic impact study that included Sections 7 & 8 from the spring of 2006. In addition to cash proffered for the road improvements west of Route 199 by the current and previous applicants, the County has secured VDOT funding totaling \$860,000 with \$200,000 becoming available in FY 09 and \$660,000 becoming available in FY 10 to be used towards improving the road system east of Route 199.

COMPREHENSIVE PLAN

Land Use Map

Designation	<p><i>Mixed Use – New Town (Page 127):</i> For the undeveloped land in the vicinity of and including the Route 199/Monticello Avenue interchange, the principal suggested uses are a mixture of commercial, office, and limited industrial with some residential as a secondary use. The development in this area should be governed by a detailed Master Plan which provides guidelines for street, building, open space design and construction which complements the scale, architecture and urban pattern found in the City of Williamsburg.</p> <p>Staff Comment: Staff believes the proposal is consistent with the Mixed Use designation and in accordance with the original 1997 Master Plan for New Town.</p>
Development Standards	<p><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.</p> <p><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.</p> <p><i>General Land Use Standards No. 05 (Page 134):</i> To minimize the impact of development proposals on overall mobility, especially on major roads by limiting access points and providing internal, on-site collector roads, side street access and joint entrances. When developing large master planned communities, provide new public collector and arterial roads that will mitigate traffic impacts on existing public collector and arterial roads.</p> <p><i>Residential Land Use Standards No. 03 (Page 137):</i> To preserve sensitive areas as open space, maintain trees and vegetation...respect these areas while creating a usable, distinct urban form within the built environment.</p> <p><i>Residential Land Use Standards No. 06 (Page 137):</i> To encourage residential developments 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> <p>Staff Comment: Staff believes the proposal adequately protects environmentally and historically sensitive areas and preserves other important open spaces while promoting vehicular traffic patterns that minimize the effect on the existing road network in this part of the County.</p>
Goals, strategies and actions	<p><i>Strategy No. 02 (Page 138):</i> To ensure development is compatible in size, scale and location to surrounding existing and planned development.</p> <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. 04 (Page 139):</i> To encourage developments which provide true mixed-use development within the PSA.</p> <p><i>Action No. 05 (Page 139):</i></p>

	To plan for and encourage the provision of greenways, sidewalks and bikeways to connect neighborhoods with retail and employment centers, parks, schools, and other public facilities.
	Staff Comment: Staff believes the proposed development is comparable in terms of size and scale to surrounding and planned development. The development of Sections 7 & 8 is primarily residential and constitute the only single-family detached units in the development and it is part of the larger New Town mixed use development. A network of trails, sidewalks and bike lanes are provided to promote a pedestrian friendly environment.

Parks and Recreation

Goals, Strategies and Actions	<p><i>Strategy No. 09 (Page 39):</i> To encourage new developments to proffer neighborhood and community park facilities and trails as outlined in the parks and Recreation Master plan.</p> <p><i>Action No. 5 (Page 40):</i> To encourage new developments to proffer public recreational facilities consistent with the standards in the Parks and Recreation Master Plan. New developments should have neighborhood parks with trails, bikeways, playgrounds, practice fields, open spaces and make provisions to develop nearby community parks that meet service demands.</p> <p>Staff Comment: The applicant has proffered several community recreational amenities including a playground, pool, urban park associated with the pool, archaeological interpretative park, urban park in Section 8 and a network of trails/jogging paths.</p>
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Environment

General	<p><i>Low Impact Development (Page 46):</i> To combine hydrologically functional site design with pollution prevention measures to reduce site and development impacts and compensate for the degradation of water quality.</p> <p><i>Natural Resources Protection and Management, Powhatan Watershed Management Plan (Page 47)</i> <i>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 originally adopted by the Board of Supervisors in 2002 and re-adopted in 2006.</p> <p>Staff Comment: The application meets the criteria established in the revised Powhatan Creek Watershed Management Plan and per the approved stormwater master plan for New Town, the owner is obligated to treat a total of 17 acres with LID features on the east side of New Town, including Sections 7 & 8.</p>
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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. 02 (Page 65):</i> To continue to develop and enforce zoning regulations and other County ordinances that ensure the preservation to the maximum extent possible of rare, threatened and endangered species.</p> <p><i>Action No. 05 (Page 66):</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. 13 (Page 66):</i></p>
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	<p>To minimize the negative effects of urban development on water quality through sound policies such as Watershed Planning, erosion control measures and stream bank buffers.</p> <p><i>Action No.23 (Page 67):</i> To encourage residential and commercial water conservation.</p>
	<p>Staff Comment: The applicant has proffered to monitor the perennial stream feature between Sections 7 & 8 for a period of five years after buildout of the project. Monitoring by a third-party environmental monitoring firm will visually inspect this area for channel stability. The Small Whorled Pogonia preserve has been delineated by the US Army Corp of Engineers and Staff believes the buffer around the Casey Colony will adequately protect this particular endangered species. Water conservation measures have been proffered by the applicant to encourage residential and commercial water conservation.</p>

Transportation

Goals, strategies and actions	<p><i>Strategy No. 05 (Page 80):</i> To support the provision of sidewalks and bikeways in appropriate areas and increased use of public transportation methods.</p> <p><i>Strategy No. 08 (Page 80):</i> To coordinate the pedestrian, bicycle, automobile and transit modes of travel with each other and with the land use patterns they help create.</p> <p><i>Action No. 06 (Page 81):</i> To assure that private land developments adequately provide transportation improvements which are necessary to serve such developments.</p> <p><i>Action No. 07-f (Page 81):</i> To develop and implement mixed-use land strategies that encourages shorter automobile trips and promotes walking, bicycling and transit use.</p> <p><i>Action No. 09 (Page 82):</i> To include bikeways and/or pedestrian facilities within major developments connecting residential and nonresidential areas.</p> <p><i>Action No. 14 (Page 82):</i> To encourage pedestrian circulation by providing safe, well-lit and clearly marked crosswalks.</p> <p><i>Action No. 15 (Page 82):</i> To encourage the design of roads that allows automobiles, public transit, pedestrians and bicyclists to coexist safely on roads and streets in residential and commercial areas.</p> <p>Staff Comment: Staff believes that the proposed development will encourage shorter automobile trips and the necessary amenities, such as sidewalks, bike lanes and trails are provided to promote a pedestrian and bicycle friendly atmosphere and promote non-vehicular modes of travel. Additionally the development will encourage the use of public transit with the proffered bus stop and shelter.</p>
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Community Character

General	<p><i>Community Character Corridors (Page 83):</i> The proposed development fronts Route 199, a Community Character Corridor.</p> <p><i>Width of Recommended Buffer (Page 145):</i> The preferred buffer width for new residential developments along Community Character Corridors is 150 feet.</p> <p>Staff Comment: The applicant has submitted a narrative on the Route 199 Community Character Corridor buffer which states their reasoning why a reduction of this buffer to a variable width of 100 feet to 126 feet is warranted with this development. In addition to the narrative, Exhibit A depicts a 150-foot Community Character Corridor buffer and shows the single-family detached lots that the applicant claims will be lost with a 150-foot buffer. The applicant has indicated to Staff that the proposed lots along Route 199 will be 120 feet deep with rear-loading garages. The original Design Guidelines call for lot depths for medium and large single-family lots of 100 feet, 120 feet, and 130 feet respectively. To the extent that there are garages on the rear of the lots abutting Route 199, residents will be better protected from noise and visual intrusion from the adjacent roadway. This design feature is not typically associated with other developments.</p> <p>The applicant states the loss of approximately 16 single-family lots would be regained through additional multi-family structures, which the applicant believes would significantly change both the character of the residential community and the original vision set forth by Cooper Robertson & Partners. Sections 7 & 8 were envisioned to be predominantly single-family detached dwellings, but the original Design Guidelines and Master Plan from 1997 did not exclude other dwelling types, such as single-family attached, townhomes and multi-family dwellings from Sections 7 & 8. The applicant has indicated in the fiscal impact study that 169 single-family detached dwelling units are proposed in Sections 7 & 8 and the conversion of 16 single-family lots represents only 9.5 percent of the proposed single-family detached dwellings and only 4.8 percent of the total dwelling units proposed in Sections 7 & 8. Staff does not believe that in a development of 334 dwelling units the conversion, not the loss, of approximately 16 lots, will have a significant impact on the overall development of this property or the original New Town vision as stated by the applicant.</p> <p>Exhibit B depicts the variable width buffer proffered by the applicant and how it relates to the proposed lot layout in Section 8. The minimum and maximum depths of the buffer are shown along with the total distance including the VDOT right-of-way between the edge of pavement and property line for Section 8. Additionally, the applicant has provided Staff with color photographs showing different scenarios with respect to buffer depth along Route 199.</p> <p>The VDOT right-of-way width between this property and Route 199 is unusual in character to other roads in the County because it extends upwards of 80 feet beyond the edge of pavement. This area is partially vegetated with patches of young loblolly pine, which may aid as a screen in addition to the mature trees as you move further away from Route 199 towards the New Town property. It has not been the practice of staff in the past to count VDOT right-of-way in the buffer width calculation. The buffer is calculated from the edge of the right-of-way because the property owners can not guarantee that trees and land in the VDOT right-of-way will always remain in place or will not be developed. In the Route 199 narrative the applicant states, “As there are no plans for widening Route 199 in the foreseeable future, this additional 50 feet can be considered an additional layer to the buffer”. While this is true, it should be noted that the 2030 projected level of service for Route 199 is a LOS D.</p> <p>Staff does not believe that the proposal is consistent with the Community Character Corridor section of the Comprehensive Plan, which recommends a 150-foot buffer for all new residential developments. The original Master Plan from 1997 depicts a 150-foot greenbelt buffer along Route 199 and Section 6.9 on page 121 of the original Design Guidelines calls for a 150-foot buffer along Route 199 for residential development. The applicant has proffered a variable width buffer with enhanced landscaping along Route 199 with an average depth of 110 feet, minimum depth of 100 feet and a maximum depth of 126 feet. Case No. Z-2-01/MP-2-01, Section 13 of New Town, WindsorMeade Retirement Community was previously approved as a residential development in New Town whose property also</p>
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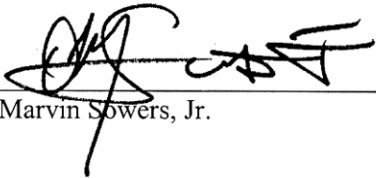
	<p>abuts the VDOT right-of-way along Route 199. Section 13 is located directly across Route 199 from Section 8 and the Master Plan for Section 13 indicates a 150-foot Community Character Corridor buffer along Route 199 in addition to the VDOT right-of-way. The Section 13 Master Plan depicts a distance of approximately 220 feet between the edge of pavement and the property line for the WindsorMeade retirement community. In addition to providing a 150-foot Community Character Corridor buffer the applicant for Section 13 proffered to enhance the 150-foot buffer with additional landscaping and/or berms to provide an enhanced visual and sound buffer between the development and Route 199.</p> <p>The 150-foot buffer along Community Character Corridors is a longstanding County policy that staff utilizes when giving their recommendation of a rezoning case to the Planning Commission and Board of Supervisors. Staff is unable to recommend approval of the proposed buffer reduction because the recommendations set forth in the Comprehensive Plan regarding the Community Character Corridor buffers have not been achieved, the proposed variable width buffer is inconsistent with the original Master Plan and Design Guidelines from 1997 and the only other residential development in New Town that abuts Route 199 (Section 13, WindsorMeade) provided the County with a 150-foot buffer with enhanced landscaping.</p> <p>In order to merit a reduction staff believes there should be some distinguishing aspects of the case to merit the reduction. Staff recognizes that developable area has been lost due to environmentally sensitive areas, however staff does not believe that the full buffer width has a significant impact on the ability to achieve the original New Town vision as less than five percent of the units proposed in Sections 7 & 8 are impacted and the overall mix of attached versus detached units is not substantially changed. Should the Planning Commission and Board of Supervisors wish to approve the proposed variable width buffer; staff recommends that the distinguishing characteristics of this case be identified to distinguish it from future cases.</p> <p><i>Community Character Areas (Page 87):</i> The proposed development is located within the New Town Community Character Area. The Community Character Area generally calls for a superior design which provides a balanced mixture of businesses, shops, and residences in close proximity to one another in an urban environment. It also describes more specific design standards to which development in that area should adhere.</p> <p>Staff Comment: Staff believes the area is consistent with the Community Character Area section of the Comprehensive Plan. The applicant has submitted Design Guidelines for Sections 7 & 8 as part of the rezoning.</p>
Goals, Strategies And actions	<p><i>Action No. 8 (Page 96):</i> To continue to require or encourage the planting of street/curb side streets.</p>
	<p>Staff Comment: The proposed Design Guidelines indicate a streetscape package for all streets within Sections 7 & 8.</p>

STAFF RECOMMENDATION

Staff finds this proposal for New Town Sections 7 & 8 is generally consistent with the adopted 1997 New Town Master Plan and Design Guidelines, with the exception of the Community Character Corridor buffer (formerly known as a greenbelt), which is depicted as a 150-foot open space greenbelt road easement on the original Master Plan and Section 6.9 on page 121 of the original Design Guidelines, which references a 150-foot greenbelt buffer along Route 199. The proposed development is compatible with surrounding zoning and development; however the proposal is not consistent with the 2003 Comprehensive Plan recommendations, specifically the section pertaining to width of Community Character Corridor buffers. The inconsistencies with the Comprehensive Plan, original Design Guidelines and Master Plan and previously approved residential development in New Town are outlined in the staff report. Staff recommends the Board of Supervisors deny this case.

Matthew J. Smolnik

CONCUR:



O. Marvin Sowers, Jr.

MJS/nb
Z-5-06MP-7-06

ATTACHMENTS:

1. Unapproved minutes from the November 6, 2006, Planning Commission meeting
2. Location Map
3. Master Plan
4. Community Impact Statement
5. Fiscal Impact Study
6. Design Guidelines
7. Route 199 Community Character Corridor narrative and photographs
8. Executive Summary of Traffic Study
9. Memorandum from Tony Obadal dated November 30, 2006
10. Proffers
11. Resolution

RESOLUTION

CASE NO. Z-5-06/MP-7-06 NEW TOWN SECTIONS 7 & 8

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-5-06/MP-7-06, with Master Plan for a rezoning of 108.1 acres from R-8, Rural Residential with proffers, to MU, Mixed Use with proffers; and

WHEREAS, the applicant has proposed to construct up to 400 residential units and up to 62,300 square feet of non-residential development; and

WHEREAS, the property is designated Mixed Use on the 2003 Comprehensive Plan Land Use Map; and

WHEREAS, the property is located to the north of the intersection of Monticello Avenue and State Route 199 on property more specifically identified as Parcel Nos. (1-51) and (1-56) on the James City County Real Estate Tax Map No. (38-4); and

WHEREAS, on November 6, 2006, the Planning Commission of James City County, following a public hearing, recommended approval of the application by a vote of 4-3.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, following a public hearing, does hereby approve Case No. Z-5-06/MP-7-06 as described herein, and accept the voluntary proffers.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of December, 2006.

Z-5-06MP-7-06.res

**UNAPPROVED MINUTES OF THE NOVEMBER 6, 2006 MEETING
OF THE PLANNING COMMISSION**

Z-5-06/MP-7-06 New Town Section 7 & 8

Mr. Matthew Smolnik presented the staff report stating that an application has been submitted by New Town Associates, LLC to rezone 108.1 acres of land located at 5240 and 5248 Monticello Avenue currently zoned R-8, Rural Residential to MU, Mixed Use. The property is also known as parcels (1-51) and (1-56) on the JCC Tax Map (38-4). Under the proposed Master Plan, a maximum of 62,300 square feet of commercial buildings are proposed with a maximum of 400 dwelling units. The site is designated for Mixed Use development by the James City County Comprehensive Plan. Mixed Use areas are centers within the PSA where higher density development, redevelopment and/or a broader spectrum of land uses are encouraged.

Mr. Obadal gave an overview of the history of rezonings of the New Town project.

Mr. Smolnik and Mr. Obadal discussed when various sections of the project were rezoned.

Mr. Obadal stated that in 2004 a request was made to reduce the buffer around the perennial stream in section 8 to allow more density.

Mr. Cook stated that the Chesapeake Bay Ordinance was amended in 2004 and that grandfathering was applied. He also gave an overview of the history of the environmental issues of the project.

Mr. Obadal stated that a variable buffer was allowed for 279 units. He stated his opinion that the density could have been achieved without the perennial stream buffer reduction. He questioned the applicant's need for a reduction of the Community Character Corridor.

Mr. Cook deferred the question to the applicant.

Mr. Obadal and Mr. Fraley discussed the changes and amendments that have taken place with the project over time.

Mr. Obadal wanted to follow-up on the density and the prior rezonings. He stated that the buffer around the intermittent stream was one of the changes.

Mr. Billups suggested that the applicant be allowed to make his presentation before Commissioners continue their discussions.

Mr. Fraley asked for a comment on water quality

Mr. Cook stated that the variable width buffer that included buffers on both perennial and intermittent streams should result in better water quality protection than buffers on only perennial streams.

Ms. Hughes stated her concerns about steep slopes, nature trails in the reduced buffers, and lack of commitment to LID (Low Impact Design)

Mr. Cook stated that the steep slopes would not have been protected by the original buffer. He deferred the discussion of the nature trail location to the applicant.

Mr. Smolnik stated that 8 acres were transferred to section 9 not 80 as he had previously indicated.

Ms. Hughes asked the basis for determining the number of school children.

Mr. Smolnik deferred the question to the applicant.

Mr. Fraley opened the public hearing.

Mr. Gregory Davis, Kaufman and Canoles, represented the applicant presenting the proposal. He highlighted the architecture, cash proffers, and affordability component. Mr. Davis also detailed regulatory changes that have affected the project.

Ms Jones asked if the 8 acres set aside for the Small Whorled Pogonia exceeded requirement.

Mr. Davis stated that there is no specific requirement but a determination by various regulatory agencies.

Ms. Jones if that applicant was satisfied with the amount of land set aside.

Mr. Davis said that from a development stand point they are disappointed. He stated that the Army Corp of Engineers is delighted.

Mr. Hunt said they are concentrated in a small area.

Mr. Davis added that there is no impact to the Pogonia like there was with the WindsorMeade project.

Deleted:

Mr. Fraley asked if there is an archeological site in that area as well.

Mr. Davis said yes.

Ms Hughes asked for an explanation of the term perennial stream restoration and mediation.

Mr. Davis said it is included in the Homeowners Association requirements.

Ms. Hughes said she had not seen it.

Mr. Obadal asked if the pollutants entering the streams would be monitored.

Mr. Davis said no and stated that the applicant and staff could look into it.

Mr. Fraley supported Mr. Obadal's suggestion.

Mr. Obadal thought monitoring could be beneficial to future projects. .

Mr. Fraley stated his concerns about building on steep slopes.

Mr. Robert Cosby with AES Consulting Engineers stated that the steep slopes are isolated in nature. He also stated that further review had found that most of the slopes were less than 25 %.

Mr. Fraley asked if the applicant would avoid building on slopes that are 25% or greater.

Mr. Cosby stated that in that scenario it would be discussed at site plan phase with staff.

Mr. Fraley stated his concern with the lack of commitment to LID.

| Mr. Cosby stated that New Town has been very proactive with LID measures and that they would pursue them as much as possible.

Mr. Fraley asked about water quality.

Mr. Cosby stated that within New Town state requirements regarding removal of pollutants are exceeded.

Mr. Fraley asked how many of the buffers are reduced.

Mr. Cosby said 25% are reduced to 50 ft.

Mr. Fraley asked if 100 buffers would increase water quality.

Mr. Cosby said not substantially.

Mr. Fraley said the preference would be for the trail to be taken out of the buffer.

Mr. Davis stated the goal was to provide a woodland trail with permeable surfaces.

Mr. Obadal stated that a 100 ft buffer would achieve 75% reduction in sediments and 40% reduction of nutrients.

Mr. Cosby said a larger buffer would provide more pollutant removal but not significantly when compared to other measures.

Mr. Obadal said a better method was necessary.

Mr. Cosby said the run-off is not sent across the buffer it is collected and piped to the BMP and then treated.

Mr. Cosby and Mr. Obadal discussed the percentage of sediments and pollutants removed by a BMP versus a traditional buffer.

Mr. Obadal stated that an Ordinance should be a guide for conduct without a great deal of flexibility.

Mr. Fraley said there is no Ordinance requirement relative to Community Character Corridor in Mixed Use.

Mr. Hunt stated that the goal of the Commission is to be flexible and provide elasticity when possible and appropriate.

Mr. Fraley called for a 10 minute break.

The Commission reconvened at 9:35 p.m.

Mr. Fraley opened the public hearing.

Ms. Kensett Teller, 126 Lake Drive, read a letter from the Friends of Powhatan Creek Watershed recommending denial of the project due to environmental concerns. Ms. Teller also stated concerns about noise pollution.

Ms. Sarah Kadec, 3504 Hunters Ridge, represented James City County Concerned Citizens read a letter requesting denial due to concerns regarding environmental, traffic, and public safety issues.

Mr. Jay Eversole, 103 Branscomb, stated concerns about adequate schools facilities test, density based on non-developable acreage, and environmental concerns.

Mr. Fraley clarified that the 300 ft variable buffers Mr. Cosby spoke of applies to main stem streams of which there are none in this application.

Ms. May Sly, 3829 Cluster Way, stated her support for a 100 ft buffer and increased protections for the small whorl begonia.

Mr. Fraley explained that the 100 ft buffer staff referred to was around a perennial stream.

Mr. Smolnik addressed concerns that copies of the plan were not available to the public. He stated that the application was submitted 71 days ago and that Friday was the first day anyone from the public inquired about the project.

Mr. Obadal stated that citizens should not have to pay for copies. He stated that FOIA (Freedom of Information Act) required free copies at the state level.

Mr. Kennedy explained that staff time is not charged only the cost of the copies.

Mr. Obadal asked if staff time should be charged to applicants for the considerable amount of time staff spending working on their plan.

Mr. Sowers read a letter from Mark Sexton stated his concerns about the proposal.

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

Mr. Hunt stated that provisions have been made regarding the perennial stream, and the Small Whorled Pogonia, and the provisions should be made for the Community Character Corridor.

Mr. Obadal stated his concerns about the protections offered for the perennial stream. He said he agrees with staff concerning the Community Character Corridor.

Ms. Jones stated that the project complies with the Watershed Management Plan, includes affordable housing, and is a fiscal positive. She stated that allowing a variance on the Community Character Corridor provides for a better project. Ms. Jones stated her support for the project.

Ms. Hughes stated that flexibility has already been allowed. She stated her support for the 150 ft Community Character Corridor and her concerns about school capacities. Ms. Hughes stated she will not support the project.

Mr. Kennedy said he has never supported the New Town concept. He stated that he could see the case for making an exception and stated his support for the proposal.

Mr. Billups stated his concern that the VDOT (Virginia Department of Transportation) ROW (Right-of-Way) buffer of 80 ft is combined with the applicant's required buffer. He asked what would happen should VDOT choose to exercise their right to utilize the ROW. Mr. Billups stated that he did not see a specific benefit of reducing the buffer. He also stated his concerns regarding school impacts, and the lack of confirmation of affordable housing.

Mr. Fraley stated that staff was in agreement with the proposal except the Community Character Corridor. He also stated that the adequate public facilities test was an issue for the Board of Supervisors to consider. He expressed his satisfaction with the proposed architecture. Mr. Fraley also stated his support to reducing the Community Character Corridor buffer and requested the applicant establish a program or process for the monitoring and remediation of water quality.

Mr. Davis agreed to look into it.

Mr. Fraley suggested the applicant meet with the citizens who spoke prior to the case moving forward to the Board of Supervisors.

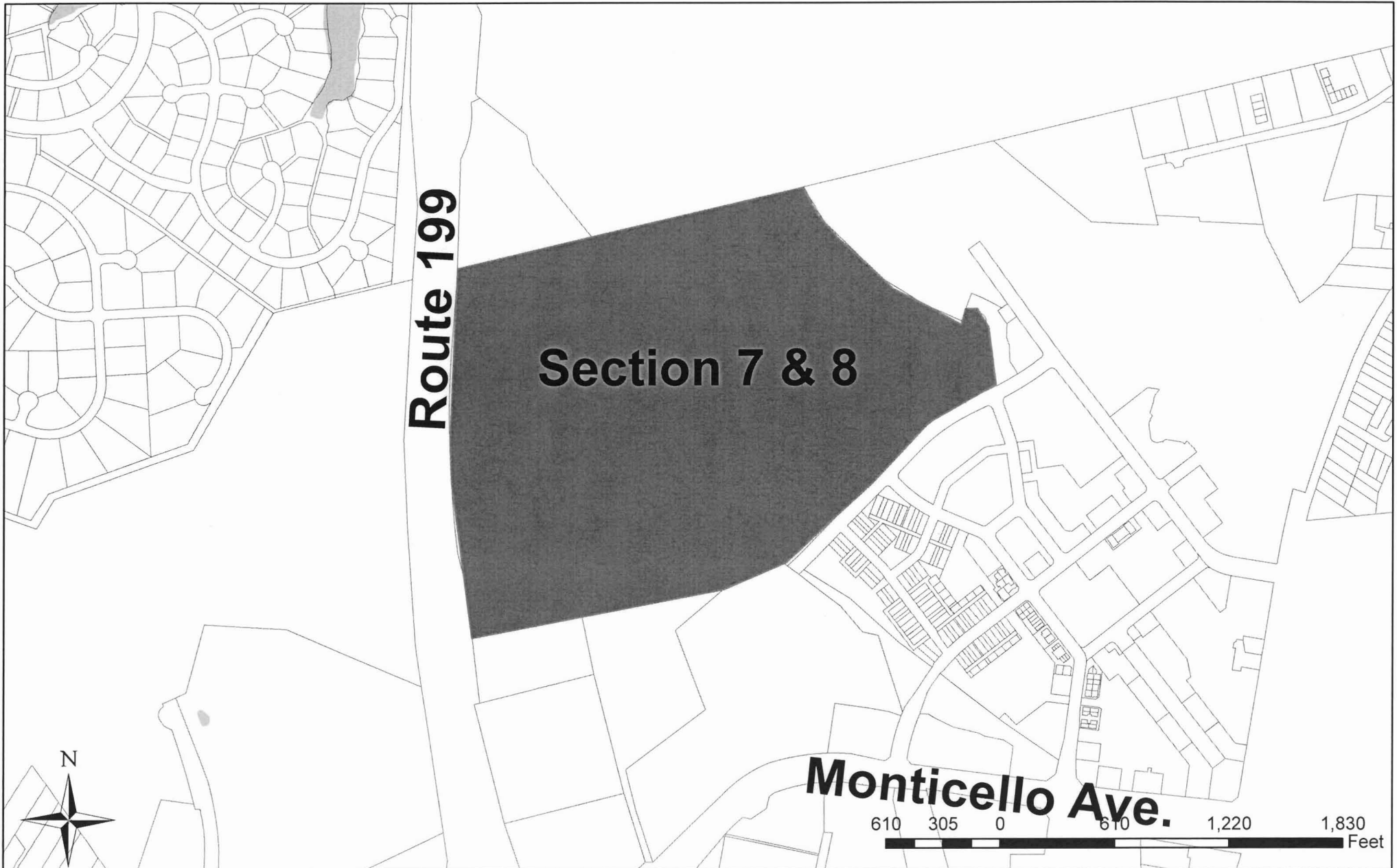
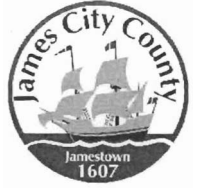
Ms. Jones motioned to approval the proposal and suggestions for a water quality monitoring and remediation program.

Mr. Hunt seconded the motion.

In a voice vote the application was approved (4-3). AYE: Kennedy, Hunt, Jones, Fraley (4); NAY: Billups, Obadal, Hughes (3).

JCC-Z-5-06 / MP-7-06

New Town Section 7 & 8



Update to the
“Community Impact Statement for the Casey Newtown”
Dated March 21, 1997

In support of the Rezoning Application for
Section 7 and 8 of the New Town Master Plan

Prepared For
New Town Associates, LLC

Prepared By
AES Consulting Engineers
5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
(757) 253-0040

Updated: August 25, 2006
Revised: October 11, 2006
Revised: October 30, 2006



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I. INTRODUCTION

New Town Associates, LLC is requesting approval of the rezoning application for Section 7 and 8 of the New Town Master Plan. The property consists of approximately 108 acres is currently zoned R-8, (Rural Residential) with proffers and is proposed to be rezoned to MU (Mixed Use) with proffers. The purpose of this document is to serve as an update to the original Community Impact Statement dated March 21, 1997 as it relates to Section 7 and 8.

II. PROJECT TEAM

Owner:	New Town Associates, LLC, Williamsburg, Virginia
Development Manager:	New Town Associates, LLC, Williamsburg, Virginia
Legal Counsel:	Kaufman and Canoles, Williamsburg, Virginia
Land Planner:	Cooper, Robertson & Partners, New York, NY and AES Consulting Engineers, Williamsburg, Virginia
Civil Engineer:	AES Consulting Engineers, Williamsburg, Virginia
Traffic Engineer:	DRW Consultants, Inc., Midlothian, Virginia
Environmental:	Williamsburg Environmental Group, Williamsburg, Virginia
Fiscal Analysis:	The Wessex Group, Williamsburg, Virginia
Archeologist:	William and Mary Center for Archaeological Research, Williamsburg, Virginia

III. PROJECT DESCRIPTION

The project area for Section 7 and 8 is located in the northwestern corner of New Town, which is west of New Town Section 3 & 6, north of Section 9 (Settler's Market), and east of Route 199 and located in sub-watershed 208 of the Powhatan Creek. The development consists of approximately 108± acres as shown on the Master Plan. Presently the property is zoned R-8 (Rural Residential) with proffers and the proposed zoning is MU (Mixed Use) with proffers. Section 7 and 8 will be primarily developed with residential development of up to 400 units using Land-Use Designations A, B, C, and D. Section 7 and 8 may also include 28,800 square feet of Non-Residential development with the Land-Use Designations E, G, I, M(CE), M(DE), M(CG), and M(DG). For a more in-depth description of the project's land uses, see the Residential and Non-residential Density Tabulations on Sheet 2 of the Master Plan and the New Town Section 7 and 8 Design Guidelines, both included with this package.

IV. ANALYSIS OF EXISTING PUBLIC FACILITIES AND SERVICES

A. Water

The only change to the water system analysis, as originally presented, is that the proposed 16" and 20" diameter water main along the proposed Monticello Avenue extension has been completed and placed into service. There is no substantial change to the internal Master Water Distribution Plan, as shown in the July 6, 2004 New Town Master Water Model, with this rezoning proposal. An updated Master Water Model will be prepared and included in site plan submission with water demands and fire flow requirements in accordance with JCSA Design Standards.

B. Sewer

The gravity sewer connection for the east side to Ford's Colony has been constructed through New Town sections 2, 4, 7 and 8 and extend to Section 1 in order to serve the existing Williamsburg / James City County Courthouse and surrounding development. Lift Station 10-4 is under construction in accordance with the approved Revised Master Sewer Plan (dated June 8, 2005). This Lift Station provides service for Section 3&6, and portions of Section 2&4 and portions of Section 7. Lift Station 10-4 provides 34.4 GPM availability with 72 apartment/townhomes and 150 person Day Care based on the revised study dated May 6, 2005. The current plan indicates an increase of 13 homes (37 of which are single family) and potentially 3 individuals at the Day Care Center which relates to 43.3 GPM or an increase of 9.9 GPM. Prior to final siteplan approval the capacity of Lift Station 10-4 shall be verified based on actual construction within the service area and fund any station upgrades if deemed necessary.

A study (See appendix for Study worksheets) was prepared by AES on January 25, 2005 noting that Section 7 & 8 based on a density study at that time had a Sewage Flow of 103,250 GPD and a peak flow rate of 74.4 GPM. The Conceptual Siteplan as part of this rezoning is analyzed and attached in the appendix noting that the Sewage Flow is estimated at 107,250 GPD with a peak flow of 74.5 GPM. This study indicates that the planned density increases the Peak Sewage Flow by 0.1 GPM for Section 7&8, however the January 25, 2005 indicated a peak flow of 821.9 GPM and Limiting Pipe has a flow capacity of 827 GPM. Therefore the planned density as shown on the Conceptual Plan does not exceed the downstream capacity based on the January 25, 2005 study. It is noted that if the site develops to the maximum density allowable by the rezoning that the Peak Flow is 86.6 GPM and therefore would require additional downstream improvements or a confirmation that capacity within the existing sanitary sewer is not exceeded.

Based on the information presented above the maximum Average Daily Flow (excluding the 154 lots transferred to Section 9) can discharge into the LS 1-5 gravity sewer system based on the study prepared by AES on January 25, 2005. Additional flow from Section 7&8 above the 47.7 GPM (excludes the 154 lots transferred to Section 9) shall require the developer to reassess system capacity and perform the system improvements required.

C. Schools

Please refer to the separately attached update to the Fiscal Impact Analysis for a detailed description of how the proposal will affect the school system.

D. Fire Protection and Emergency Medical Services (EMS)

There is no change in impact on Fire Protection and Emergency Medical Services from the original study.

E. Stormwater Management

The original Master Stormwater Plan developed for the Casey Property in 1997 was revised by Williamsburg Environmental Group, Inc. (WEG) and approved by James City County in December 22, 2004. After approval of the master plan, State and Federal permitting agencies have created larger buffers and added natural open space. In addition, BMP A03 has been eliminated with the drainage area relocated to other larger BMP's on site. An update of the BMP Point System shall be provided with the final design of the individual BMP's on this site.

Four (4) BMP's are provided for Section 7&8 as noted in the Stormwater Master Plan. These include B02, A14, A01, and A04, all of which will be designed as 10 point facilities. BMP B02 serves a portion of Section 7 as well portions of the Town Center (Section 2&4) which is currently collected and treated by a temporary BMP installed as part of Phase V Roadway Infrastructure. BMP A14 provides treatment of the remainder of the developed area in Section 7. BMP A01 provides water quantity and quality control for most of Section 8. BMP A04 while located in Section 8, provides service mostly for Section 9 (Settler's Market) and is currently under design as part of the Settler Market site plan (by others).

An analysis of Integrated Management Practices (IMP) has been prepared by AES Consulting Engineers to quantify the acreage treated by the Stormwater Master Plan. As of September 29, 2006, 10.99 acres have been treated to date with integrated management practices which include bio-retention, dry swales, and tree box filters (Filterra). Therefore a minimum of 6.01 acres needs to be treated with the remainder of Section 3&6 (Discovery Business Park) and Section 7&8.

WEG conducted a detailed Wetland Delineation for the site, and the U.S. Army Corp of Engineers has confirmed project number 95-R5673 on July 26, 2001. A Joint Permit Application has been filed with the U.S. Army Corps of Engineers and Department of Environmental Quality related to proposed wetland impacts related to New Town Section 7, 8, and 9.

F. Environmental Inventory

The environmental resources of the site have not changed, but the adopted Chesapeake Bay ordinance by the James City County Board of Supervisors has changed the interpretation of defining perennial streams. A perennial stream determination was performed by Williamsburg Environmental Group staff for all three major wetland systems on the New Town Property and was submitted to James City County on January 13, 2004. Based on County comments, a follow-up site-specific investigation of streams for perenniality was performed in March 2004, which included four additional points on the wetland reach between Section 7&8. The perennial stream determination was approved by the County in a letter dated March 14, 2005.

Threatened and Endangered Species on this site include Small Whorled Pogonia. Specifically these are located in the Casey Colony which is Section 8 which has a buffer of approximately 8 acres as shown on the Master Plan. In addition two (2) individual plants are located within the buffers of Section 7 and shown on the Master Plan.

25% slopes are identified on Sheet 2 of the Master Plan. Areas containing 25% slopes within the buffers will continue to be protected and undisturbed. Any potential disturbance to isolated pockets located outside of the buffers will not occur until the appropriate written requests are provided to and approved by the Environmental Division.

G. Recreation

New Town's community pool and park will be located in Section 7, which will be made available to *all* the residents of New Town. Adjacent to the pool site is the playground, an active recreational area for children. This additional facility compliments the playgrounds planned for Section 2 and 4.

In addition to the active and passive recreational spaces, there is an extensive trail and pedestrian network in New Town which will be further expanded in Section 7 and 8. Approximately 7,500 linear feet (or approximately 1.4 miles) of trails are planned for section 7 and 8, of which 3,038 linear feet (or approximately ½ mile) are located in protected open spaces (which are defined as RPA Wetlands, RPA buffers & non-RPA buffers).

H. Archaeology

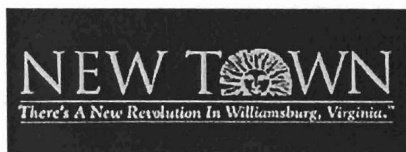
There are two archaeological preserves located within Section 7 and 8 with a combined acreage of approximately 1.83 acres. The site of the Roper Estate, which is approximately 1.46 acres is included in the *Archaeological Interpretive Park* and identified on the Master Plan. The interpretive park may include interpretive/ commemorative plaques and/or signs, paths, benches and pedestrian-scale lighting. More detailed archaeological information is available in the approved New Town Permit Application Number 04-0680 as prepared by the *Williamsburg Environmental Group* and *William and Mary Center for Archaeological Research*.

Appendix



New Town Sections 7 and 8

**Fiscal Impact in James City County, Virginia
Revised October 2006**



Prepared for:

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New Town Sections 7 and 8

Fiscal Impact in James City County, Virginia

EXECUTIVE SUMMARY

As part of a rezoning application submitted to James City County by **New Town Associates, LLC**, this report from **The Wessex Group, Ltd.** (TWG) presents estimates of the fiscal impact of developing New Town Sections 7 and 8 located near the intersection of Highway 199 and Monticello Avenue. This proposed development includes a mix of residential units totaling 334 homes and a daycare center which will cover approximately 108 acres. Development plans are presented in Table A below.

Table A
New Town Sections 7 and 8 Development Plans

Development Components	Number of Homes and Square Feet	Construction Costs	Average Market Value
Affordable Condominiums	6 units (900 square feet)	\$94,500	\$115,000
	22 units (1,020 square feet)	\$107,100	\$155,000
Garden Style Condominiums	119 units of which 50 are age-restricted (1,400 square feet)	\$175,000	\$287,000
Town Homes with Garages	18 units (1,800 square feet)	\$207,000	\$342,000
Single-Family Homes	61 (45') Lots (2,000 square feet)	\$230,000	\$380,000
	61 (50') Lots (2,500 square feet)	\$287,500	\$462,500
	47 (60') Lots (3,000 square feet)	\$345,000	\$540,000
Community Amenities	Community Park and Pool	\$350,000	n/a
	Roper Homestead Interpretive Park	\$175,000	
	Small Pocket Parks (4 parks)	\$240,000	
	Wetland Trails	\$90,000	
	Small Whorled Pogonia Buffer Area	\$35,000	
Daycare Center	10,000 square feet	\$1,150,000	n/a
Infrastructure	Road and Utility Infrastructure	\$6,125,000	n/a

Development Schedule and Construction Investment: The developer anticipates construction will begin in 2007 and end in 2010 with buildout in 2011. Road and utility infrastructure is expected to total about \$6.1 million, residential investment including community amenities will total more than \$75.3 million, and the daycare center construction costs will total nearly \$1.2 million. In total, construction investment for New Town Sections 7 and 8 is estimated at approximately \$82.6 million using the estimates described in Table A. As provided by the developer, Table B on the following page depicts the development and construction plans for this project.

Table B
New Town Sections 7 and 8 Development Schedule and Construction Investment

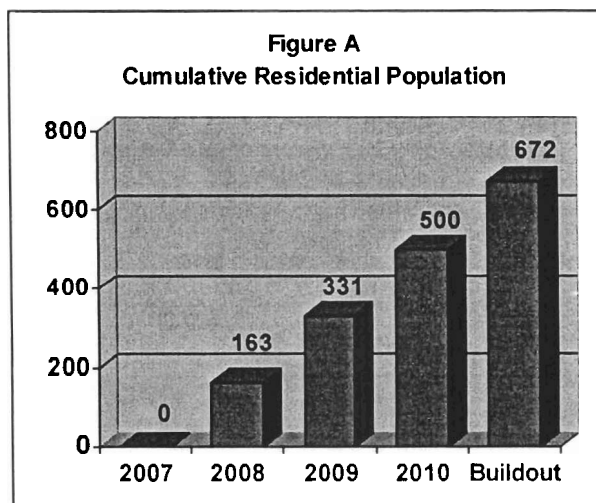
Development Components	2007	2008	2009	2010	Buildout
Cumulative Residential Units	82	166	250	334	334
Cumulative Residential Population	0	163	331	500	672
Cumulative School-Aged Children	0	11	23	35	47
Cumulative Commercial Square Feet	0	10,000	10,000	10,000	10,000
Construction Investment (\$Millions)					
Infrastructure and Community Amenities	\$1.5	\$3.7	\$1.8	\$0.0	\$0.0
Commercial	0.0	1.2	0.0	0.0	0.0
Residential	18.5	18.3	19.1	18.5	0.0
Total Construction Investment	\$20.0	\$23.1	\$20.9	\$18.5	\$0.0
Cumulative Total Investment	\$20.0	\$43.1	\$64.1	\$82.6	\$82.6

Residential Population: The residential population of this development is estimated at 672 persons at buildout. To arrive at this estimate, TWG referenced the U.S. Census Bureau and researched a comparable development called Port Warwick located in Newport News. Using the data collected from the research, the following average household sizes were used per type of dwelling unit:

Table C
New Town Sections 7 and 8 Residential Population Assumptions

Type of Housing	# of Units	People/HH	Total	Source
Condominium (not age-restricted)	97	1.98	192.1	(1.9 adults - U.S. Census Bureau; 0.08 children - JCC)
Condominium (age-restricted)	50	1.7	85.0	TWG's research of comparable age-restricted communities
Town Homes	18	1.98	35.6	(1.9 adults - U.S. Census Bureau; 0.08 children - JCC)
Single-Family	169	2.125	359.1	(1.9 adults - U.S. Census Bureau; 0.225 children - JCC)
Total	334	n/a	671.8	n/a

Port Warwick is an up-scale, mixed-use new urban village and is comparable to that of New Town in Williamsburg. To estimate the likely number of children generated by each type of housing in this analysis, TWG contacted United Property Associates, the management company overseeing Port Warwick. Out of 196 single-family and duplex residential homes, approximately 10 children reside in the units (196 homes/10 children=0.05 kids per home). Using this comparable information and to be conservative, TWG has estimated only one half of James City County's average number of children per type of housing for this development. As suggested by the comparable data, it is likely that fewer children than estimated in this study will be generated by Sections 7 and 8 of New Town. Figure A depicts the cumulative residential population of this development.



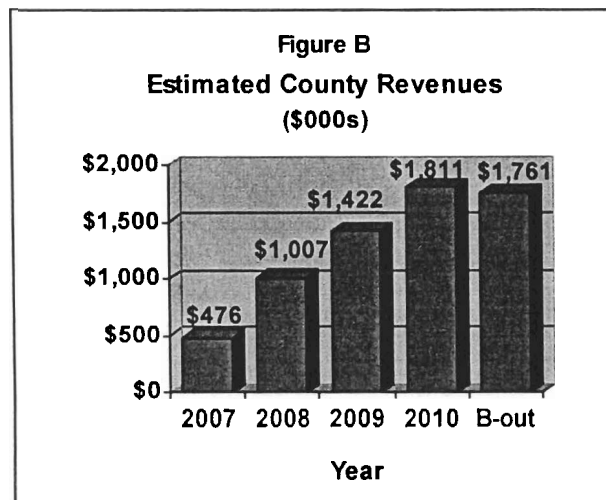
Estimated Employees and Payroll: Table D contains employment and payroll estimates for construction of New Town Sections 7 and 8 and the ongoing operations of the daycare center. Assuming that payroll is 40% of construction costs and that construction workers earn an average of \$38,592 (source: Virginia Employment Commission), the construction efforts will provide jobs for an average of 161 employees per year. It has been assumed that 50% of construction workers are full-time and 50% part-time.

On a Full Time Equivalent (FTE) basis, the construction employment estimate starts off at 155 positions and permanent employment at the daycare center will total about 11 positions. Annual payroll is expected to average \$6.6 million during construction, and nearly \$590,000 at buildout and beyond for the daycare center workers.

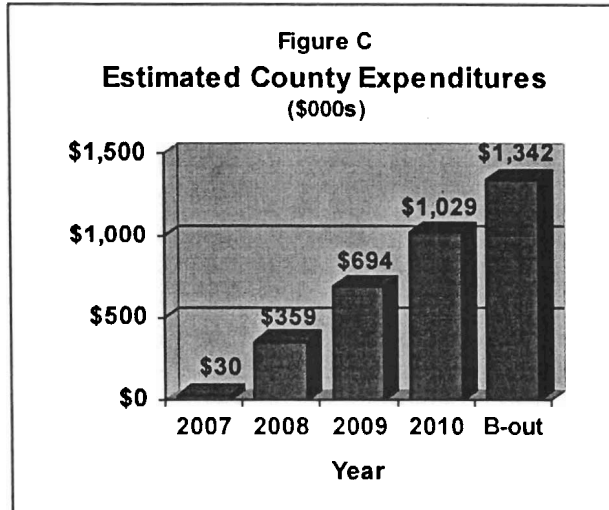
Table D
New Town Sections 7 and 8 Employment and Payroll Schedule

	2007	2008	2009	2010	Buildout
Annual Construction Employment					
Annual Full Time Jobs	104	120	108	96	0
Annual Part Time Jobs	104	120	108	96	0
Total Annual Construction Jobs	155	180	163	144	0
Annual Permanent Employees					
Annual Full Time Jobs	0	4	4	4	4
Annual Part Time Jobs	0	13	13	13	13
Annual Total Permanent Jobs	0	18	18	18	18
Annual FTE Employment	155	191	174	155	11
Annual Payroll (\$Millions)	\$6.0	\$7.5	\$6.9	\$6.1	\$0.6

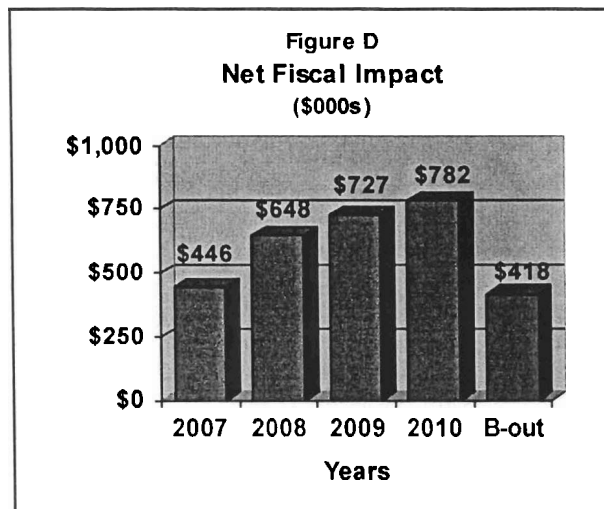
Estimated Fiscal Revenues: Residential developments in James City County generate several types of revenues just as the non-residential development. These revenues include real estate tax, personal property tax, and retail sales tax. During the development phase of this proposed project, it is estimated that the county's revenues will total more than \$4.7 million. At buildout and beyond, New Town Sections 7 and 8 will provide an estimated \$1.8 million in new annual revenues for the county. Figure B illustrates the annual government revenues the county can expect from this development.



Estimated Fiscal Expenditures: In turn, the services that the county will provide to this community include general government administration, public works, police protection, fire protection and public education for the children residing in the development. Throughout construction, the development is estimated to cost the county almost \$2.1 million. Once fully developed and occupied, this proposed development is estimated to incur costs for county services of more than \$1.3 million per year. The estimated annual government expenditures are presented in Figure C.



Net Fiscal Impact: The net fiscal impact is calculated by subtracting estimated expenditures from estimated revenues. Figure D shows that the annual net cash flows from this project is likely to be quite positive during development, at buildout and thereafter. During years one through four in this scenario, the cumulative net fiscal impact to the county is estimated to be more than \$2.6 million. As shown in Figure D, it is projected that the county will realize a net gain of approximately \$418,300 annually at buildout and beyond.



Projected Cumulative Fiscal Impact: In an effort to illustrate the net fiscal benefit or cost of this development to the county, *The Wessex Group* has calculated the net present value based only on the ongoing revenues and expenditures of this development starting at buildout (\$418,300). Beginning this calculation at buildout excludes the short term revenues and expenditures incurred by the construction activity of Sections 7 and 8 of New Town such as building permit fees and BPOL taxes collected from developers based on the value of the construction. Carried over a 20-year period and discounted at 5%, the net present value of this development is nearly \$5.4 million.

New Town Sections 7 and 8
Fiscal Impact in James City County, Virginia

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New Town Sections 7 and 8

Fiscal Impact in James City County, Virginia

As part of a rezoning application submitted to James City County by **New Town Associates, LLC**, this report from *The Wessex Group, Ltd.* (TWG) presents estimates of the fiscal impact of a development consisting of a mix of residential units totaling 334 homes and a daycare center planned for a 108-acre site in James City County, Virginia. The proposed development would be located near the intersection of Highway 199 and Monticello Avenue. For the purpose of this report, the site will be referred to as “New Town Sections 7 and 8.”

Introduction to the Study

The purpose of this report is to describe estimates of the **fiscal** revenues and expenditures that this 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. The commercial developments involved in this development will generate revenues in several ways such as retail, meals, real property and personal property taxes. All dollar figures contained in this report are expressed in 2006 dollars, and all fiscal impact estimates are based on James City County’s FY 2007 Adopted Budget. No attribution for economic inflation has been made.

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 Sections 7 and 8 of New Town.

Development Plans and Construction Investment

The proposed development plans for Sections 7 and 8 are detailed in Table 1 on the following page. The developer proposes a total of 334 residential dwelling units consisting of 28 affordable condominium units, 119 market value condominium units of which 50 will be age-restricted, 18 town homes with garages, 169 single-family homes, and a 10,000 square foot daycare center. A large variety of community amenities are being proposed in this development including a community park and pool, Homestead Interpretive Park, Small Pockets Parks (4 parks), trails along the wetlands on the property, and a small Whorled Pogonia buffer area. In this analysis, no off-site improvements have been included.

Table 1
New Town Sections 7 and 8 Development Plans

Development Components	Number of Homes and Square Feet	Construction Costs	Average Market Value
Affordable Condominiums	6 units (900 square feet)	\$94,500	\$115,000
	22 units (1,020 square feet)	\$107,100	\$155,000
Garden Style Condominiums	119 units of which 50 are age-restricted (1,400 square feet)	\$175,000	\$287,000
Town Homes with Garages	18 units (1,800 square feet)	\$207,000	\$342,000
Single-Family Homes	61 (45') Lots (2,000 square feet)	\$230,000	\$380,000
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	47 (60') Lots (3,000 square feet)	\$345,000	\$540,000
Community Amenities	Community Park and Pool	\$350,000	n/a
	Roper Homestead Interpretive Park	\$175,000	
	Small Pocket Parks (4 parks)	\$240,000	
	Wetland Trails	\$90,000	
	Small Whorled Pogonia Buffer Area	\$35,000	
Daycare Center	10,000 square feet	\$1,150,000	n/a
Infrastructure	Road and Utility Infrastructure	\$6,125,000	n/a

Table 2 presents the development schedule and estimated construction investment for Sections 7 and 8 of New Town. Development is planned to begin in 2007 and conclude in 2010 with buildout in 2011. Road and utility infrastructure is expected to total about \$6.1 million, residential investment including community amenities will total more than \$75.3 million, and the daycare center construction costs will total nearly \$1.2 million. Using these assumptions, cumulative construction investment for this development is estimated at approximately \$82.6 million.

Table 2
New Town Sections 7 and 8 Development Schedule and Construction Investment

Development Components	2007	2008	2009	2010	Buildout
Cumulative Residential Units	82	166	250	334	334
Cumulative Residential Population	0	163	331	500	672
Cumulative School-Aged Children	0	11	23	35	47
Cumulative Commercial Square Feet	0	10,000	10,000	10,000	10,000
Construction Investment (\$Millions)					
Infrastructure and Community Amenities	\$1.5	\$3.7	\$1.8	\$0.0	\$0.0
Commercial	0.0	1.2	0.0	0.0	0.0
Residential	18.5	18.3	19.1	18.5	0.0
Total Construction Investment	\$20.0	\$23.1	\$20.9	\$18.5	\$0.0
Cumulative Total Investment	\$20.0	\$43.1	\$64.1	\$82.6	\$82.6

It is estimated that approximately 50% of construction investment will be construction materials and that 20% of the materials will be purchased in James City County, resulting in average sales of nearly \$2.0 million a year for county businesses during the construction phase of this scenario.

Cumulative Population

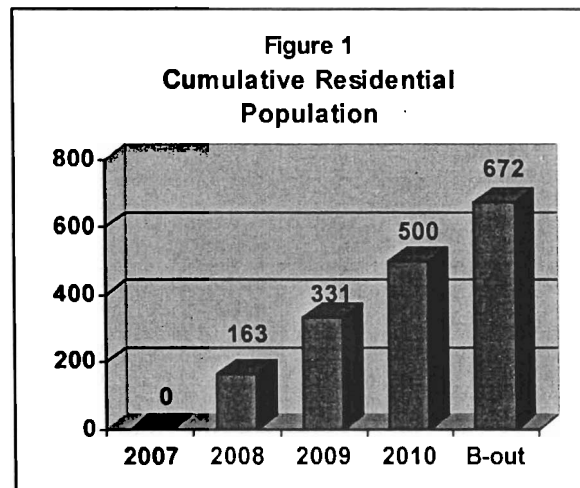
The residential population of New Town Sections 7 and 8 is estimated at 672 persons at buildout as shown in Figure 1. To arrive at this estimate, TWG referenced the U.S. Census Bureau and researched a comparable development called Port Warwick located in Newport News. Using the data collected from the research, the following average household sizes were used per type of dwelling unit.

Table 3
New Town Sections 7 and 8 Residential Population Assumptions

Type of Housing	# of Units	People/HH	Total	Source
Condominium (not age-restricted)	97	1.98	192.1	(1.9 adults - U.S. Census Bureau; 0.08 children – JCC)
Condominium (age-restricted)	50	1.7	85.0	TWG's research of comparable age-restricted communities
Town Homes	18	1.98	35.6	(1.9 adults - U.S. Census Bureau; 0.08 children – JCC)
Single-Family	169	2.125	359.1	(1.9 adults - U.S. Census Bureau; 0.225 children – JCC)
Total	334	n/a	671.8	n/a

Port Warwick is an up-scale, mixed-use new urban village and is comparable to that of New Town in Williamsburg. To estimate the likely number of children generated by each type of housing in this development, TWG contacted United Property Associates, the management company overseeing Port Warwick. Out of 196 single-family and duplex residential homes, approximately 10 children reside in the units (196 homes/10 children=0.05 kids per home). Using this comparable information and to be conservative, TWG has estimated only one half of James City County's average number of children per type of housing for this development. As suggested by the comparable data, it is likely that fewer children than estimated in this study will be generated by Sections 7 and 8 of New Town.

Figure 1 presents the cumulative residential population of this development.



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 construction activity. It is assumed that 50% of all construction workers are part time and that part time employees work half time. Assuming that payroll is 40% of construction costs and that construction workers earn an average of \$38,592 (Virginia Employment Commission), the construction efforts should provide jobs for an average of 161 workers per year, as indicated in Table 4.

Table 4
New Town Sections 7 and 8 Employment and Payroll Schedule

	2007	2008	2009	2010	Buildout
Annual Construction Employment					
Annual Full Time Jobs	104	120	108	96	0
Annual Part Time Jobs	104	120	108	96	0
Total Annual Construction Jobs	155	180	163	144	0
Annual Permanent Employment					
Annual Full Time Jobs	0	4	4	4	4
Annual Part Time Jobs	0	13	13	13	13
Annual Total Permanent Jobs	0	18	18	18	18
Annual FTE Employment	155	191	174	155	11
Annual Payroll (\$Millions)	\$6.0	\$7.5	\$6.9	\$6.1	\$0.6

Permanent jobs also will be generated directly by the daycare center in this development. In this analysis, it is assumed that 100% of the daycare center employment is net new to the county. This analysis assumes all 11 permanent employees will begin work in Year 2008 once the center is constructed.

On a Full Time Equivalent (FTE) basis, the construction and permanent employment start off at 155 positions and is estimated to level off at approximately 11 positions at buildout and beyond once all construction is complete. Annual payroll is expected to average \$6.6 million during construction, and total about \$590,000 at buildout and thereafter when all construction is complete and only the 11 daycare center employees are working.

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. Also, commercial development generates revenues such as business personal property tax, meals tax, and business and professional license 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 5 and assumptions associated with the various components of the revenue stream follow.

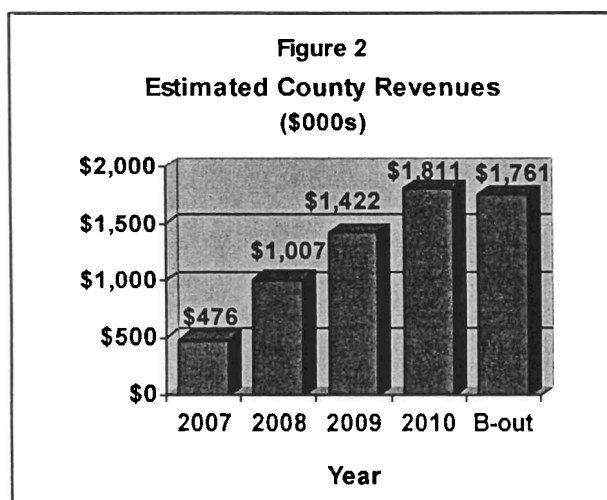


Table 5
New Town Sections 7 and 8 Local Government Revenues

Revenue Component	2007	2008	2009	2010	Buildout
Real Property Taxes	\$239,900	\$534,000	\$811,500	\$1,073,500	\$1,102,000
Personal Property Taxes	0	58,100	113,500	169,000	224,400
Meals Tax	4,300	10,500	15,300	20,100	21,300
Retail Sales Tax	0	16,300	32,900	49,600	66,200
Business & Professional License Tax	32,000	41,500	42,500	42,000	15,700
Building Permits	46,000	53,000	48,000	45,000	0
Recordation Tax	24,000	107,600	114,500	104,600	101,100
Miscellaneous Revenues	6,400	36,000	64,400	92,600	116,300
Proffers	123,300	123,300	123,300	129,600	0
Education Contribution from the Commonwealth	0	26,600	55,600	84,600	113,600
Total Annual Revenues	\$475,900	\$1,006,900	\$1,421,500	\$1,810,600	\$1,760,700

- Real Property Taxes:** James City County's Fiscal Year 2007 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, the following market values as provided by the developer have been used: (6) \$115,000 affordable condominium units, (22) \$155,000 affordable condominium units, (119) \$287,000 market value condominium units, (18) \$342,000 town homes, (61) \$380,000 single-family homes (2,000 square feet), (61) \$462,500 single-family homes (2,500 square feet), and (47) \$540,000 single-family homes (3,000 square feet). Also, *The Wessex Group* researched comparable properties located in James City County which indicated it would be appropriate to apply 3% of annual real appreciation to these homes. The value of the daycare center is assumed to be the total construction cost plus the value of the land with no appreciation in value. The real estate tax estimates have been adjusted to exclude the real estate tax the county currently receives for the site. At buildout, real property taxes are estimated to be greater than \$1.1 million and stay at that level.
- Personal Property Tax:** James City County collects about \$21.6 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 \$659.92. For the daycare center space, a conservative estimate of \$10/square foot has been used to estimate business personal property. Applying these estimates, the county can expect to collect about \$224,000 annually in personal property taxes.
- 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 \$5.5 million in meals taxes budgeted in the current fiscal year, nearly \$1.7 million is expected to come from local residents dining out in restaurants located in the county, a per household average of \$62.93. Also, the construction and permanent employees will generate meals tax revenue for the county. To account for these dollars, TWG has used the following conservative estimate: 200 working days * 35% of the Full-Time Equivalent construction and permanent employees * \$10 per meal * \$0.04 meals tax rate. Using these estimates by buildout, Sections 7 and 8 will generate about \$21,000 in meals tax revenues annually.
- 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 residents living in New Town Sections 7 and 8 is assumed to be the median household income in the county (reported to be \$66,082

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 residents of the development should be generating approximately \$66,000 annually in retail sales tax revenue.

- **Business License Tax:** The estimated business license tax is based on the value of construction on the site, the incremental retail sales that this development will generate, and the revenues of the daycare center that are assumed to be net new to the county. Contractors doing business in James City County pay a rate of \$0.16 per \$100 of the total construction investment. The county's tax rate for retailers is \$0.20 per \$100. For the daycare center, the county's tax rate of \$0.36 per \$100 has been applied to the estimated \$850,000 annual sales.

In this analysis, 80% of the daycare center sales are assumed to be net new to the county. The cumulative revenue from the business license taxes collected from this development from 2007 through 2010 will total about \$158,000. Once all construction is complete, the county can expect an ongoing \$16,000 per year in this tax created by this development.

- **Building Permits:** Building permit fees are estimated at \$600 per condominium and town home unit, \$1,000 per single-family home, and \$0.50 per square foot of non-residential development. Also, an estimated \$47,900 in rezoning and application fees have been included in this analysis only in Year one. During the construction phase of this scenario, the county can expect a total of approximately \$192,000 in building permit fees.
- **Recordation Tax:** James City County collects recording taxes on real estate transfers. These 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 selling price or of the face value of the mortgage, whichever is greater. The land for this development was purchased in 2000 for more than \$4.1 million. To account for the recordation taxes collected on this land transfer, TWG has included this transaction in the first year of this analysis. Next, the major roads and parks will be constructed and the partially developed residential land is assumed to be sold in thirds for the following amounts as provided by the developer: \$2,885,000 in 2007, \$1,830,000 in 2008, and \$2,975,000 in 2009. The daycare center land also is estimated to sell for \$250,000 in 2007. For the residential homes, this tax has been applied at the time the homes are originally sold. In total, the county can expect an estimated \$452,000 in recordation taxes collected from the transactions described above.
- **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 (excluding dedicated public education revenues), and charges for services. As can be seen in Table 6, the county budget shows that miscellaneous revenue sources are expected to total about \$11.6 million. For this analysis, 90% of these revenues are attributed to county residents at a per capita figure of \$172.45 and applied to the estimated 672 residents residing in this development. The remaining 10% has been attributed to employees in the county. The Virginia Employment Commission's most recent data indicates that there are 28,016 people working within the county. On a per employee basis, 10% of the listed revenues total \$41.51. This figure has been applied to the incremental employees generated by the construction and the permanent employment generated by the daycare center. During the construction phase of this development, these taxes should total nearly \$199,000. At buildout and beyond, the county should realize an estimated \$116,000 in miscellaneous taxes and revenues.

Table 6
James City County Miscellaneous Taxes and Revenues

County Budget Line Items	Budget Amount
Public Service	\$1,325,000
Bank Franchise Tax	260,000
Telecommunications Tax	640,000
Motor Vehicle Licenses	135,000
License Tax – Utilities	330,000
Dog Licenses	15,000
Cable TV Franchise Fee	400,000
Fine and Forfeitures	320,000
Interest on Short-Term Investments	850,000
HB 599 Payments	1,562,820
ABC Profits	28,199
Wine Tax	29,558
Rolling Stock Tax	43,204
Shared Expenses (excluding Sales Tax for Education)	1,858,713
Categorical Aid	122,746
Revenue from Federal Government	5,868
Charges for Current Services	3,602,215
Miscellaneous Revenues	102,100
TOTAL	\$11,630,423

- **Proffers:** As suggested by the developer, proffers are being provided for each of the residential units except for the six affordable units to be sold for \$115,000 and 12 of the 22 affordable units to be sold for \$155,000. The specific proffers include \$812 for water system improvements, \$109 for recreation, \$528 for education costs, \$61 for library services, and \$71 for fire and emergency services. In total, the county can expect nearly \$500,000 in proffers (316 residential units * \$1,581 = \$499,600).
- **Education Contribution from the Commonwealth:** In the county's current budget, the Commonwealth of Virginia provides James City County with nearly \$24.6 million in revenue to the county for public education. To arrive at a per pupil amount, \$24.6 million has been divided by the number of children within the public school system (10,172 pupils, source: Williamsburg/James City County Public School System) to reach \$2,417.38 per pupil. A total of 47 children are expected to reside in this development by using the following estimates: 0.08 children per condominium (excluding the age-restricted units), 0.08 children per town home, and 0.225 per single-family home. By buildout, the 47 children multiplied by \$2,417.38 will generate nearly \$114,000 in this revenue stream.

Local Government Expenditures

The county's estimated costs for providing public services to Sections 7 and 8 of New Town are shown in Figure 3. The data reflected in the figure can be seen in Table 7 below. Cumulative expenditures in Year one through four are estimated to be almost \$2.1 million. By buildout, the development will generate estimated county expenditures exceeding \$1.3 million each year.

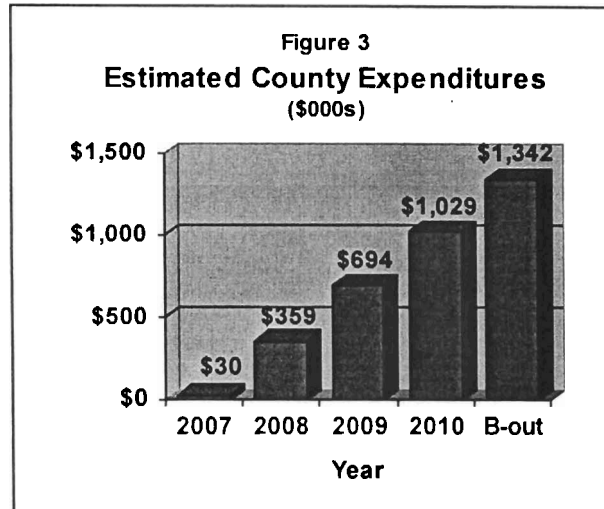


Table 7
Local Government Expenditures

Expenditures	2007	2008	2009	2010	B-out
General Government	\$600	\$22,500	\$44,900	\$67,200	\$89,500
Public Safety and Corrections	14,500	75,900	134,800	193,600	241,800
Public Works	1,400	37,400	73,900	110,400	146,500
Health and Welfare	0	6,700	13,700	20,700	27,800
Recreation and Culture	1,400	31,000	59,700	88,300	116,400
Non-Education: Debt Service	4,400	22,100	38,600	55,100	68,400
Statutory and Unclassified	8,100	40,800	71,400	101,900	126,500
Education	0	106,500	222,600	338,800	454,900
Education: Debt Service	\$0	\$16,500	\$34,600	\$52,600	\$70,600
Total Annual Expenditures	\$30,400	\$359,400	\$694,200	\$1,028,600	\$1,342,400

To estimate the incremental expenditures that this development will generate for James City County's government (excluding capital improvements for schools and education operating costs), 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 projected population of 60,698, the per capita costs of government are presented in Table 8.

Table 8
Per Capita Expenditures

Expenditure Category	Per Capita Budget
General & Administrative	\$133.03
Public Safety	359.14
Health & Welfare	41.34
Recreation & Culture	171.04
Public Works	217.64
Statutory & Unclassified	100.93
Non-Education: Debt Service	186.81

The construction of 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 development, the capital improvement costs for education (\$15,289,753), and education operating costs (\$98,455,621) as reported in the budget have been divided by the estimated 10,172 children in the public school system to arrive at a per pupil cost. Using these estimates, the estimated per pupil cost for capital improvements is \$1,503.12, and the per pupil cost for education operating costs is \$9,679.08 totaling \$11,182.20 per pupil in county education costs. As previously described, 47 children are assumed to be generated by this development.

As indicated in Table 7 on the previous page, the operating costs associated with public education will generate the largest single expenditure, estimated to be almost \$455,000 at buildout and beyond. The next largest category of expenditures is expected to be for police and fire protection, which is estimated at almost \$242,000 annually at buildout.

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. The county should realize a cumulative net fiscal impact of about \$2.6 million from 2007 through 2010. Once buildout occurs, it is estimated that this development will provide an annual net fiscal impact to the county of almost \$418,300. This data is shown in more detail in Table 9.

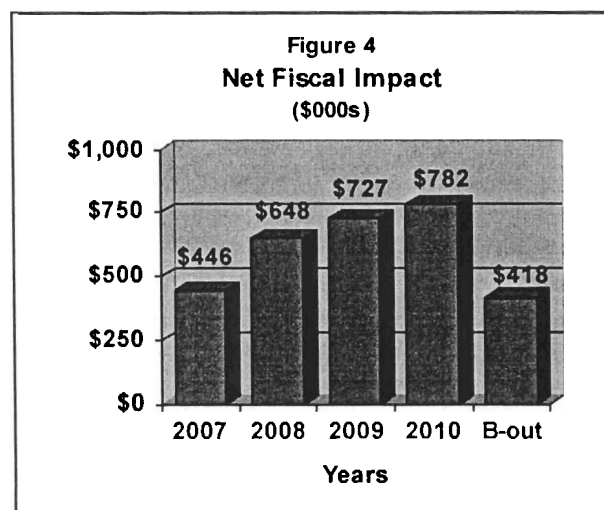


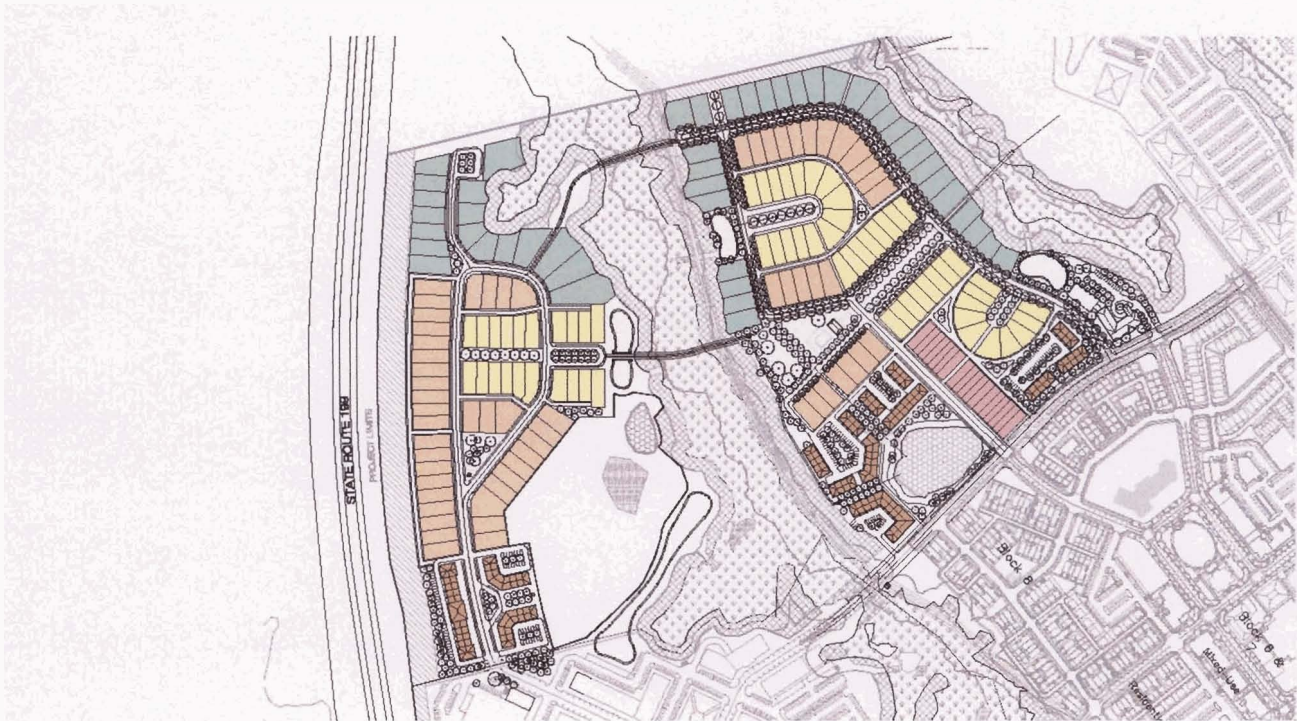
Table 9
Net Fiscal Impact

Cash Inflow and Outflow	2007	2008	2009	2010	B-out
Total Annual Revenues	\$475,900	\$1,006,900	\$1,421,500	\$1,810,600	\$1,760,700
Total Annual Expenditures	30,400	359,400	694,200	1,028,600	1,342,400
Net Fiscal Impact	\$445,500	\$647,500	\$727,300	\$782,000	\$418,300

Projected Cumulative Fiscal Impact: In an effort to illustrate the net fiscal benefit or cost of this development to the county, *The Wessex Group* has calculated the net present value based only on the ongoing revenues and expenditures of this development starting at buildout (\$418,300). Beginning this calculation at buildout excludes the short term revenues and expenditures incurred by the construction activity of this development such as building permit fees and BPOL taxes collected from developers based on the value of the construction. Carried over a 20-year period and discounted at 5%, the net present value of this development is nearly \$5.4 million.

NEW TOWN SECTION 7 & 8 DESIGN GUIDELINES – RESIDENTIAL

New Town Associates



October, 2006



NEW TOWN SECTION 7 & 8 DESIGN GUIDELINES – RESIDENTIAL

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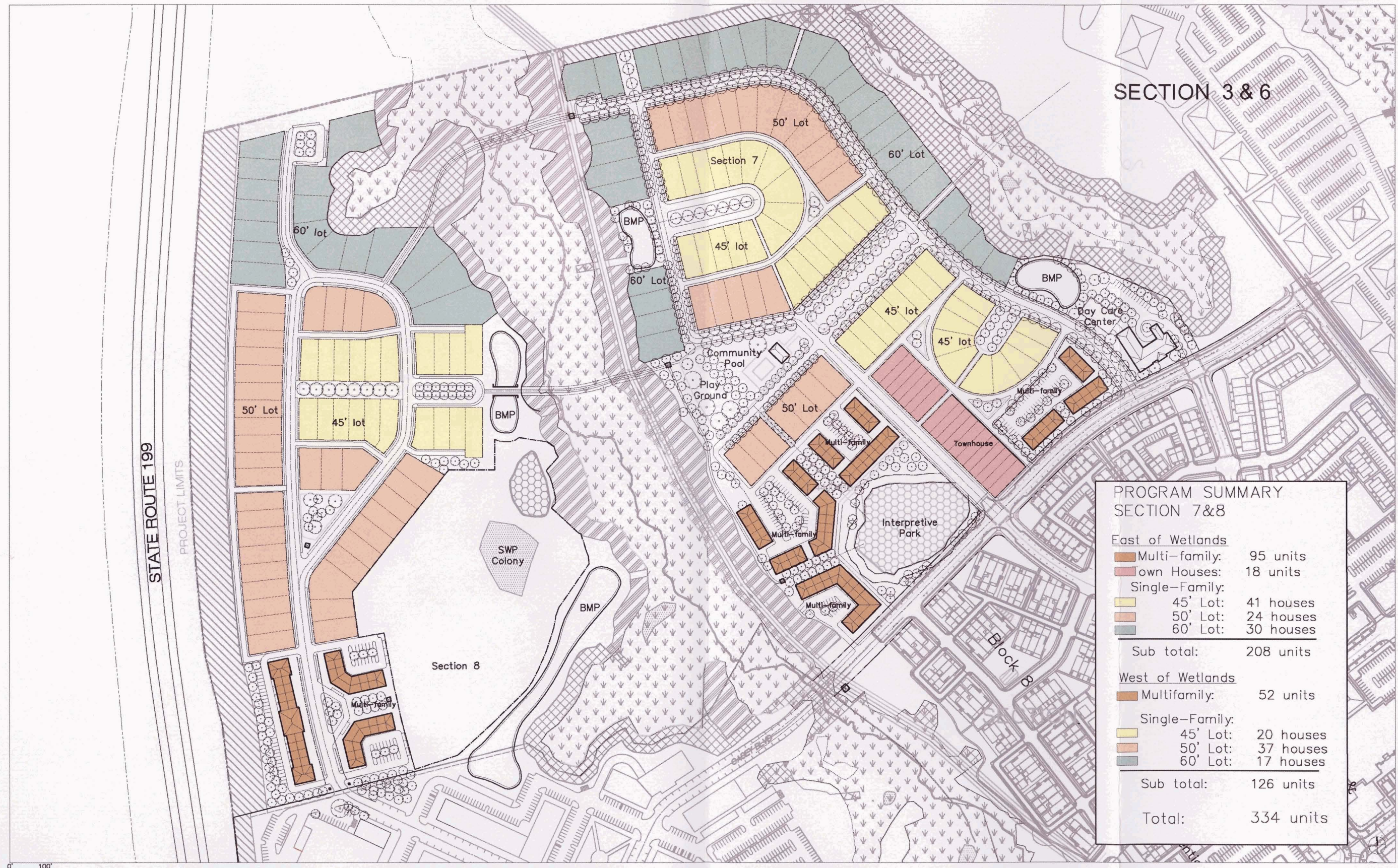
Residential Neighborhood Standards

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SECTION 7 AND 8 NEW TOWN CONTEXT MAP

SECTION 3 & 6



PROGRAM SUMMARY SECTION 7&8

East of Wetlands

Multi-family:	95 units
Town Houses:	18 units
Single-Family:	
45' Lot:	41 houses
50' Lot:	24 houses
60' Lot:	30 houses

Sub total: 208 units

West of Wetlands

Multifamily:	52 units
Single-Family:	
45' Lot:	20 houses
50' Lot:	37 houses
60' Lot:	17 houses

Sub total: 126 units

Total: 334 units

New Town Section 7 and 8 Concept Plan

New Town
JAMES CITY COUNTY, VIRGINIA

RESIDENTIAL NEIGHBORHOOD STANDARDS (Master Plan Section 7 & 8)

Note: Standards regulating the characteristics of housing types are to apply to all residential uses within Section 7 and 8.

1. Introduction

The residential neighborhoods play an important role in the fabric of New Town and act as places of refuge from the activity of the more commercial and mixed use areas. Within the neighborhoods of Section 7 & 8, tree-lined streets, squares and parks will provide a setting for a variety of housing types which will, in turn, provide a character or identity to each street or space. By specifically locating areas of single family houses, duplexes, townhouses and apartments special places are created which ensure a comfortable and coherent range of residential building types.

To a large extent, the natural features of the site inform the patterns of the neighborhood. Whenever possible, compelling natural features such as wetlands and ravines, high points of topography, archaeological and endangered species preservation areas are preserved and celebrated by the design and placement of the streets and open spaces.

Each residential neighborhood includes open space which characterizes the ambiance of that neighborhood and connects to other significant areas of the town, forming a greater system of interconnecting public open space. The character of these open spaces may vary from neighborhood to neighborhood but their quality should be consistent and will be derived, in large part, by the buildings which front them. Civic, community or institutional buildings are limited in Section 7 & 8 and should be located within the residential neighborhoods on or near the focal spaces or at important entries or thresholds to the neighborhoods.

Houses are to be 'good neighbors,' relating to each other in making places within each neighborhood. The design of buildings then should respond to the nature of the public open spaces and street types and enrich the experience of those spaces and streets. Front and side porches, loggias, porticos, balconies and bay windows are a few elements which can enliven and characterize a group of houses about a space or street. A mix of housing types characterized by a range of densities is required within the residential neighborhoods. Enclave developments or walled communities do not reinforce a village character and are not encouraged. Streets are the public realm of the neighborhoods. Entrances to houses, yards and porches should orient toward the street in recognition of the greater community. These guidelines intend to maximize pedestrian amenities along residential streets by minimizing the impact of driveways and garages which disrupt pathways and green areas and hide the houses.

These guidelines, along with the oversight of the New Town Design Review Board establish and ensure a level of quality and consistency in the design of streets, open spaces and buildings throughout the development of the town and its neighborhoods. A predictably high level of quality will give prospective new residents confidence that the character of the town will be maintained over the long term.

2. Street Design

Each residential neighborhood should be organized by an interconnected system of streets and open spaces. The streets and open spaces are collectively known as the public realm and vary in character from large and small, natural to formal, and regular to irregular. Streets should appear to visibly go somewhere, toward a vista or some compelling natural feature, a public open space, significant intersection, to other streets or toward a building located so that it terminates the view down a street. This practice ensures coherence within the community and

indicates that property owners participate in a place that is larger than a collection of individual buildings. Streets which end in cul-de-sacs are not encouraged unless site configuration constraints prevent other options.

There are two typical street types within the residential neighborhood: main residential streets which make town wide connections and side residential streets which are limited in their length and connect into main residential streets. In some instances, a narrower and more intimate residential lane may be used. Blocks with small lot single family houses, townhouses or apartments should utilize alleys for garage access, utility meters and boxes and trash storage/collection areas. The use of alleys is not limited to those housing types, but is encouraged anywhere except where lots back on to preserved natural areas. By encouraging the use of alleys, the visual impact of garages and curb cuts along residential streets is minimized, giving preference instead to houses and pedestrians.

The streets should be designed to encourage community interaction among neighbors. Sidewalks, tree planting (spaced at a maximum of 40' o.c.) and pedestrian lighting should be provided on both sides of the street allowing comfortable places to stroll day and evening. Streets which must end in cul-de-sacs due to site configuration constraints should be limited in length. Cul-de-sacs are to be designed as residential courts with focal landscape elements in a median or other small shared open space and as foregrounds to the landscape beyond.

The dimensions, general landscape requirements, traffic and parking criteria of street rights-of-way are delineated below. All proposed street sections are intended to meet Virginia Department of Transportation (VDOT) Standards. In addition, all streets are intended to be public streets. If any street or portion of a street proves not to meet VDOT standards, that street will be developed as a private street maintained by the Homeowners' Association or a public street with a maintenance agreement relieving VDOT of regular maintenance. Consistent build-to lines are established along all streets and open spaces, determined by the requirements of each street type and are noted in Article 5, Housing Type Standards.

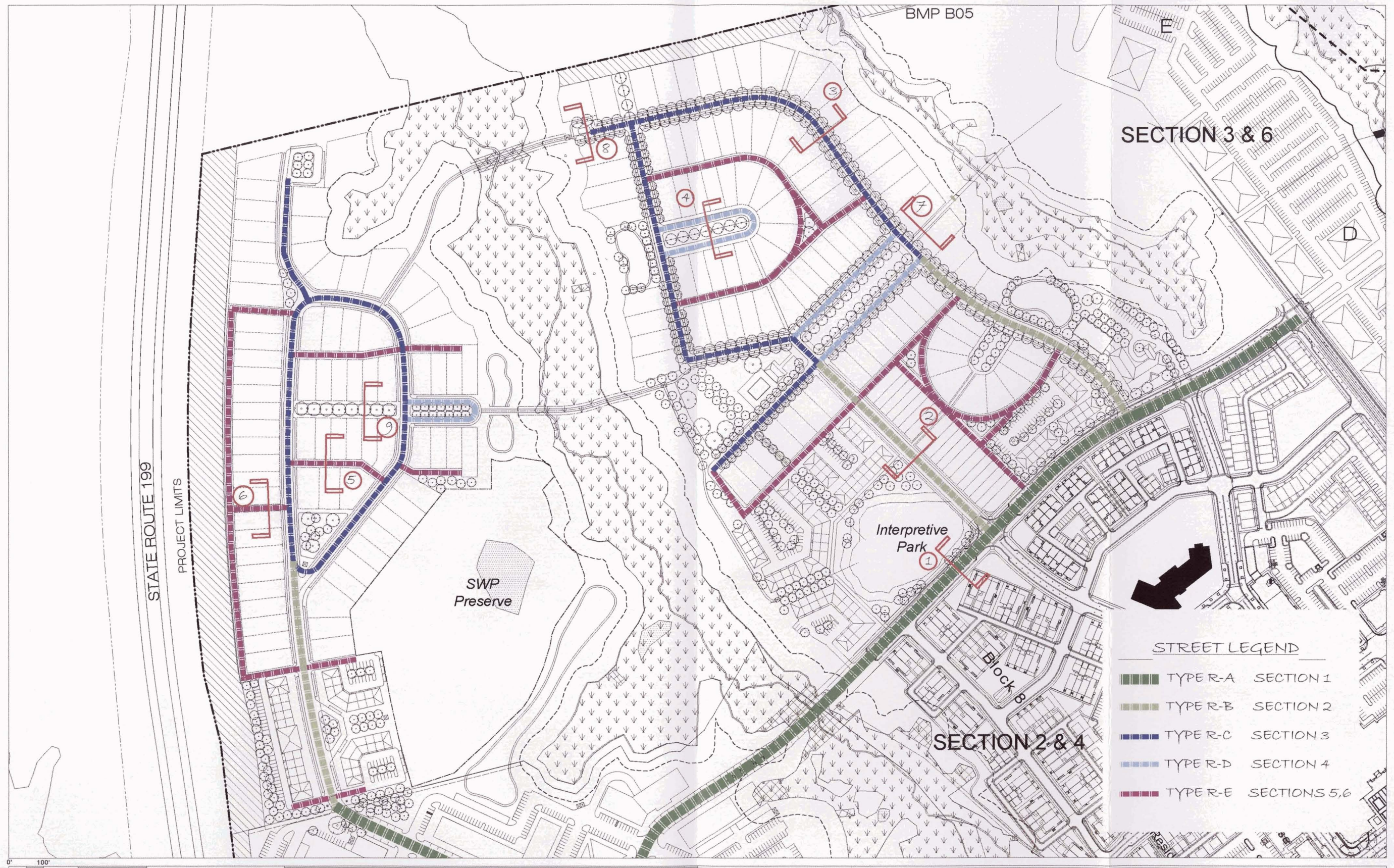
The following street and private alley sections are proposed for the residential neighborhoods.

Section 1	Casey Boulevard (Type R-A)
Section 2	Street - parking on both sides (Type R-B)
Section 3	Yield Street - with on street parking (Type R-C)
Section 4	One Way Street - parking on one side (Type R-D)
Section 5	Private Alley – Two Way (Type R-E)
Section 6	Private Alley – two Way –Vista (Type R-E)

Sections 6-9 are presented here to illustrate relationships of buildings to open space and vistas.

Section 6	Private Alley – Two Way – Vista
Section 7	Greenway – Vista
Section 8	One Way Street – Cul-de-sac
Section 9	Lots Fronting Open Space

Refer to Figures 1- 10 for street types and sections.



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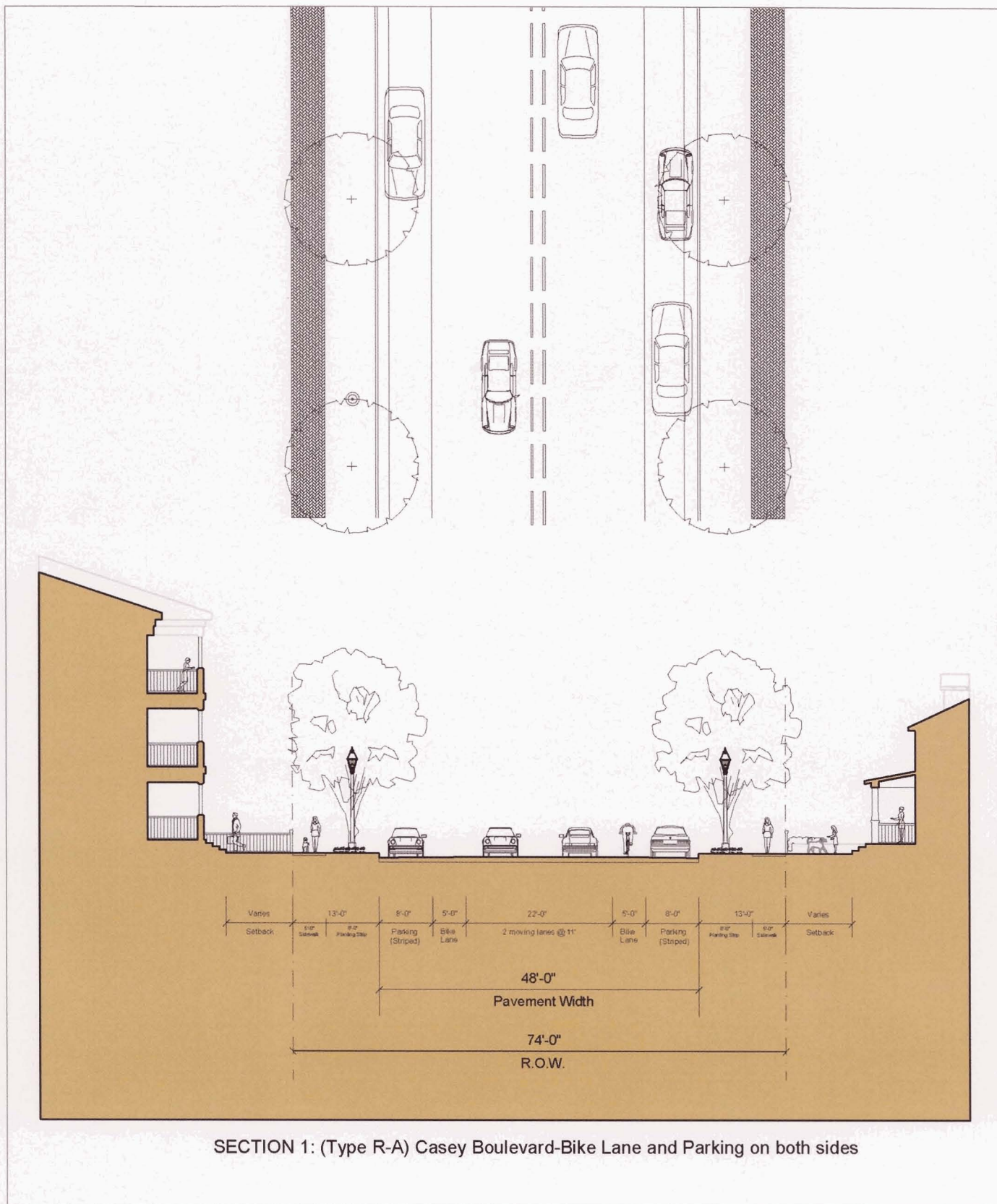
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New Town Section 7 and 8 - Street, Alley, and Open Space Section Location Plan

New Town
JAMES CITY COUNTY, VIRGINIA

August 18, 2006
Revised October 11, 2006



0' 10' 20'

New Town Associates

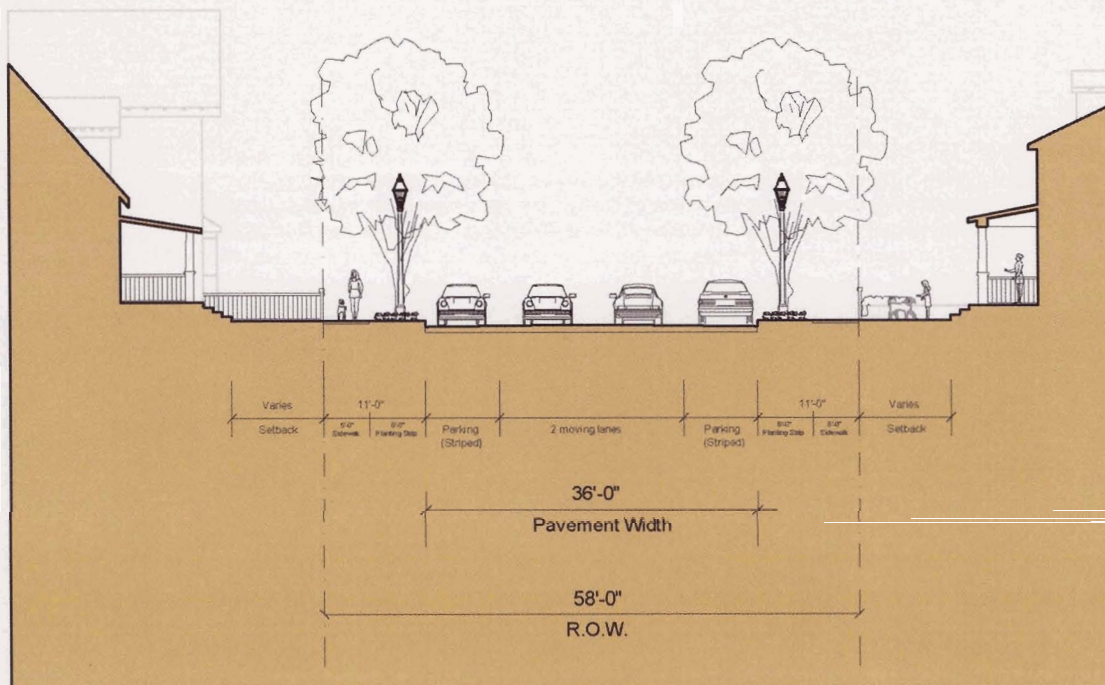
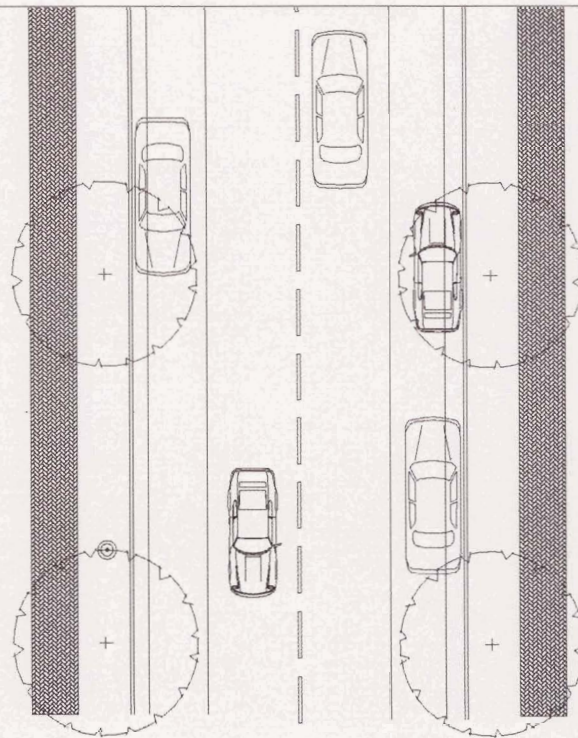
Section 7 & 8 Design Guidelines

New Town

JAMES CITY COUNTY, VIRGINIA

Cooper, Robertson & Partners

October, 2006



SECTION 2: (Type R-B) Street-Parking on both sides

0' 10' 20'

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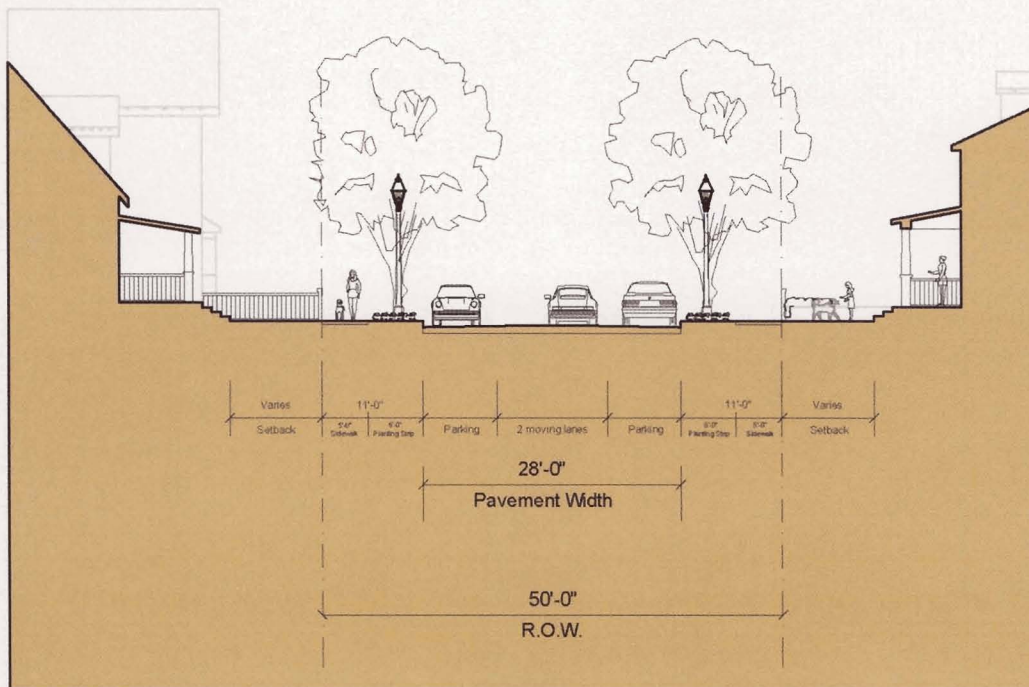
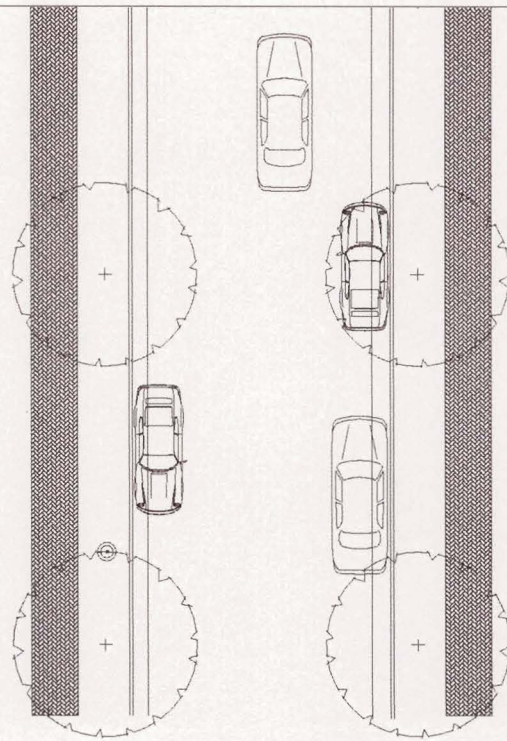
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SECTION 3: (Type R-C) Yield Street - Parking on both sides

0' 10' 20'

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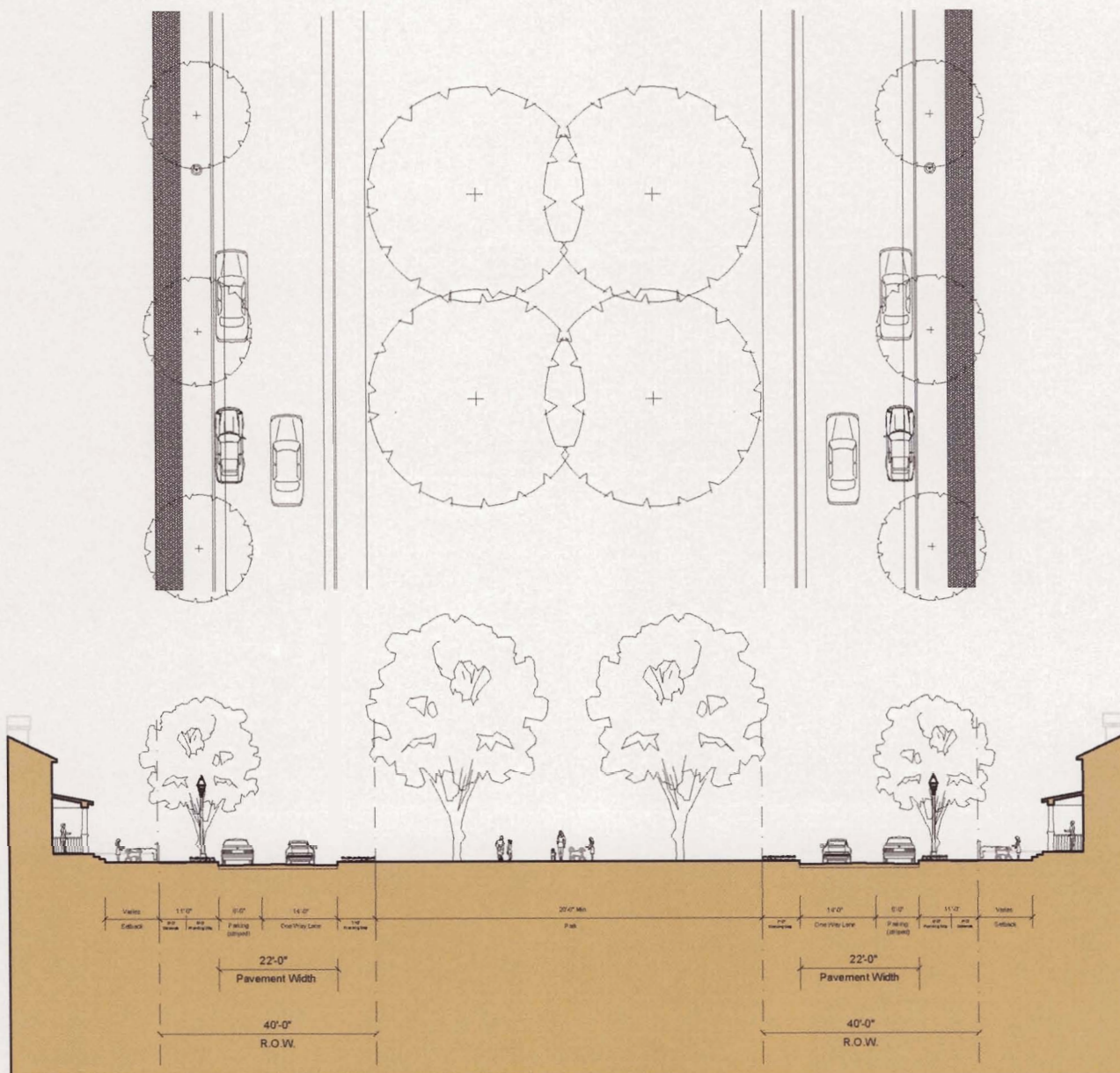
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SECTION 4: One Way Street - (Type R-D) Parking on One Side

0' 15' 30'

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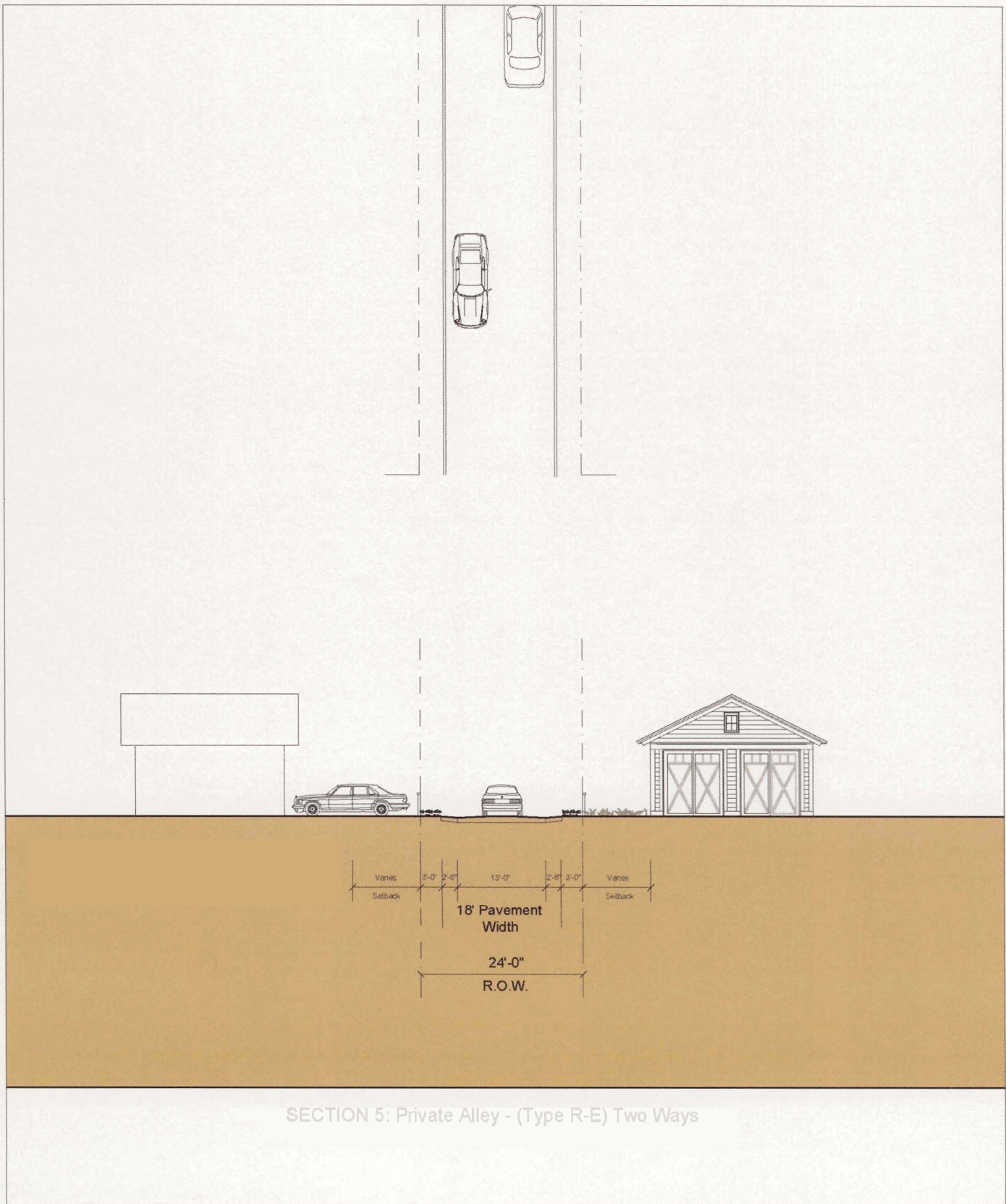
Section 7 & 8 Design Guidelines

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SECTION 5: Private Alley - (Type R-E) Two Ways

0' 10' 20'

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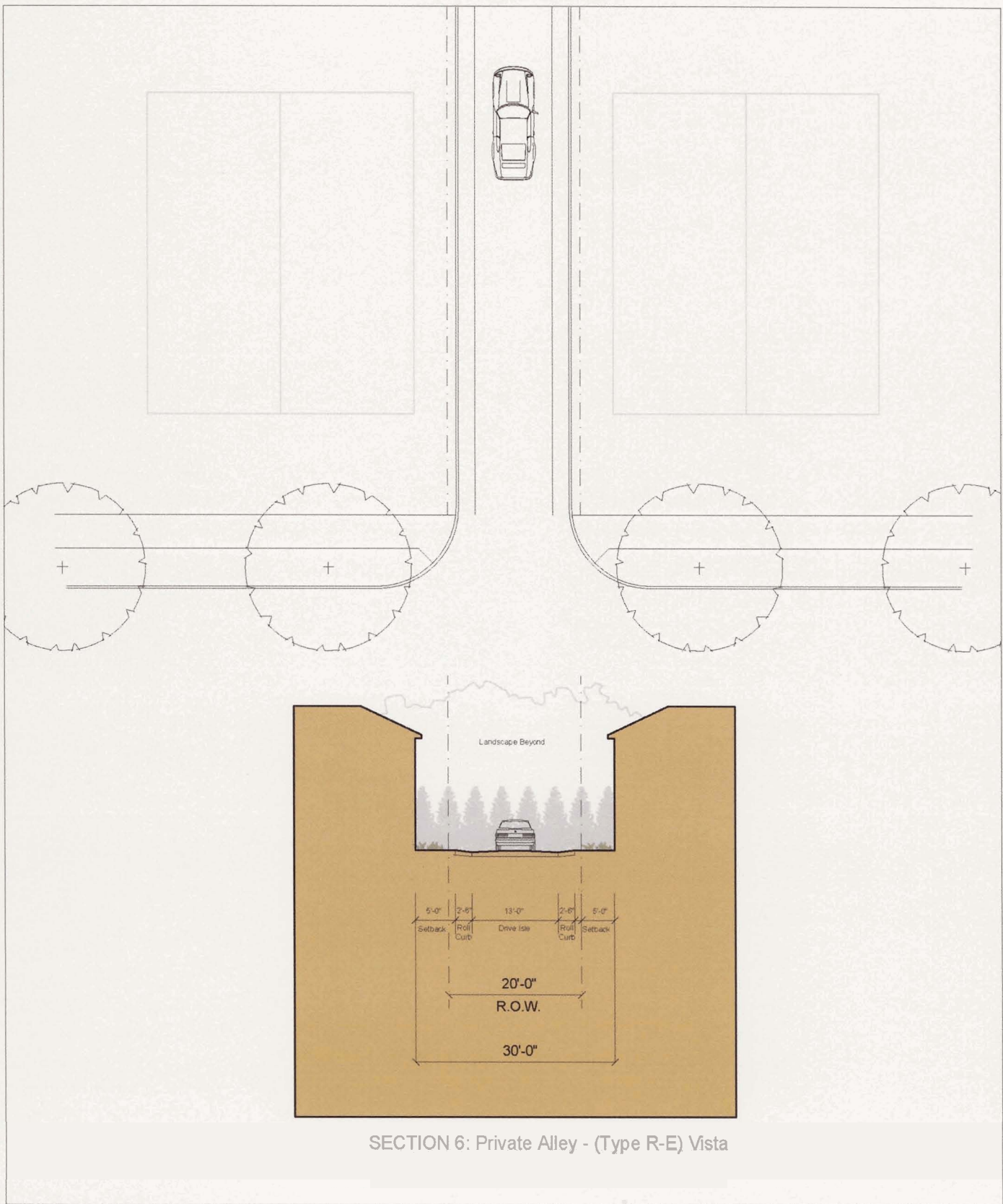
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SECTION 6: Private Alley - (Type R-E) Vista

0' 10' 20'

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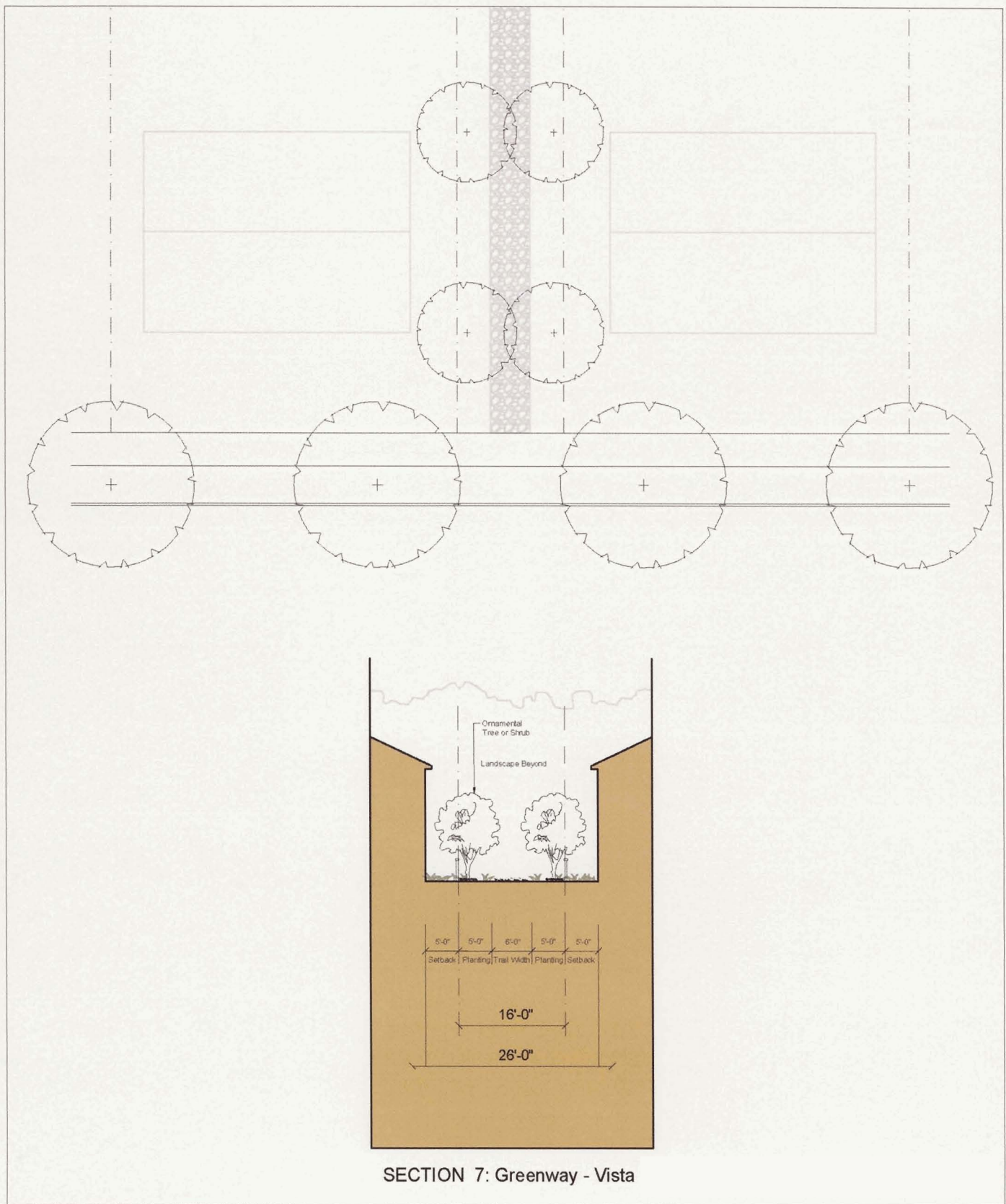
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October, 2006



0' 10' 20'

New Town Associates

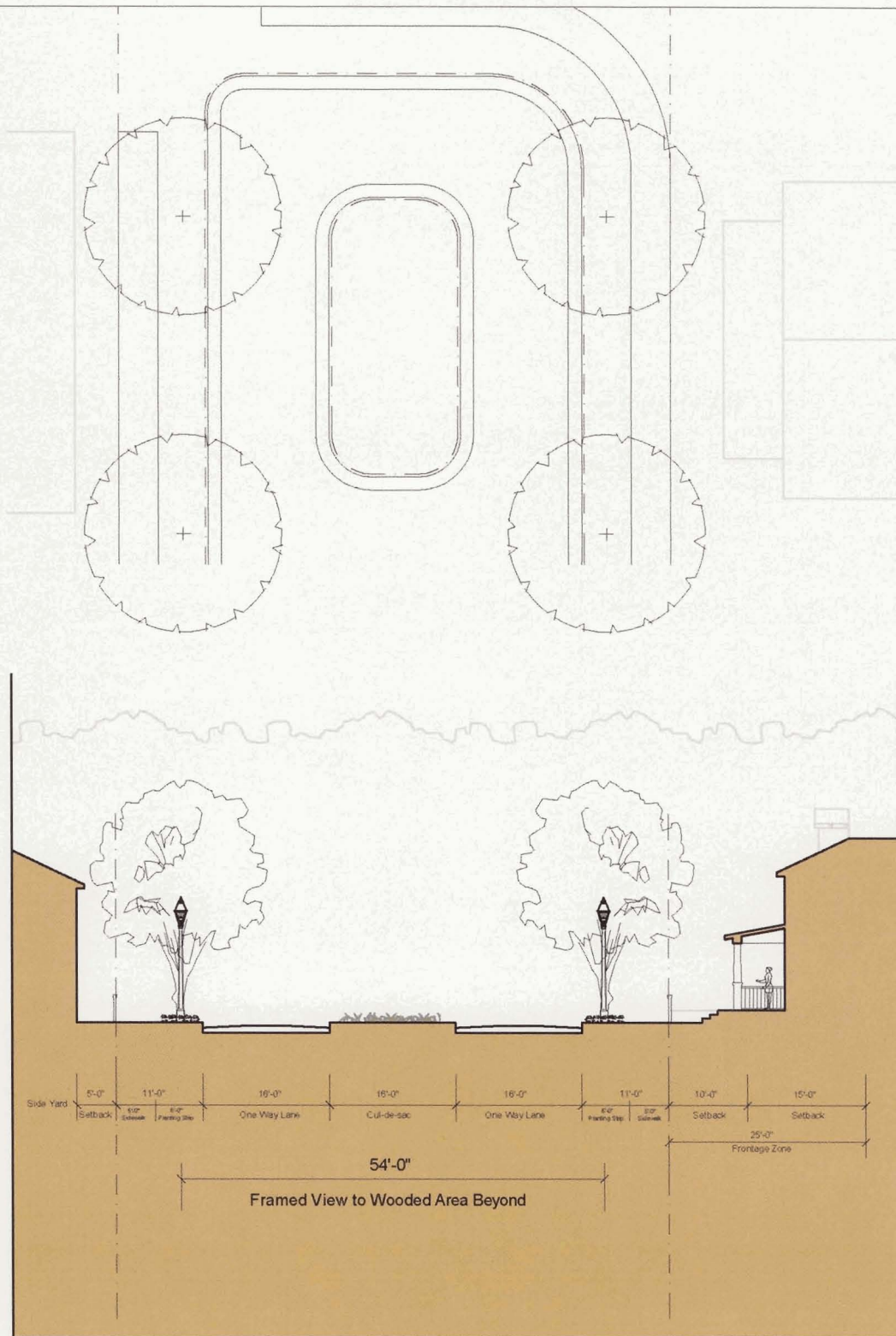
Section 7 & 8 Design Guidelines

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SECTION 8: One Way Street - Cul-de-sac

0' 10' 20'

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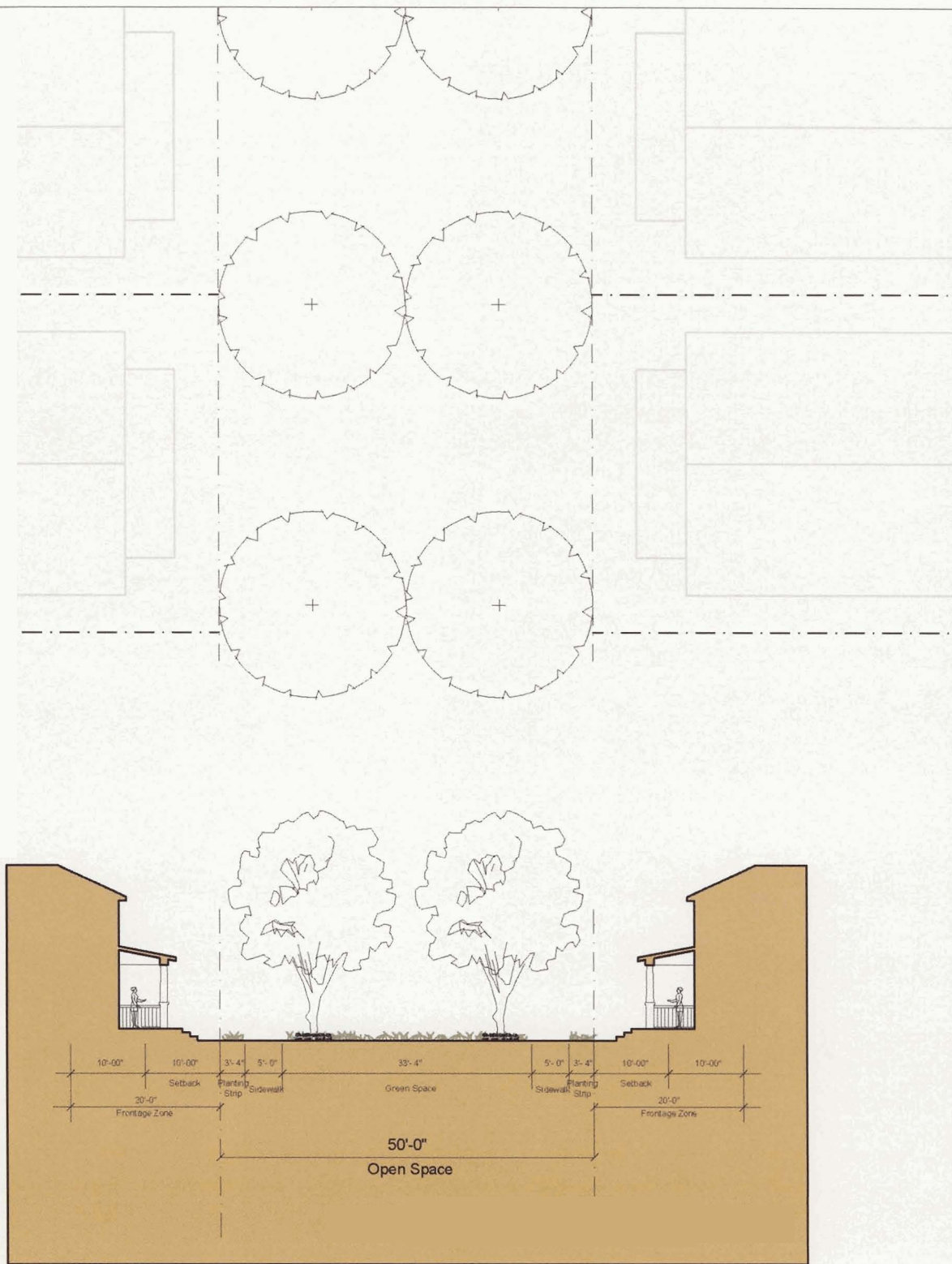
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SECTION 9: Lots Fronting Open Space

0' 10' 20'

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3. Block Patterns

Blocks within the neighborhoods should respond in depth and width to the house type they accommodate. Higher density types (apartments, townhouses, small lot single family and two-family) should provide alleys for service and parking access. To promote pedestrian activity and street connections, no block face should be longer than 800' unless the lots which comprise the block are backing up to a preserved natural feature or buffer. In such cases, common area vista zones from the street into natural areas or alley access should be provided a minimum of every 500' (see sections 6-9). Blocks should typically range from 250' to 400' in width (lot face to lot face) but, may vary depending on site or topographic constraints.

4. Lots

4.1 Lot Dimensions

The neighborhoods of Section 7 & 8 will accommodate a wide range of housing types, each of which have specific lot properties. Some anticipated lot types and their properties are described below:

16'-28' x 60'- 120'
30'-35' x 80'- 100'

Townhouse Lot. On alley or rear load parking.
Narrow Lot/Zero lot line / side yard type. Garage, if provided, required on rear alley or at rear of lot if accessed from street. This configuration may accommodate two family homes. Two family home garages accessed from street shall be set back from the face of the house a minimum of 20'.

40'-50' x 100'- 120'

Cottage Style Lot. Detached (tight fit), or zero lot line type. Garage, if provided, required on rear alley.

50'– 75' x 100'- 120'

Estate Style Lot. Detached. Garage on rear alley, at rear of lot accessed from street, or set back from the face of the house a minimum of 20' and accessed from Street.

150' x 160'-170'

2-4 Story Apartment Building. Parking provided at rear of lot or at side of building.

4.2 Lot Mix

Within the residential neighborhoods, a mix of lot types and their respective housing types is required to ensure a variety of economic options to prospective home buyers and to encourage a physical mix of building types which is characteristic of most villages. The location of any particular lot type should be deliberate in its intent to form streets or places with a coherent identity or character such as a "bungalow street" or a "townhouse square" or a "cottage lane" or an "estate row". The interconnecting system of streets and open spaces will link these settings to form an overall sense of neighborhood.

4.3 Lot Orientation

a. To Streets

All streets are to have lots which orient house frontages toward them. Mid-block lots will orient toward the street which passes in front of them.

Corner lots should orient toward the street which runs along the short block face, usually a main residential street.

b. To Open Spaces

Purposefully designed public open spaces, whether bordered by neighborhood streets or public sidewalks should have lots which orient houses toward them. Where open spaces intersect main residential streets, corner lots may orient toward the main residential street or open space – a wrap-around porch expression is preferred. Where open spaces intersect side residential streets or lanes, corner lots where possible, should orient toward the open spaces. Homes located adjacent to natural open space need not adhere to the above requirements (see Open space and Pedestrian Circulation Plan).

5. Housing Type Standards

5.1 Single Family Houses

a. Narrow Bungalow Lot (30'-35' width), general characteristics.

(1) Height:

1-½ story minimum and 3 story maximum (a ½ story designation indicates a pitched roof with attic story and dormer feature).

(2) Frontage Zones and Setbacks:

Front setbacks from the street right-of-way are to generally occur within a specified "frontage zone" so that a defined streetscape will result. A "frontage zone" is a zone in which the front wall of the main body of the house is built.

Frontage Zone: 10' - 20' from front property line.

A minimum of 60% of the street-facing walls of the house is to be built within the frontage zone.

Side Setback (interior lot to lot): 0' with a minimum building to building separation of 7'-6".

Side Setback (corner lot to street): 5' (with no encroachments) from exterior property line.

Side Setback (at alleys and open space): 5' (with no encroachments) from exterior property line.

Rear Setback: 5' from rear property

(3) **Garage Setback: 5' minimum from alley and side streets or 20' back from face of house when accessed from street.**

(4) Permitted Encroachments:

Porches, stoops, raised front entries and terraces with garden walls may encroach beyond the frontage zone a maximum of 10'. Awnings, roof overhangs, bay windows, balconies, chimneys, foundations, and mechanical equipment may encroach beyond all setbacks a maximum of 5' as long as minimum building code separations are maintained. Mechanical equipment, whether located within a frontage zone or permitted encroachment shall be screened from view utilizing fencing and/or landscaping.

(5) Parking and Access:

Parking: 2 off-street spaces minimum per dwelling unit

Access: Garage at rear of lot accessed from alley, or if lot width permits, at rear of lot accessed from street, or beside house and setback a minimum of 20' from the main body of the house. Garages served from the street may be paired and share a common access from the street to reduce the number of curb cuts along street frontages. Driveways may be shared with cross easements. Garages on corner lots and accessed from an alley shall be located at the side setback to the side street.

Driveways:

Front driveway should be 12' wide between front curb and the frontage zone and may widen to 20' from the face of the garage. Driveways with center grass panels or other techniques to reduce impervious surfaces are encouraged.

b. Cottage Lot (40' - 50' width), general characteristics.

(1) Height:

1-½ story minimum and 3 story maximum (a ½ story designation indicates a pitched roof with attic story and dormer feature).

(2) Frontage Zones and Setbacks:

Front setbacks from the street right-of-way are to generally occur within a specified "frontage zone" so that a defined streetscape will result. A "frontage zone" is a zone in which the front wall of a building is built.

Frontage Zone: 10' - 20' from front property line.

A minimum of 60% of the street-facing walls of the house should be built within the frontage zone.

Side Setback (interior lot to lot): 5' minimum and a minimum building to building separation of 10'.

Side Setback (corner lot to street): 5' (with no encroachments) from exterior property line.

Side Setback (at alleys and open space): 5' from exterior property line (with no encroachments).

Rear Setback: 5' from rear property line.

(3) Garage Setback: 5' minimum from alley.

(4) Permitted Encroachments:

Porches, stoops, raised front entries and terraces with garden walls may encroach beyond the frontage zone a maximum of 10'. Awnings, roof overhangs, bay windows, balconies, chimneys, foundations, and mechanical equipment may encroach beyond all setbacks a maximum of 5' as long as minimum building code separations are maintained. Mechanical equipment, whether located within a frontage zone or permitted encroachment shall be screened from view utilizing fencing and/or landscaping.

(5) Parking and Access:

Parking: 2 off-street spaces minimum per dwelling unit

Access: Garage at rear of lot accessed from alley, or if lot width permits, at rear of lot accessed from street, or beside house and setback a

minimum of 20' from the main body of the house. Garages served from the street are encouraged to be paired and share a common access from the street to reduce the number of curb cuts along street frontages.

Driveways may be shared with cross easements.

Garages on corner lots and accessed from an alley should be located adjacent to the side street.

Driveways: Front driveway should be 12' wide between front curb and the frontage zone and may widen to 20' (a maximum of 30') from the face of the garage. Driveways with center grass panels or other techniques to reduce impervious surfaces are encouraged.



c. Estate Lot (50'– 75' width and greater), general characteristics.

(1) Height:

1-½ story minimum and 3 story maximum (a ½ story designation indicates a pitched roof with attic story and dormer feature).

(2) Frontage Zones and Setbacks:

Front setbacks from the street right-of-way are to generally occur within a specified "frontage zone" so that a defined streetscape will result. A "frontage zone" is a zone in which the front wall of a building is built. Frontage Zone: 10' - 25' from front property line.

A minimum of 60% of the street-facing walls of the house is to be built within the frontage zone.

Side Setback (interior lot to lot): 5' with minimum building to building separation of 10'.

Side Setback (corner lot to street): 5' (with no encroachments) from exterior property line.

Side Setback (at alleys and open space): 5' from exterior property line.

Rear setback: 5' from rear property line.

(3) Garage Setback: 5' minimum from any alley or 20' minimum from main body of house.

(4) Permitted Encroachments:

Porches, stoops, raised front entries and terraces with garden walls may encroach beyond the frontage zone a maximum of 10'. Awnings, roof overhangs, bay windows, balconies, chimneys, foundations, and mechanical equipment may encroach beyond all setbacks a maximum of 5' as long as minimum building code separations are maintained. Mechanical equipment, whether located within a frontage zone or permitted encroachment shall be screened from view utilizing fencing and/or landscaping.

(5) Parking and Access:

Parking: 2 off-street spaces minimum per dwelling unit

Access: Garage at rear of lot accessed from alley, or if lot width permits, at rear of lot accessed from street, or beside house and setback a minimum of 20' from the main body of the house. Garages served from the street may be paired and share a common access from the street to reduce the number of curb cuts along street frontages. Driveways may be shared with cross easements. Garages on corner lots accessed from an alley shall be located at the side setback to the side street. Side entry garages are encouraged when lot width permits.

Driveways: Front driveway should be 12' wide between front curb and the frontage zone and may widen to 20' (a maximum of 30') from the face of the garage. Driveways with center grass panels or other techniques to reduce impervious surfaces are encouraged.



5.2 Attached Single Family Houses

a. Two Family Attached Houses (30'-35' lot width), general characteristics.

(1) Height:

2 story minimum

3-½ story maximum

(2) Frontage Zones and Setbacks:

Front setbacks from the street right-of-way are to generally occur within a specified "frontage zone" so that a defined streetscape will result. A "frontage zone" is a zone in which the front wall of a building is built.

Frontage Zone: 10' - 20' from front property line.

A minimum of 60% of the street-facing walls of the house is to be built within the frontage zone.

(3) Garage Setback: 5' minimum from alley or 20' minimum from main body of house.

(4) Permitted Encroachments:

Porches, stoops, raised front entries and terraces with garden walls may encroach beyond the frontage zone a maximum of 10'. Awnings, roof overhangs, bay windows, balconies, chimneys, foundations, and mechanical equipment may encroach beyond all setbacks a maximum of 5' as long as minimum building code separations are maintained. Mechanical equipment, whether located within a frontage zone or

permitted encroachment shall be screened from view utilizing fencing and/or landscaping.

(5) Parking and Access:

Parking: 2 off-street spaces minimum per unit

Access: Garage at rear of lot accessed from alley, or if lot width permits, at rear of lot accessed from street, or beside house and setback a minimum of 20' from the main body of the house. Garages served from the street are encouraged to be paired and share a common access from the street to reduce the number of curb cuts along street frontages. Garages located on corner lots and accessed from alleys should be located adjacent to the side street. Driveways may be shared with cross easements.

Driveways: Front driveway should be 12' wide between front curb and the frontage zone and may widen to 20' from the face of the garage



b. Townhouses (16'-28' lot width), general characteristics.

(1) Height:

2 story minimum

3-½ story max.

(2) Frontage Zones and Setbacks:

Front setbacks from the street right-of-way are to generally occur within a specified "frontage zone" so that a defined streetscape will result. A "frontage zone" is a zone in which the front wall of a building is built.

Frontage Zone: 5' - 15' from front property line. A minimum of 80% of the street-facing walls of the house should be built within the frontage zone.

Side Setback (interior lot to lot): 0'

Side Setback (corner lot to street): 5' (with no encroachments) from exterior property line.

Side Setback (building to building): as governed by Virginia Building Code

Rear Setback: 5' from rear property line.

(3) Permitted Encroachments:

Porches, stoops, raised front entries and terraces with garden walls may encroach beyond the frontage zone a maximum of 10'. Awnings, roof overhangs, bay windows, balconies, chimneys, foundations, and mechanical equipment may encroach beyond all setbacks a maximum of 5' as long as minimum building code separations are maintained. Mechanical equipment, whether located within a frontage zone or

permitted encroachment shall be screened from view utilizing fencing and/or landscaping.

(4) Parking and Access:

Parking: 2 off-street spaces minimum per unit

Access: Garage at rear of lot accessed from alley, or if lot width permits, at rear of lot accessed from street, or beside house and setback a minimum of 20' from the main body of the house. Garages on corner lots accessed from alleys should be located adjacent to the side street.



5.3 Multi-Family Buildings

a. Multi-Family Buildings, general characteristics.

(1) Height:

2 story minimum
4 story maximum

(2) Frontage Zones and Setbacks:

Front setbacks from the street right-of-way are to generally occur within a specified "frontage zone" so that a defined streetscape will result. A "frontage zone" is a zone in which the front wall of a building is built.

Frontage Zone: 5' - 15' from front property line. A minimum of 60% of the street-facing walls of the house should be built within the frontage zone.

Side setback (interior lot to lot): 0', with a minimum separation of 15' between buildings.

Side setback (corner lot to street): 10' from exterior property line.

Rear setback: 5' from rear property line.

(3) Permitted Encroachments:

Porches, stoops, raised front entries and terraces with garden walls may encroach beyond the frontage zone a maximum of 10'. Awnings, roof overhangs, bay windows, balconies, chimneys, foundations, and mechanical equipment may encroach beyond all setbacks a maximum of 5' as long as minimum building code separations are maintained. Mechanical equipment, whether located within a frontage zone or permitted encroachment shall be screened from view utilizing fencing and/or landscaping.

(4) Parking and Access:

Parking: 1.5 off-street spaces minimum per unit

Access: Rear yard, at grade lot or partially under building at rear only (not

visible from street) accessed from alley or from street. Parking lots for Multi-family buildings shall be located between and behind the buildings and shall not generally front on neighborhood streets. Any portion of a parking lot that must front on a neighborhood street shall be separated by landscaping that forms an effective screen from the street right of way to the back of the parking lot curbing.

Driveways: 24' max. Curb cut width, one curb cut max per street frontage. Apartments which occur in a row are encouraged to link parking areas with access drives to limit the number of curb cuts along street frontages.



5.4 Mixed Use, Commercial and Community Buildings

The Section 7 and 8 plan is comprised of neighborhoods each focused about a group of streets and open spaces. These streets and spaces provide the setting for a great variety of commercial, civic and residential uses, and their character will be derived from the buildings that front on them. Mixed use, commercial and community buildings within Section 7 and 8 are planned to be “good neighbors,” relating to each other and to surrounding homes making places within the neighborhood. Mixed use and commercial buildings may occur along Casey Boulevard, Settler’s Market Boulevard and/or at the entrances to the neighborhoods of Section 7 and 8. Community buildings shall be designed as focal points within the neighborhood and may provide a terminus to a street vista and/or a focal point within community open space.

a Mixed Use and Commercial Buildings - General Characteristics.

(1) Building Shape and Footprint

Buildings should be predominantly rectangular in shape or composed of simple rectangular pieces. Odd building shapes employing acute angles are not encouraged.

Single building footprints should be between 5,000 and 20,000 sf.

(2) Height:

1-½ story minimum

4 story maximum (mixed use only)

(3) Frontage Zones and Setbacks:

Front setbacks from the street right-of-way are to generally occur within a specified “frontage zone” so that a defined streetscape will result. A “frontage zone” is a zone in which the front wall of a building is built. Frontage Zone: 5’ - 10’ from front property line. A minimum of 60% of the street-facing walls of a mixed use or commercial building shall be built

within the frontage zone.

(4) Permitted Encroachments:

Porches, stoops, raised front entries and terraces with garden walls may encroach beyond the frontage zone a maximum of 10'. Awnings, roof overhangs, bay windows, balconies, chimneys, foundations, and mechanical equipment may encroach beyond all setbacks a maximum of 5' as long as minimum building code separations are maintained. Mechanical equipment, whether located within a frontage zone or permitted encroachment shall be screened from view utilizing fencing and/or landscaping.

(5) Parking and Access:

Parking: Parking lots for mixed use and commercial buildings should be located at the rear or, if necessary, at the sides of the buildings, rather than interposed between building and street. Parking lots shall be set back a minimum of 15' from neighborhood streets (Types R-A and R-B). Parking lots for mixed use buildings are to be shared by all the uses occupying the block. Certain uses may dedicate a portion of these spaces subject to the following limitations:

Residential: 1 space per dwelling unit
Office: 1 space per 1000 sf

A maximum parking ratio may, in recognition of the shared use potential of a mix of users, and in order to ensure a more urban level of development, be established at lower levels than current minimum zoning requirements.



b. Community Building(s) - General Characteristics.

(1) Building Shape and Footprint

Buildings should be predominantly rectangular in shape or composed of simple rectangular pieces. Odd building shapes employing acute angles are not encouraged.

(2) Height:

1-½ story minimum

(3) Frontage Zones and Setbacks:

There shall be no required setback or frontage zone for community buildings designed as focal points within the neighborhoods and focal points within community spaces. Where community buildings are planned as an extension of an existing streetscape or block configuration,

the setback and frontage zone for that building will be the same as prescribed for the street it fronts. A minimum of 60% of the street-facing walls of a community building occupying street frontage shall be built within the frontage zone.

(3) Permitted Encroachments:

Porches, stoops, raised front entries and terraces with garden walls may encroach beyond the frontage zone a maximum of 10'. Awnings, roof overhangs, bay windows, balconies, chimneys, foundations, and mechanical equipment may encroach beyond all setbacks a maximum of 5' as long as minimum building code separations are maintained. Mechanical equipment, whether located within a frontage zone or permitted encroachment shall be screened from view utilizing fencing and/or landscaping.

(4) Parking and Access:

Parking for community buildings may be provided in off street parking lots and/or with on street parking allocated to community use. Parking lots for community buildings should be located at the rear or, if necessary, at the sides of the building, rather than interposed between building and street. Parking lots shall be set back a minimum of 15' from neighborhood streets (Types R-B and R-C).

6. Visual Character

6.1 Edge Definition and Screening

Fences, walls and hedges have been a traditional means to physically and visually separate properties while serving to define street edges and parking areas or to conceal undesirable views into service areas, thus enhancing the pedestrian experience. Because neighbors, in essence, share these means, consideration should be taken in their placement and design.

a. General Provisions

Fences and walls should be architecturally consistent with the house. Walls are to be made of stuccoed concrete block or brick. Fences are to be made of wood pickets, wrought iron or painted metal. Chain link fences are not permitted. Landscaping may be used in conjunction with fences and walls to better define edges or screen views and activities.

Fences, walls and hedges are often used along lot lines to help define property boundaries or screen private activities. Fences and walls are to be maximum height of 6' except those located along public rights-of-way or forward of the main body of a structure, which are to be a maximum of 3-½' in height. Fences and walls along the side street property line of corner lots may transition to a maximum height of 6' from a point perpendicular to the back corner of the house or garage to the back property line. Where fences or walls intersect, their heights should be consistent.

b. Appropriate Locations for Fences, Walls and Hedges:

(1) On a corner lot, along the side street, between the back corner of

the house or garage and the rear property line. The fence or wall is to be located on the established side setback line (6' max. height) or, if employed along all lot lines, along the exterior property line (may transition from 3-1/2' to 6' max. height as noted above). This provision will help screen backyard activity from the street.

(2) On any lot adjoining a public open space, located on the property line adjacent to the open space. This is not required at areas where lots back on to a natural feature that is not visible from the street.

(3) On any lot which may back onto a street, located along the rear property line. Fence or wall should be opaque and are to be a minimum of 3-1/2' in height but not greater than 6'.



6.2 Scale and Articulation

Articulation is expressed through two devices: building massing and architectural elements. Buildings with large profiles should be designed to appear smaller through the articulation of the overall massing as a collection of component masses. The use of architectural elements such as bays, balconies, porches, loggias and arcades add interest to building facades and aid in relating the scale of any building to human dimensions. Roofs may be articulated through the use of dormers, lanterns, monitors, widow's watches and other rooftop elements. Each of these devices adds character and interest to the buildings of the town which, in turn, reinforces the village character intended by these guidelines. Roof elements should be designed to transmit light to the attic story, vent air, or be habitable (as in dormers).

Detached houses within the town may range from 1-1/2 stories to 3-1/2 stories and should utilize simple geometric shapes in plan and elevation. The overall massing of the house should be a collection of simple volumes. All houses should have pitched roofs and the use of attic stories with dormers is encouraged. Porches, wings and additions should be simple rectangles in plan and should be parallel or perpendicular to the main body of the house.

Townhouses may range from 2 – 3-1/2 stories and should be individually expressed through window patterns, roof massing, porch expression or placement relative to the front build-to line.

Apartment buildings should be articulated through the use of 1-2 story porches or covered balconies or ground floor recesses rising the full height of the building to articulate end bays, wings or center bays of a building.

6.3 Architectural Expression

a. Walls

Recommended Materials

Building walls: brick, stucco, hardy plank, clad wood, wood shingle, wood clapboard, wood board and batten, fiber cement siding.

- Exposed Foundation Walls: Brick or brick facing, or stucco finished poured concrete or concrete block.
- Materials shall transition and terminate appropriately. If a material transition is desired, such transition shall occur at interior corners, not outside corners. Materials should be utilized to express component massing and should not be treated as surface decoration. No more than two wall materials may occur on any individual building.

b. Building Elements

Recommended Materials

- Chimneys: brick, stucco, or tabby (coastal concrete)
- Arcades and colonnades: brick, stucco, wood, poly-stone, fiberglass
- Porches, columns: painted wood, painted metal, poly-stone, fiberglass
- Posts, spindles, balusters: painted wood, painted metal, poly-stone, fiberglass
- Stoops, exterior stairs: brick, concrete
- Decks: wood, composite lumber, or high quality synthetic wood decking
- Awning and canopies: canvas-covered metal structure

c. Roofs

Recommended Materials

- Roofs: Wood shingles, galvanized or painted metal standing seam, copper, lead-coated copper, slate, synthetic slate, architectural grade asphalt or fiberglass shingle
- Gutters and downspouts: galvanized aluminum, painted metal, copper
- Flashing: copper, lead coated copper, galvanized aluminum

Configurational Standards

Buildings should have a varied character of traditionally shaped roofs.

- Principal Roofs: Gabled, hipped, hipped gables, gabled hips or gambrel in a symmetrical fashion with a slope of 4:12 to 12:12.
- Secondary Roofs: Shed with minimum slope of 2:12.
- Flat Roofs: Permitted when accessible from an interior space or in the form of a special rooftop element. Flat roofs are to have

- parapets or railings.
- Parapets: Horizontal
- Dormers: Pitched or eyebrow
- Special roof-top elements: Symmetrically situated or aligned with the rhythm of structural bays and fenestration.
- Roof-top mechanical enclosures: Concealed from view by sloped roofs of the character described above.

d. Openings

Recommended Materials

- Windows: wood, painted metal, vinyl, metal clad wood
- Bay windows: wood, metal clad wood, painted metal, with metal tops
- Doors: painted wood, metal clad wood, painted metal
- Garage doors: painted wood, metal with incorporated glazing, clad wood
- Shutters: wood, fiberglass resin, or metal
- Security doors and grilles: metal

Configurational standards

- Windows: Rectangular with a minimum proportion of 1.5 vertical to 1 horizontal.
- Bay windows: rectangular or chamfered.
- Doors: rectangular with rectangular transoms, if used. Glazing within doors shall be consistent with window glazing.
- Garage doors: 9' max. in width or articulated to appear as two doors if greater in width.
- Shutters: Operable and sized to fully cover the opening.
- Security doors and grilles: metal

7. Landscape and Open Space Standards

7.1 General requirements

The general requirements for street landscape standards are established by the street and alley sections provided in these guidelines. Whenever possible, existing natural features such as wetlands and ravines, high points of topography or special groupings of trees should serve as the basis for neighborhood open space. Designed open spaces should possess individual character in their scale and articulation and by the uses which front them. Landscaped open spaces should have emphasis placed on their edges either with buildings or plantings to create outdoor rooms. Public open spaces (parks, squares and greens) are required to be bordered by streets along at least 50% of their perimeter.

a. Streets

Streets within the residential neighborhoods are to be planted with trees spaced a maximum of 40' o.c. Shade/Canopy type trees are the preferred tree type for all residential streets; however, minor trees reaching a mature height of 30' and ornamental trees may be used on yield streets, one way streets, alleys, and greenways.



b. **Parking Areas**

Parking lots shall be designed to meet or exceed the landscape standards of the James City County Zoning Ordinance with the following exceptions:

(1) While the importance of evergreen trees in the overall landscape of New Town's parking lots is recognized, no percentage of evergreen trees shall be required within parking lots.

(2) Shrubs planted between parking lots and roadways shall be planted at a minimum installed height of 30".

c. **Planting on Private Lots**

When possible, existing mature trees should be preserved in the open areas of residential lots.

The use of hedges, shrubs, ground cover and ornamental trees is encouraged throughout the open areas of the lots.

d. Landscaping of attached and multi-family structures, public, commercial, and mixed-use buildings shall contain landscaping per James City County Ordinance standards but, may be considered for reductions or modifications to these standards on a case by case basis, according to the special needs of each building or block subject to DRB review and approval. The DRB may, at its discretion, grant waivers to minimum landscaped perimeters when provisions are made for the addition of street furnishings such as benches, tables and chairs, or additional planters, when larger individual landscaped areas are provided, or where architectural and paving details and finishes are determined to be of such a quality that offset the need for additional landscaping.

- 7.2 Interpretive Park – Most of the 2.03 acre area in Section 7 is an archeological preserve and is planned as an Interpretive Park. The park shall be maintained primarily as a natural area and may include a trail system, interpretive signs/markers, benches, pedestrian scale lighting and some additional landscaping. Any lawn areas shall be established outside of the area marked Roper Estate on the Master Plan. Final plans shall be subject to the management recommendations outlined in the Archaeological Evaluation of Site 44jc618, James City County, Virginia prepared by the William and Mary Center for Archaeological Research.
- 7.3 SWP Preserve – The Preserve has been provided as protection for the colony of Small Whorled Pogonias located there. This area is not planned for any public use. No paths or access shall be provided and restrictions, as part of a Preservation Plan will be placed on private properties abutting it. The proffered Preservation Plan, subject to Planning Director review and approval shall be the guiding document concerning the SWP Preserve.
- 7.4 Pocket and Urban Parks – Whenever possible, existing natural features such as wetlands and ravines, high points of topography or a special grouping of existing trees should serve as the basis for a neighborhood open space. Designed open spaces should possess individual character in their scale and articulation and by the uses which front them. The landscape of each open space should reflect its internal character and use. In general, the landscape of open spaces should define its edges (along with buildings) acting as the walls of an outdoor room. Public spaces, with the exception of the Interpretive Park, are required to be bordered by streets or other vehicular access along at least 50% of their perimeter.

The Community Park identified on the Master Plan shall be designed around the proposed pool and Community Building. The building shall be designed to provide a focal point within the neighborhood and may further be located as a visual terminus to the road or roads approaching it. This park will be characterized by the streets and street trees forming its' edges, expanses of usable lawn areas, walkways and seating areas and plantings to compliment the architecture and the pool area. Fencing around the pool area should compliment the building and may be further reinforced with plantings. This park may also contain a playground.

The Medians/Urban/ Parks identified on the Master Plan are intended as discreet and understated open spaces within the neighborhood. These spaces shall be characterized by the homes surrounding them, the streets and trees forming their edges, open lawn areas for informal gatherings and play, walkways and seating areas. Fencing and additional plantings may be used to further define park edges and to provide a clearer separation between streets and play areas.

- 7.5 Buffers – The transitional buffer provided between Section 9 and Section 8 shall measure 50'- 55' in width and shall occupy both sides of the dividing line between Section 9 and Section 8 as shown on the Master Plan. The buffer area shall be bermed and shall be planted per Section 24-98 (a) of the James City County Ordinance.





New Town Associates

Cooper, Robertson & Partners

New Town Section 7 and 8 - Open Space and Pedestrian Circulation Plan



New Town
JAMES CITY COUNTY, VIRGINIA

August 18, 2006
Revised October 11, 2006

Narrative on Rt. 199 C.C.C. Buffer

New Town Associates is requesting the Community Character Corridor Buffer on Route 199 be reduced from 150 feet to a variable-width buffer (with an average of 110 feet and no less than 100 feet) with enhanced native evergreen plantings which will increase the overall quality and screening ability of the proposed buffer. The supporting drawings and photographs of the 150' buffer indicate that the existing vegetation along Route 199 is not of significant evergreen quantity or general vegetative density to produce the desired effect – which is to screen the development from view of the users of Rt. 199.

Further, revising the master plan to accommodate the additional 50 feet (where a 110-foot buffer is currently shown on the plans) would result in the loss of 16 single-family lots, as indicated by a green asterisk on Exhibit A¹. (Please note the developable area of the proposed residential community is significantly reduced because the original concept created by Cooper Robertson & Partners could not take into account the fact that, in an effort to protect natural features, the buffers to the wetlands and Small Whorled Pogonia have nearly doubled.) As this loss of 16 lots is not an acceptable alternative to New Town Associates, these units would be “regained” through additional multi-family structures. This kind of revision would significantly change both the character of the residential community and the original vision set forth by Cooper Robertson & Partners.

The attached drawings and photographs also indicate that there is a 50-foot (+/-) wide vegetated strip located between the edge-of-pavement of Route 199 and the property line. As there are no plans for widening Rt. 199 in the foreseeable future, this additional 50 feet can be considered an additional layer to the buffer, where the total distance between Rt. 199 and the proposed 110-foot buffer would average 160 feet, and in some cases be as large as 180 feet (Exhibit B) – a distance which far exceeds the recommendations of the Comprehensive Plan.

To offset the effects of the reduced buffer, we propose additional native evergreen plantings, where the quantity and inherent characteristics (density) of the materials selected will screen the development, as further described in the Proffers, and generally depicted in the final image of the attached photographs. This supplemental buffer planting will ensure a desirable mix of single-family homes and multi-family structures.

¹. The 16 lots is a rough estimate because the multi-family component would need to be enlarged and redesigned. By adding 50' to the buffer and sliding the concept to the east, a minimum of 11 lots would be directly impacted (as noted on the plan). As the 11 lots would be regained in multi-family units, additional buildings and parking would indirectly impact a minimum of 5 lots to accommodate such improvements.

EXHIBIT A



* Lots impacted by full 150' buffer

Average Buffer Width = 105'
Minimum Buffer Width = 100'

Average Buffer Width = 120'
Minimum Buffer Width = 110'

Average Buffer Width = 105'
Minimum Buffer Width = 100'

183'

105'

184'

106'

126'

122'

120'

106'

103'

180'

100'

178'

109'

107'

208'

60' lot

50'x120'
Lots

45' lot

50'x120'
Lots

BMP

SWP
Colony

Section 8

GARAGE

RESIDENTIAL
17,000 SF. PER FLOOR
F.F.E. = 99.0 F.F.E. = 98.34

MULTI-USE B
11,800 SF. RETAIL
F.F.E. = 95.67 F.F.E. = 95.0

SHOPS A
4,800 SF.
F.F.E. = 100.0

ANR

Existing Conditions

- View *from* property line looking *into* New Town at a distance of 100 feet.



Existing Conditions

- View *from* New Town looking *to* property line (toward Route 199) at a distance of 100 feet.



Existing Conditions

- View from Route 199 edge of pavement looking *into* New Town (visual target located 100 feet from the property line, the total distance from the edge of pavement to the target is 150 feet).



Existing Conditions

- View *from* 100 feet inside the New Town property line looking *to* Route 199 edge of pavement. (Total distance of 150 feet.)



Existing Conditions

- View *from* property line looking *into* New Town at a distance of 150 feet.



Example of Proposed Screening Material

- The visual target is placed 100 feet behind the example to indicate that the supplemented evergreen buffer will screen the proposed development.



INTRODUCTION

The Casey property and the New Town Master Plan were approved by the James City County Board of Supervisors in December 1997. The general location of the Casey property (as defined in the original 1997 traffic studies) with respect to regional roads is shown on Exhibit 1. The Casey property is divided by Rt. 199 generally referred to as the east and west areas of New Town.

The 1997 approval by the James City County Board of Supervisors included rezoning only for Section 1 of New Town (location shown on Exhibit 2). The following sections of New Town have been rezoned since 1997 (for corresponding traffic studies):

- Section 13, (WindsorMeade), July 24, 2000
- Sections 2 & 4, July 10, 2001
- Section 11 (WindsorMeade Marketplace), May 28, 2003
- Section 5, January 19, 2004
- Sections 3 & 6, May 28, 2004

Sections 7, 8, 9 and 12 have not been rezoned to date. Exhibit 2 also shows other existing developments on Monticello Avenue:

- Monticello Marketplace
- Monticello Shoppes
- U. S. Post Office and AVI site

This traffic study has been prepared for the proposed rezoning of Section 9 of New Town, which is to be called Settler's Market at New Town. Section 9 consists of two properties controlled by AIG Baker and Developers Realty Corporation.

Traffic studies for previous rezonings of New Town sections were prepared in accordance with the 1997 proffers in the New Town Master Plan approval. After discussion with James

City County and VDOT staff, traffic studies for Section 9 have been revised in a number of respects as follows:

1. The regional model forecast used in previous studies has been replaced with a traffic count-based forecast for traffic on the Monticello Avenue corridor.
2. The traffic study focus is on the Monticello Avenue corridor, and two intersections (Monticello Market Place and News Road/Ironbound Road) outside of the New Town proffer area have been included for analysis.
3. Traffic for existing built out development is based on existing counts, and trip distribution for new development is derived from existing counts.
4. Traffic analysis for the Monticello Avenue corridor is performed using Synchro versus the Highway Capacity Software used in previous traffic studies.

A traffic study dated December 9, 2005 was submitted that addressed the development of all New Town to date with Section 9. A February 1, 2006 study was prepared to include two additional future scenarios: only New Town approved to date (i.e., without Section 9), and with Section 7, 8 and 9 in addition to New Town to date. Technical change from the December 9, 2005 traffic study included:

- HCS signals printouts as well as Synchro printouts.
- Average trip generation rates for New Town retail.
- Inclusion of hotel trips in commercial component.
- Signal phase minimums obtained from VDOT.
- HCS weave analysis on Monticello Avenue and Rt. 199 ramps.

This study has been revised from the February 1, 2006 version to include revised signal timing for the Monticello Avenue corridor and to include SimTraffic queuing and blocking reports and HCM arterial reports using Synchro.

2005 PM PEAK HOUR TRAFFIC COUNTS

Previous traffic studies were based on a regional model forecast of background traffic. For this study, the forecast is based on existing peak hour traffic. PM peak hour turning movement traffic counts were conducted on Monticello Avenue in October 2005 as follows:

- Ironbound Road (at City line) by DRW (see Appendix Exhibit A1)
- Courthouse Street by DRW (see Appendix Exhibit A2)
- New Town Avenue by DRW (see Appendix Exhibit A3)
- Old Ironbound Road by DRW (see Appendix Exhibit A4)
- Rt. 199 by VDOT (see Appendix Exhibit A5)
- WindsorMeade Way by VDOT (see Appendix Exhibit A6)
- Monticello Marketplace/Monticello Shoppes by VDOT (see Appendix Exhibit A8)
- News Road by VDOT (see Appendix Exhibit A9)

PM peak hour traffic counts are compiled without balance on Appendix Exhibit A10. Traffic for existing development in the east area is separated on Appendix Exhibit 11, 11a and 11b. Traffic for existing development in the west area is separated on Appendix Exhibit 13, 13a and 13b. The remaining existing background traffic (without Monticello Avenue development traffic) without balance is shown Appendix Exhibit A14. and existing background traffic with balance is shown on Appendix Exhibit A15.

All existing PM peak hour traffic on Monticello Avenue (with balance between intersections) is shown on Exhibit 3. This includes existing development traffic on Monticello Avenue. Existing roads are shown as solid lines and planned roads in the east area of New Town are shown as dashed lines.

MONTICELLO AVENUE DEVELOPMENT TRAFFIC FORECAST

The approach to development traffic differs by the development status of each development section.

For Monticello Marketplace, Monticello Shoppes and the Post Office/AVI site, development is complete and existing counts for these developments will be used for the forecast.

For Section 1 of New Town (includes the courthouse and other existing developments), existing counts will be used for existing development. The remaining planned development for Section 1 consists of a 12,000 square foot office addition and a 62,000 square foot church (information provided by JCC). Trip generation and distribution for this future development will be added to the forecast as new development traffic, and existing count are included for existing development.

At the time of the PM peak hour counts, WindsorMeade Market Place (Section 11) had 148,899 square feet of retail space open out of 200,000 square feet permitted under zoning. (See Appendix Exhibit D2 for development inventory). The existing PM peak hour counts on WindsorMeade Way were less than half of calculated trip generation for existing development. Calculated trip generation for the full build out of 200,000 square feet of retail space will be used for Section 11 in the forecast as new development traffic and existing counts will not be used in the forecast.

Section 13 (WindsorMeade retirement community) has not been constructed. The development inventory used in the 2000 traffic study is also used for trip generation and included in the forecast as new development traffic.

For Section 5, there are no specific plans for most of the section. In lieu of specific plans, the development inventory used in the 2004 traffic study for Section 5 is also used for trip generation and included in the forecast as new development traffic.

For Sections 2 and 4, there are specific development plans by New Town Associates LLC for 553,828 square feet of commercial space, 338 dwelling units and a 100 room hotel. Existing development in Sections 2 & 4 at the time of the PM peak hour traffic counts includes 136,761 square feet of commercial space and 14 dwelling units. (See Appendix Exhibit D1

for development inventory). Calculated trip generation for the full build out of all planned development in Sections 2 & 4 is included in the forecast as new development traffic. Existing counts will not be used in the forecast, but existing counts for existing development in the east area is used as a guide to trip distribution.

For Sections 3 and 6, there are specific development plans by New Town Associates LLC for 481,000 square feet of office space and 215 dwelling units. Sections 3 and 6 were undeveloped at the time of the PM peak hour traffic counts. Calculated trip generation for the full build out of all planned development in Sections 3 & 6 is included in the forecast as new development traffic.

For Section 9, 426,342 square feet of retail space and 215 dwelling units are planned. Calculated trip generation for the full build out of all planned development in Section 9 is included in the forecast as new development traffic.

For Sections 7 & 8, 40,000 square feet of office space (including a 10,000 square foot daycare center) and 400 residential units (205 single family and 195 condo/townhouse) are planned. Calculated trip generation for the full build out of all planned development in Section 9 is included in the forecast as new development traffic.

NEW DEVELOPMENT TRIP GENERATION, DISTRIBUTION AND ASSIGNMENT

Trip generation for all new development is shown on Exhibit 4 using Trip Generation, 7th Edition (TG7), by the Institute of Transportation Engineers (ITE). For all three scenarios (without Section 9, with Section 9 and with Sections 7, 8 and 9), trip generation for Sections 1, 5, 11 and 13 are unchanged. Trip generation for Sections 2, 3, 4, 6, 7, 8, and 9 changes for each of the three scenarios.

Without Section 9 Scenario

Sections 2, 3, 4, and 6 internal trip capture is calculated for the aggregate development of these four sections. Appendix Exhibit L1 shows trip generation for these four sections by group and aggregate for all four sections. Internal capture is calculated on Appendix Exhibit L2 using the technique from Trip Generation Handbook, 2nd Edition, by ITE. Internal capture trips are subtracted for total trip generation to produce off site trips on Appendix Exhibit L1. Pass-by trips for retail use calculated as 15% of off-site retail trips. The remaining off-site trips are assigned as primary trips and are allocated to the various sections on Appendix Exhibit L3.

Appendix Exhibit M1 shows primary trip distribution for Sections 2 & 4 and Sections 3 & 6. Appendix Exhibit N1 and N2 respectively show PM peak hour trip assignments for Sections 2 & 4 and Sections 3 & 6. Pass by trips for Sections 2 and 4 are shown on Appendix Exhibit N8.

All Section 5 PM peak hour trip generation on Appendix Exhibit L4 is distributed as primary trips on Exhibit M2 and assigned on Appendix Exhibit N5. All Section 1 new development trip generation on Appendix Exhibit L4 is distributed as primary trips on Exhibit M2 and assigned on Appendix Exhibit N6.

For Sections 11 and 13, internal trip capture is calculated for the aggregate development of these two sections. Appendix Exhibit L4 shows trip generation for these two sections. Internal capture is calculated on Appendix Exhibit L5 using the technique from Trip Generation Handbook, 2nd Edition, by ITE. Internal capture trips are subtracted for total trip generation to produce off site trips on Appendix Exhibit L4. Pass-by trips for retail use calculated as 15% of off-site retail trips. The remaining off-site trips are assigned as primary trips.

Appendix Exhibit M3 shows primary trip distribution for Sections 11 & 13. Appendix Exhibit N7 shows trip assignments for Sections 11 & 13. Pass by trips for Section 11 are

shown on Appendix Exhibit N8. Total new development off site trip assignments (without Section 9) are shown on Appendix Exhibit N9.

With Section 9 Scenario

Sections 2, 3, 4, 6 and 9 internal trip capture is calculated for the aggregate development of these five sections. Appendix Exhibit E1 shows trip generation for these five sections by group and aggregate for all five sections. Internal capture is calculated on Appendix Exhibit E2 using the technique from Trip Generation Handbook, 2nd Edition, by ITE. Internal capture trips are subtracted for total trip generation to produce off site trips on Appendix Exhibit E1. Pass-by trips for retail use calculated as 15% of off-site retail trips. The remaining off-site trips are assigned as primary trips and are allocated to the various sections on Appendix Exhibit E3.

Appendix Exhibit F1 shows primary trip distribution for Sections 2 & 4 and Sections 3 & 6, and Appendix Exhibit F2 shows primary trip distribution for Section 9. Appendix Exhibit H1, H2 and H4 respectively show PM peak hour trip assignments for Sections 2 & 4, Sections 3 & 6 and Section 9. Pass by trips for Sections 2, 4 and 9 are shown on Appendix Exhibit H8.

All Section 5 PM peak hour trip generation on Appendix Exhibit E4 is distributed as primary trips on Exhibit F2 and assigned on Appendix Exhibit H5. All Section 1 new development trip generation on Appendix Exhibit E4 is distributed as primary trips on Exhibit F2 and assigned on Appendix Exhibit H6.

For Sections 11 and 13, internal trip capture is calculated for the aggregate development of these two sections. Appendix Exhibit E4 shows trip generation for these two sections. Internal capture is calculated on Appendix Exhibit E5 using the technique from Trip Generation Handbook, 2nd Edition, by ITE. Internal capture trips are subtracted for total trip generation to produce off site trips on Appendix Exhibit E4. Pass-by trips for retail use calculated as 15% of off-site retail trips. The remaining off-site trips are assigned as primary trips.

Appendix Exhibit F3 shows primary trip distribution for Sections 11 & 13. Appendix Exhibit H7 shows trip assignments for Sections 11 & 13. Pass by trips for Section 11 are shown on Appendix Exhibit H8.

Total new development off site trip assignments for the PM peak hour (with Section 9) are shown on Appendix Exhibit H9.

The appendix also includes an Appendix Exhibit G series for AM peak hour new development trip assignment. Appendix Exhibit H10 shows that PM peak hour traffic for new development is greater than AM peak hour traffic for new development in almost every location.

With Sections 7, 8 And 9 Scenario

Sections 2, 3, 4, 6, 7, 8 and 9 internal trip capture is calculated for the aggregate development of these seven sections. Appendix Exhibit R1 shows trip generation for these seven sections by group and aggregate for all seven sections. Internal capture is calculated on Appendix Exhibit R2 using the technique from Trip Generation Handbook, 2nd Edition, by ITE. Internal capture trips are subtracted for total trip generation to produce off site trips on Appendix Exhibit R1. Pass-by trips for retail use calculated as 15% of off-site retail trips. The remaining off-site trips are assigned as primary trips and are allocated to the various sections on Appendix Exhibit R3.

Appendix Exhibit S1 shows primary trip distribution for Sections 2 & 4 and Sections 3 & 6, and Appendix Exhibit S2 shows primary trip distribution for Section 9. Appendix Exhibit U1, U2, U3 and U4 respectively show PM peak hour trip assignments for Sections 2 & 4, Sections 3 & 6, Sections 7 & 8 and Section 9. Pass by trips for Sections 2, 4 and 9 are shown on Appendix Exhibit U8.

All Section 5 PM peak hour trip generation on Appendix Exhibit R4 is distributed as primary trips on Exhibit S2 and assigned on Appendix Exhibit U5.

All Section 1 new development trip generation on Appendix Exhibit R4 is distributed as primary trips on Exhibit S2 and assigned on Appendix Exhibit U6.

For Sections 11 and 13, internal trip capture is calculated for the aggregate development of these two sections. Appendix Exhibit R4 shows trip generation for these two sections. Internal capture is calculated on Appendix Exhibit R5 using the technique from Trip Generation Handbook, 2nd Edition, by ITE. Internal capture trips are subtracted for total trip generation to produce off site trips on Appendix Exhibit R4. Pass-by trips for retail use calculated as 15% of off-site retail trips. The remaining off-site trips are assigned as primary trips.

Appendix Exhibit S3 shows primary trip distribution for Sections 11 & 13. Appendix Exhibit U7 shows trip assignments for Sections 11 & 13. Pass by trips for Section 11 are shown on Appendix Exhibit U8.

Total new development off site trip assignments for the PM peak hour (with Section 9) are shown on Appendix Exhibit U9. The appendix also includes an Appendix Exhibit T series for AM peak hour new development assignment.

2015 TOTAL TRAFFIC FORECAST

The 2015 PM peak hour total traffic forecast consists of three components as follows:

- 2015 background traffic (without Monticello Avenue development traffic) shown on Exhibit 5. Background traffic is calculated using existing PM peak hour background traffic (Appendix Exhibit A15) and applying a 1.30 growth factor (3% per year for 10 years).
- Existing development traffic shown on Exhibit 6. This includes traffic for Monticello Marketplace, Monticello Shoppes, Post Office/AVI site and existing Section 1 (courthouse area).

- New development traffic shown on Exhibit 7 for without Section 9, Exhibit 9 with Section 9 and Exhibit 11 with Sections 7, 8 and 9. This includes all new development traffic for the various sections of New Town that have been rezoned or are proposed for consideration.

The 2015 total PM peak hour traffic forecast is shown on Exhibit 8 for without Section 9, Exhibit 10 for with Section 9 and on Exhibit 12 with Sections 7, 8 and 9.

ANALYSIS OF 2015 PM PEAK HOUR FORECAST

The appendix includes Synchro and HCM signalized intersection LOS reports, a SimTraffic queuing and blocking report and a HCM arterial report. The appendix also includes weave analyses on Monticello Avenue between the ramps from Rt. 199 and adjacent intersections.

Without Section 9 Scenario

Appendix Exhibit O shows the Synchro analysis printout for the Exhibit 8 forecast (without Section 9). The Synchro LOS results for each intersection are presented in the following table:

TABLE ONE: MONTICELLO AVENUE SIGNALIZED INTERSECTION
2015 PM PEAK HOUR LEVEL OF SERVICE AND SECOND DELAY
WITHOUT SECTION 9

	News Road	Mont. Mktpl.	Windsor Meade	Route 199	Old Ironb.	Settler's Mkt	New Town	Court-house	Iron-bound
Overall	C 33	C 22	A 9	C 30	A 6		C 26	B 16	C 28
EBL	D 47	E 62	D 36	D 54			E 74	E 61	C 25
EBT	C 35	A 8	A 2	C 27	A 2		B 16	A 2	B 17
EBR	A 8	A 1			A 1		A 3	A 1	A 1
WBL	C 22	E 65		B 17	D 50		B 18	C 34	D 52
WBT	A 2	B 14	A 8	B 16	A 5		B 17	B 12	C 32
WBR	A 1	A 1					A 43	A 1	A 5
NBL	D 41			D 54					C 35
NBT	F 134	D 42			D 44		D 53	D 45	D 44
NBR	B 15	B 13					A 4	A 9	A 6
SBL	F 100	E 68	D 54	C 33					D 51
SBT	E 71	E 60					D 39	D 43	D 50
SBR			C 24				D 52	B 18	A 7

The LOS calculations above are made using existing pavement with the addition of traffic signals at New Town Avenue and Old Ironbound Road and completion of the Monticello Avenue/Ironbound Road intersection project. The Synchro LOS analysis is based on a coordinated traffic signal system.

There is LOS C or better overall for all intersections except News Road. LOS D or better for each lane group is achieved generally except for News Road (four lane groups), Monticello Marketplace (two lane groups), and New Town Avenue (one lane group). The Appendix Exhibit O series also includes the Synchro HCM output report for signalized intersections, the SimTraffic queuing and blocking report and the Synchro HCM Arterial report.

Appendix Exhibit Q1 shows LOS E for the HCS weave analysis on eastbound Monticello Avenue between the ramp from southbound Rt. 199 and WindsorMeade Way. Appendix Exhibit Q2 shows LOS B for the HCS weave analysis on eastbound Monticello Avenue between the ramp from northbound Rt. 199 and Old Ironbound Road.

With Section 9 Scenario

Appendix Exhibit J shows the Synchro analysis printout for the Exhibit 10 forecast (with Section 9). The Synchro LOS results are presented in the following table:

TABLE TWO: MONTICELLO AVENUE SIGNALIZED INTERSECTION
2015 PM PEAK HOUR LEVEL OF SERVICE AND SECOND DELAY
WITH SECTION 9

	News Road	Mont. Mktpl.	Windsor Meade	Route 199	Old Ironb.	Settler's Mkt	New Town	Court- house	Iron- bound
Overall	D 36	C 24	B 11	C 31	B 13	B 11	C 22	B 14	C 27
EBL	D 47	E 62	C 34	D 53	D 44	C 23	D 52	D 49	C 26
EBT	C 34	B 11	A 3	C 23	A 4	A 2	B 18	A 2	B 17
EBR	A 7	A 1			A 1		A 3	A 1	A 1
WBL	C 30	E 61		C 21	D 46		C 20	C 35	D 52
WBT	A 2	C 21	B 10	C 23	A 10	A 10	B 20	B 14	C 32
WBR	A 1	A 1				A 1	A 2	A 1	A 4
NBL	D 41			D 54	D 50				D 41
NBT	F 134	D 42			D 42		D 53	D 44	D 46
NBR	B 15	B 13					A 4	A 9	A 6
SBL	F 120	E 68	D 54	C 36		D 46			D 51
SBT	F 91	E 62			D 42		D 41	D 40	D 50
SBR			C 25		C 28	D 35	C 24	B 15	B 12

These LOS results include the following improvements to existing roads:

1. Completion of the Monticello Avenue/Ironbound Road intersection project.
2. Second left turn lane eastbound on Monticello Avenue at Old Ironbound Road.
3. Third through lane/right turn lane on westbound Monticello Avenue at Old Ironbound Road, with third lane drop-off at existing westbound Monticello Avenue right turn lane to Rt. 199 north.
4. Signalization at Courthouse Street, New Town Avenue, Settler's Market Boulevard and Old Ironbound Road.
5. Second left turn lane on northbound Old Ironbound Road at Monticello Avenue.

With Section 9, there is LOS C or better overall for all intersections except News Road. This is the same general result as for the without Section 9 scenario.

With Section 9, LOS D or better for each lane group is achieved at all seven intersections on Monticello Avenue from WindsorMeade Way to Ironbound Road. LOS C overall and LOS D or better for each lane group at these seven intersections (for a coordinated signal system) was stipulated in the 1997 proffers for New Town.

With Section 9, there LOS E and F lane groups at News Road and Monticello Marketplace intersections as there are without Section 9. The Appendix Exhibit J series also includes the Synchro HCM output report for signalized intersections, the SimTraffic queuing and blocking report and the Synchro HCM Arterial report.

Appendix Exhibit K1 shows LOS E for the HCS weave analysis on eastbound Monticello Avenue between the ramp from southbound Rt. 199 and WindsorMeade Way. Appendix Exhibit K2 shows LOS B for the HCS Type A weave analysis on eastbound Monticello Avenue between the ramp from northbound Rt. 199 and Old Ironbound Road. Appendix Exhibit K3 shows LOS C for the HCS Type C weave analysis on eastbound Monticello Avenue between the ramp from northbound Rt. 199 and Old Ironbound Road.

With Sections 7, 8, & 9 Scenario

Appendix Exhibit V-90-4-1 shows the Synchro analysis printout for the Exhibit 12 forecast (with Section 7, 8, and 9). The Synchro LOS results for each intersection are presented in the following table:

TABLE THREE: MONTICELLO AVENUE SIGNALIZED INTERSECTION
2015 PM PEAK HOUR LEVEL OF SERVICE AND SECOND DELAY
WITH SECTIONS 7, 8 & 9

	News Road	Mont. Mktpl.	Windsor Meade	Route 199	Old Ironb.	Settler's Mkt	New Town	Court- house	Iron- bound
Overall	D 36	C 25	B 11	C 29	B 16	B 12	C 21	B 14	C 27
EBL	D 47	E 62	C 33	D 53	D 51	C 25	D 53	D 48	C 27
EBT	C 34	B 12	A 3	C 24	A 4	A 2	B 17	A 3	B 18
EBR	A 7	A 1			A 1		A 3	A 1	A 1
WBL	C 32	E 61		C 21	D 46		C 21	C 33	D 52
WBT	A 2	C 22	B 10	B 24	B 10	A 10	B 19	B 14	C 32
WBR	A 1	A 1				A 1	A 2	A 1	A 4
NBL	D 41			D 54	D 50				D 41
NBT	F 134	D 42			D 42		D 53	D 44	D 45
NBR	B 15	B 13					A 4	A 9	A 6
SBL	F 120	E 68	D 54	C 37		D 50			D 51
SBT	F 91	E 62			D 42		D 41	D 40	D 50
SBR			C 25		C 28	D 38	C 24	B 15	B 12

These LOS results with Sections 7, 8 and 9 include the same improvements as with Section 9. **Any changes in LOS from the with Section 9 scenario are about one second.** The Appendix Exhibit V-90-4-1 series also includes the Synchro HCM output report for signalized intersections, the SimTraffic queuing and blocking report and the Synchro HCM Arterial report.

Appendix Exhibit X1 shows LOS E for the HCS weave analysis on eastbound Monticello Avenue between the ramp from southbound Rt. 199 and WindsorMeade Way. Appendix Exhibit X2 shows LOS B for the HCS weave analysis on eastbound Monticello Avenue between the ramp from northbound Rt. 199 and Old Ironbound Road. Appendix Exhibit X3 shows LOS C for the HCS Type C weave analysis on eastbound Monticello Avenue between the ramp from northbound Rt. 199 and Old Ironbound Road.

SUMMARY AND CONCLUSIONS

In accordance with the 1997 New Town proffers, LOS C overall and LOS D for all lane groups are achieved at all seven intersections on Monticello Avenue covered under the proffers. This is true with Section 9 and with or without Sections 7 & 8.

At the News Road and Monticello Marketplace intersections on Monticello Avenue, there is LOS E and F for some lane groups. This is true for all three scenarios. Relative to New Town intersections, these intersections were not built with turn lanes recommended in the 1997 traffic studies.

LOS results (overall intersections, intersection lane groups and weaves) do not show much variation with and without Sections 7, 8 and 9.

MEMO

TO: All Members of the Board of Supervisors
FROM: Tony Obadal
DATE: November 30, 2006
RE: Section 7 Perennial Stream Buffer

This memo is divided into two parts. The first discusses Legal Issues relevant to Applicant's petition for the rezoning of Section 7 and 8. These issues have been raised either by the Applicant or by the staff. The second part concerns water quality which Applicant asserts will be improved if its variable buffering proposals are accepted by the Board.

LEGAL ISSUES

New Town has asked the Board to rezone Section 7 from R8 with proffers to MU and seeks to reduce the width of a buffer of a perennial stream which flows into Powhatan Creek. This stream and the area surrounding it is vital to the environmental condition of the Creek and the continued existence and good health of many smaller creatures, fish, animals, and rare plants located there.

The Chesapeake Bay Ordinance (CBO), effective in January 2004, requires that the buffer along this perennial stream be 100 feet in width. The Applicant makes the legal contention that it was granted an exception to the Ordinance by the staff, per a letter written on December 22, 2004 issued under Section 23-7. It also asserts that the December 22nd letter was authorized by the Grandfathering/Vesting Rules issued by the Board of Supervisors on November 25, 2003. Finally, it is asserted that Applicant's 50 foot variable buffering system will provide greater water quality protection than the 100 foot buffer required by the CBO.

Vesting assures landowners that they possess certain property rights which may not be altered, prohibited or reduced by subsequent zoning legislation. The contention has been made that the December 22nd letter created a vesting right allowing the use of a variable buffer on the perennial stream in Section 7.

County counsel, Leo Rogers, rejects this view and takes the position that the December 22nd letter was issued pursuant to Paragraph 5 of the Grandfathering Rules and that it does not confer vesting on the Applicant's rights in Sections 7 and 8. He has verbally stated that the letter applies only to Applicant's right to develop Section 7 as an R8; and that the Board in this MU zoning application may, by the exercise of its legislative authority, reject the request for a 50 foot variable buffer and insist upon a 100 foot buffer before rezoning is granted. This is arguably a sound view. However, this memo takes the position that we must look to a more secure harbor if the Board is to reject this application.

To have a vested property interest in a particular benefit a person must have more than an abstract need or desire for it (Board of Regents of State Colleges v. Roth, 408US564.)

Virginia Code 15.2-2307 identifies the three factors that must be established in order for an owner's rights to be deemed vested: (1) the owner obtains or is the beneficiary of a significant affirmative governmental act that remains in effect allowing development of a specific project; (2) the owner relies in good faith on the significant affirmative governmental act; and (3) the owner incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

Virginia Code 15.2-2307 also identifies those affirmative government acts that are deemed to be significant: (1) the governing body has accepted proffers or proffered conditions which specify the use related to a zoning amendment; (2) the governing body has approved an application for a rezoning for a specific use or density; (3) the governing body or the BZA has granted a special exception or use permit with conditions; (4) the BZA has approved a variance; (5) the governing body or its designated agent has approved a preliminary subdivision plat, site plan or plan of development for the landowner's property and the applicant diligently pursued approval of the final plat or plan within a reasonable period of time under the circumstances; or (6) the governing body or its designated agent has approved a final subdivision plat, site plan or plan of development for the landowner's property.

Without fully arguing the case in this memo, Applicant's contention can be shown to be without merit. Each of the above factors are distinguishable from what has occurred here. For example, the letter of December 22nd is not a "significant, affirmative government act" since the requirements of Section 23-7(2)(a)(1) were not met [See below].

Vesting may be denied if the exception granted by staff to the Ordinance is the result of a mistake, fraud, or change in circumstances that substantially affects the public safety, health or welfare.

The December 22, 2004 letter was based upon mistakes both in its interpretation of the

law and its analysis of the facts. Section 23-7(2)(a)(1) allows the granting of exceptions to the buffer rules when encroachments into the buffer are the “minimum necessary” to achieve a reasonable, buildable area for a “principal structure and necessary utilities.”

The Applicant submitted a site map which clearly shows that the old 100 foot buffer only cuts through the rear lawn area of three building sites. The old buffer could have very simply been designed to go around those rear lawns. Applicant sought and now seeks far more. It wishes the Board to eliminate hundreds of feet of buffer space by accepting its new 50 foot variable buffer. This alteration is not the “minimum necessary.” Also, this same Section limits staff authority to granting an exception for a “principal structure.” These words are in the singular. This whole Section was intended to deal with a residence or a commercial building. It was not a grant of authority to extensively replace or eliminate buffer widths. The December 22nd letter, therefore, was void ab initio or from the beginning.

- o **The Grandfathering/Vesting Rules** - Under Paragraph 5 of the Grandfathering Rules, rezoned sites and property for which an SUP has been issued, prior to the effective date of the Ordinance, must comply with the Ordinance “unless the property cannot legally be developed to the proffered density, use, or square footage because of the new rules...” (See Grandfathering Ordinance, paragraph 5, 11/25/03.) There was no binding proffered density for this specific Section prior to the CBO effective date. The New Town plan was accepted in concept in 1997 with overall residential unit densities for the entire project given a fixed range. The Section densities were conceptional, not fixed. These densities could and have been moved around from one Section to another. Indeed, that has been done both with units in this Section and with other Sections. There is ample room for Applicant to carry out its building plans on this very site.

ON NOVEMBER 28, 2006, SUPERVISOR ICENHOUR WAS INFORMED BY THE ENVIRONMENTAL DIRECTOR THAT THE 100 FOOT BUFFER CUT ACROSS THE REAR LAWN ONLY OF THREE BUILDING LOTS. NO BUILDINGS ARE ELIMINATED BY THE OLD BUFFER. OBVIOUSLY, A PLAIN READING OF PARAGRAPH 5 SHOWS THAT A UNIT MUST BE AFFECTED. SINCE THAT IS NOT THE CASE, THE PROVISIONS OF THE GRANDFATHERING ORDINANCE PARAGRAPH 5 ARE NOT MET AND THE DECEMBER 22ND LETTER IS BASELESS.

Staff and Applicant should have made this fact known at an earlier stage of this proceeding. A great deal of work could have been avoided.

The effect of reducing the buffer by 50 feet may well allow the Applicant to proceed to construct roads, BMPs, and residential units in the old protected area, i.e., the area no longer protected by the full 100 foot requirement. If the area is not protected,

alteration of the steep slopes now located there is arguably permissible. Before any approval of the new buffer is made, Applicant's plans need to be determined.

While Paragraph 5 of the Grandfathering Rules is not applicable, Paragraph 4 of those rules certainly is. It states that:

"Conceptual plans approved prior to the effective date of the Ordinance will not be grandfathered nor will they grandfather any subsequent site or subdivision plans."

- o **Exceptions** - In its letter of December 22nd the staff asserts that "the major factor for consideration of the exception request is that a strict application of the 100 foot RPA buffer greatly impacts the Master Planning efforts..." and that "this variable buffer proposal is being allowed for application in this case only because of the Master Planning that occurred on the project prior to January 1, 2004." Concern for the Master Plan is not a factor in making a determination under 23-7. In relevant part, this Section requires meeting the criteria of the Section before an exception is issued.

Matters outside those criteria should go back to the elected Board for decision. Extensive buffer alterations present a clear case of overreaching. As noted above, a limited intrusion into a buffer might administratively be allowed but authority for a major reduction of the buffer for other perceived gains is not.

Moreover, none of the specific criteria required by Section 23-7 (C)(2)(a) and (b) are met:

- o The lots or parcels were not created as a result of a legal process.
- o The mitigation measures were not approved by a previous exception.
- o The use of BMPs on this site was not previously required.
- o And, the criteria contained in paragraph (a) concerning "loss of buildable area" are not met, i.e., no residential units are lost, transferring of units elsewhere on the project can be done, the area apparently is also a steep slope and therefore not "buildable."

The Board is not barred by the vesting requirement of the state statute or by the Ordinances from putting the staff granted exemption aside and from insisting upon a 100 foot buffer before it designates this Section as MU.

WATER QUALITY

Applicant's contentions concerning buffer filtration effectiveness are based on a methodology contained in Information Bulletin #3 published by the Chesapeake Bay Local Assistance Department, hereafter known as CBLAD. (See, WQIA submitted with Applicant's request for the December 22, 2004 letter.)

Significantly, CBLAD itself no longer uses Information Bulletin #3 for county guidance regarding buffer effectiveness. It has been withdrawn and CBLAD asserts that counties should not reduce the required 100 foot CBO buffer. Moreover, Information Bulletin #3 never received final consensus approval from CBLAD. It is a draft only. No mention was made by staff of the shortcomings.

When the particulars of Information Bulletin #3 are studied, its questionable usefulness become even more apparent. The effectiveness of buffers varies from site to site and is dependent upon such matters as topography, composition of the soil, and plant growth in the buffer. Average annual rainfall is supposed to be put into the formula of Bulletin #3 when used for guidance. Now, here we have a variable that does not exactly lend itself to providing a usable, much less precise measurement. The formula also apparently assumes that the average land cover condition is 16% impervious. That is not so here.

Four criteria are generally recognized for determining adequate buffer sizes: (1) resource functional value, (2) intensity of adjacent land use, (3) buffer characteristics, and (4) specific buffer functions required. (Castelle et al., 1992a, J. Environ. Qual 23:878-882 (1994). The methodology used in Bulletin #3 is limited to the first factor and should not therefore be used here.

Bulletin #3 was an effort to make one size fit all. It doesn't work and was abandoned.

The WQIA offered by the Applicant makes matters even less certain. Its calculations for comparison of the 100 foot buffer with the proposed variable buffer are not based on any actual tests of the stream in order to determine a real baseline against which filtering proposals can be judged, even though Applicant has held this property since 1997. The effectiveness of the proposed models' variable width buffer estimates sprinkled throughout the New Town development are estimates and extrapolations and nothing else and they are compared with a fiction, not a reality.

There are more particulars which show that the Water Quality Impact Assessment should not be relied upon:

- o A standard natural buffer of 100 feet filters out 75% of the sediments and up to 40% of the pollutants. The Water Quality Impact Assessment asserts that its systems will remove a greater amount of phosphorous than the natural

100 foot buffer. Assuming the validity of that statement, phosphorous is not the only pollutant. The CBO (Section 23-3 at NSP) includes in its definition such things as:

- o toxic metals
- o hydrocarbons
- o nitrates
- o fecal matter
- o nutrients, such as phosphorous and nitrogen
- o viruses
- o chloride
- o toxic chemicals

Yet, phosphorous is the only item mentioned by the WQIA. Phosphorous levels were determined by first estimating nutrient levels and then estimating the amount of phosphorous in the nutrients. It is, therefore, an estimate within an estimate. Even so, Applicant's own comparison chart shows that on Section 7 the 100 foot natural buffer, if left alone, removes more "phosphorous" than Applicant's proposal. (6.50 vs 3.82 lb TP/yr)

- o Information Bulletin #3 sought to provide a general theoretical estimate for determining filtering effectiveness. The WQIA takes those estimates and extrapolates them to the site in order to determine pollution removal down to under a pound per year on varying streams. That does not produce reliable guidance. Here, the effectiveness of the 100 foot buffer could have been determined by field tests which might have produced significantly different results than the theoretical estimate provided in Information Bulletin #3. Actual measurement of buffering effectiveness could have been easily and inexpensively done. Such testing was not done. Moreover, the buffer from this perennial stream is exceptionally steep at certain points and water runoff and rainwater do not penetrate deeply into the soils. A 50 foot variable buffer will rarely be as effective as a 100 foot natural buffer. You cannot cut off the top of a steep slope, then, bring in impervious cover in the form of buildings and roads and put them on the new ledge along the narrowed buffer and contend that you are doing a better job for the environment. Assumptions, estimates and extrapolations should not be allowed to carry the day. They do not meet the level of science needed to justify a decision that jeopardizes this area and every area located below it leading to the James.

On February 23, 2006, the Fish and Wildlife Service and the Department of the

Interior issued a report on the proposed Section 7 project. The report was submitted in accordance with the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661et seq.) and the Endangered Species Act of 1973 of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) **This report rejects the Applicant's reduced buffering plan, stating that the Service recommends that "the Applicant incorporate 100 foot forested buffers on each side of the streams and wetlands on this property and reduce the amount of impervious surface." This was not the first time that the Service made these recommendations. The Service also has recommended denial of this project "due to inadequate riparian buffers and the amount of impervious surface proposed for these sections of the site."**

No mention was made of this recommendation in the staff report to the Planning Commission. It should have been and the letter should have been included with the material given the Commission.

Section 7 is the most sensitive area of the Powhatan watershed. If we play fast and loose with it now it will be destroyed.

RECOMMENDATIONS

This application should be deferred.

Deferral will allow time to the Applicant to submit a modified proposal for Sections 7 and 8 which includes the CBO 100 foot buffer along this perennial stream and a 50 foot intermittent stream buffer along other streams mentioned in its proposal. (See Powhatan Study recently formally approved by the Board.)

The Board may also want a full review of all RPA and stream protections in New Town since this is the last opportunity for such a review.

There are other issues that need an opportunity for further consideration: most important, is the adequacy of Applicant's proffer relating to affordable housing. Inquiry should be made into the percentage of affordable housing being offered by the Applicant. At the Board work session in July it was indicated that the number was around four per cent. The Master Plan authorized 1,972 total housing units. If credit for tendering a public benefit is going to be given to the Applicant for its proffer, affordable housing should be around 12 per cent. Additionally, these units while initially being sold as affordable housing when resold will be priced at market. The Applicant has not established a soft mortgage system in order to preserve the affordable housing units which it proffers.

The Master Plan provided for Section rezonings in order to allow the Board to consider the conditions and problems that become apparent during the build-out. The County should take advantage of that intention at this time. For the above reasons the application should be deferred.

Tax Parcel I.D. Numbers: (38-4)(1-51) and (38-4)(1-56)

PROFFERS

NEW TOWN – SECTION 7 & 8

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NEW TOWN - SECTION 7 and 8 - PROFFERS

THESE PROFFERS are made as of this 1st day of December, 2006, by **NEW TOWN ASSOCIATES, LLC**, a Virginia limited liability company (together with its successors and assigns, "Owner") (index as the Grantor), and the **COUNTY OF JAMES CITY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "County") (index as the Grantee).

RECITALS

R-1. Owner is the owner of certain real property located in James City County, Virginia, being more particularly described on EXHIBIT A attached hereto and made a part hereof (the "Property").

R-2. The Property is subject to the New Town Proffers (the "New Town Proffers"), dated December 9, 1997, of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia (the "Clerk's Office") as Instrument Number 980001284.

R-3. The New Town Proffers provide for development of the Property in accordance with (i) a conceptual plan of development (the "New Town Master Plan") entitled, "NEW TOWN PLAN", dated July 23, 1997, revised December 8, 1997, prepared by Cooper, Robertson & Partners and AES Consulting Engineers, and (ii) design guidelines (the "New Town Design Guidelines") entitled "NEW TOWN DESIGN GUIDELINES, JAMES CITY COUNTY, VIRGINIA", dated September 3, 1997, prepared by Cooper, Robertson & Partners. A copy of the New Town Master Plan and New Town Design Guidelines are on file with the County Planning Director.

R-4. In furtherance of the vision embodied in the New Town Master Plan and New Town Design Guidelines, Owner has applied for a rezoning of the Property from R-8, Rural Residential with proffers to MU, Mixed-Use with proffers. The rezoning of the Property to MU, with proffers, is consistent both with the land use designation for the Property on the County Comprehensive Plan and the statement of intent for the MU zoning district set forth in Section 24-514 of the County Zoning Ordinance, Section 24-1 *et seq.* of the County Code of Ordinances, in effect on the date hereof (the "Zoning Ordinance").

R-5. Owner has submitted an update to the Community Impact Statement entitled "Community Impact Statement for the Casey Newtown", dated March 21, 1997, previously filed with the County Planning Director which satisfies the requirements of Section 24-515(c) of the Zoning Ordinance and the New Town Proffers, which update to the Community Impact Statement includes, without limitation, an updated Fiscal Impact Study which has been reviewed and accepted by the County in connection with the rezoning request referenced above. The update to the Community Impact Statement, as well as the original Community Impact Statement, are on file with the County Planning Director.

R-6. In accordance with the requirements of paragraph 4 of the New Town Proffers, Owner has submitted to the County an updated traffic study (the "Traffic Study") entitled "TRAFFIC STUDY FOR SETTLER'S MARKET AT NEW TOWN", dated February 28, 2006, prepared by DRW Consultants, LLC, Midlothian, Virginia, which addresses the proposed development of the Property and is on file with the County Planning Director.

R-7. Pursuant to subparagraph 2(b) of the New Town Proffers, there has been established a Design Review Board ("DRB") for development of the property subject to the New Town Proffers.

R-8. Pursuant to the New Town Proffers, the DRB is charged with the responsibility of rendering a written advisory recommendation to the County Planning Commission and to the County Board of Supervisors as to the general consistency with the New Town Master Plan and the New Town Design Guidelines of any proposed master plans and design guidelines in future rezonings of the property subject to the New Town Proffers.

R-9. Owner has previously submitted to the DRB, and the DRB has previously approved in writing, as consistent with both the New Town Master Plan and the New Town Design Guidelines, a conceptual plan of development (the "Section 7 and 8 Master Plan") entitled "NEW TOWN SECTION 7 AND 8 MASTER PLAN BERKELEY DISTRICT JAMES CITY COUNTY, VIRGINIA", dated August 25, 2006, revised October 13, 2006, prepared by AES Consulting Engineers and Cooper Robertson & Partners, and design guidelines (the "Section 7 and 8 Guidelines") entitled "NEWTOWN SECTION 7 & 8 DESIGN GUIDELINES – RESIDENTIAL NEW TOWN ASSOCIATES", dated October, 2006, prepared by AES Consulting Engineers and Cooper Robertson & Partners, for the Property, copies of which Section 7 and 8 Master Plan and Section 7 and 8 Guidelines are on file with the County Planning Director.

R-10. A Phase I Archaeological Study (the "Casey Study") was conducted on the Property as detailed in that certain report entitled "A Phase I Archaeological Survey of the Casey Property, James City County, Virginia", dated July 30, 1990, prepared for the Casey Family c/o Virginia Landmark Corporation by the William and Mary Archaeological Project Center, which report has been submitted to, reviewed and approved by the County Planning Director. The Casey Study identified three (3) areas of archaeological significance on the Property, Sites 44JC618, 44JC619, and 44JC620, and recommended such sites for Phase II evaluation.

Subsequent to the Casey Study, Owner commissioned a second Phase I Archaeological Study (the “Associates Study 1”) of, *inter alia*, Sites 44JC618, 44JC619, and 44JC620 as detailed in that certain report entitled “Phase I Archaeological Investigations of Sites 44JC617, 44JC618, 44JC619, and 44JC620 on the New Town Tract James City County, Virginia”, dated January, 2004, prepared by Alain C. Outlaw, Principal Investigator, Timothy Morgan, Ph.D., and Mary Clemons, which report has been submitted to, reviewed and approved by the County Planning Director. The Associates Study 1 recommended avoidance or a Phase II analysis of Sites 44JC618, 44JC619, and 44JC620.

Owner commissioned a Phase II Archaeological Study (the “Associates Study 2”) of Site 44JC620 as detailed in that certain report entitled “An Archaeological Evaluation of Site 44JC620, New Town Tract, James City County, Virginia”, dated May 4, 2005, prepared by William and Mary Center for Archaeological Research, which report has been submitted to, reviewed and approved by the County Planning Director. The Associates Study 2 determined that Site 44JC620 was not eligible for the National Register of Historic Places and recommended no further treatment of the Site.

Owner commissioned a Phase II Archaeological Study (the “Associates Study 3”) of Site 44JC618 as detailed in that certain report entitled “An Archaeological Evaluation of Site 44JC618, James City County, Virginia”, dated June 18, 2004, prepared by William and Mary Center for Archaeological Research, which report has been submitted to, reviewed and approved by the County Planning Director. The Associates Study 3 determined that the historic component of Site 44JC618 is eligible for the National Register of Historic Places and that the prehistoric component is not eligible. The Associates Study 3 recommended that Site 44JC618 be avoided or that the archaeological data be recovered.

Owner commissioned a supplemental Phase II Archaeological Study (the “Associates Study 4”) of Site 44JC618 as detailed in that certain report entitled “Supplemental Archaeological Evaluation of Site 44JC618, James City County, Virginia”, dated June 7, 2005, prepared by William and Mary Center for Archaeological Research, which report has been submitted to, reviewed and approved by the County Planning Director. The Associates Study 4 determined that a portion of Site 44JC618 is not eligible for the National Register of Historic Places and redefined the area of Site 44JC618.

Owner is proposing to avoid Sites 44JC618 and 44JC619 in accordance with Proffers 9 and 10 herein.

R-11. A small whorled pogonia survey was conducted on the Property identifying the “Casey Colony” as existing on a portion of Section 8 of the Property. The report generated from that survey is entitled “Detailed Survey for the Small Whorled Pogonia (*Isotria medeoloides*) New Town, James City County, Virginia Latitude: 37°16’50.00”N Longitude: 76°45’00.00”W WEG # 456” (the “WEG Report”), dated July 10, 2006, prepared by Williamsburg Environmental Group, Inc. A copy of the WEG Report is on file with the County Planning Director. Owner is proposing to preserve the “Casey Colony” in accordance with Proffer 10 herein.

R-12. The provisions of the Zoning Ordinance may be deemed inadequate for protecting and enhancing orderly development of the Property. Accordingly, Owner, in furtherance of its application for rezoning, desires to proffer certain conditions which are limited solely to those set forth herein in addition to the regulations provided for by the Zoning Ordinance for the protection and enhancement of the development of the Property, in accordance with the

provisions of Section 15.2-2296 *et seq.* of the Code of Virginia (1950), as amended (the "Virginia Code") and Section 24-16 of the Zoning Ordinance.

R-13. The County constitutes a high-growth locality as defined by Section 15.2-2298 of the Virginia Code.

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of the County of the rezoning set forth above and the Section 7 and 8 Master Plan, the Section 7 and 8 Guidelines and all related documents described herein, and pursuant to Section 15.2-2296, *et seq.*, of the Virginia Code, Section 24-16 of the Zoning Ordinance and the New Town Proffers, Owner agrees that all of the following conditions shall be met and satisfied in developing the Property.

PROFFERS:

1. Application of New Town Proffers, Master Plan and Design Guidelines. These Proffers, the Section 7 and 8 Master Plan and the Section 7 and 8 Design Guidelines shall supersede, amend and restate in their entirety the New Town Proffers, the New Town Master Plan and the New Town Design Guidelines, but only as to the Property. Accordingly, this document contains the only proffers hereinafter applicable to the Property.

2. New Town Owner's Association.

(a) A supplemental declaration ("Supplemental Declaration") shall be executed and recorded in the Clerk's Office to submit all or a portion of the Property to the New Town Residential Association, Inc., a Virginia non-stock corporation (the "Residential Association"), and to the Master Declaration of Protective Covenants and Restrictions for New Town residential property, dated May 19, 2004, recorded in the Clerk's Office as Instrument Number 040013865 (including the articles of incorporation and the bylaws governing the

Association, as any of the foregoing have been or may be hereafter supplemented, amended or modified pursuant to the terms thereof).

(b) For any of the Property not submitted by Supplemental Declaration to the Residential Association, Owner shall submit such remaining portion(s) of the Property to the New Town Master Association, a Virginia non-stock corporation (the "Commercial Association"), and to the Master Declaration of Covenants, Easements and Restrictions for New Town, dated June 22, 1998, recorded in the Clerk's Office as Instrument Number 980013868 (including the articles of incorporation and the bylaws governing the Association, as any of the foregoing have been or may be hereafter supplemented, amended or modified pursuant to the terms thereof). In addition to the Commercial Association and the Residential Association, one or more separate owners or condominium associations may be organized for portions of the Property (each individually a "Separate Association") as subordinate associations of the Commercial Association and/or Residential Association and supplemental restrictive covenants may be imposed on the corresponding portions of the Property.

(c) The Residential Association and the Commercial Association shall develop shared facilities agreements ("Shared Facilities Agreements") between the associations as necessary to fairly and reasonably apportion fiscal responsibility for the operation and maintenance of common elements, recreation facilities, stormwater management facilities, roadways, or other facilities benefiting or serving the members of both associations. The apportionment of such fiscal responsibility shall be based upon such factors as impervious surface area, building square footage, numbers of "Residential Units" (hereinafter defined) within a particular association, number of members, land area of the membership, intensity of

use of such shared facilities by the membership of each association and/or such other factors agreed to between the associations.

(d) Any Supplemental Declaration and any articles of incorporation, bylaws and declaration associated with a Separate Association for the Property (collectively, the “Governing Documents”) and the Shared Facilities Agreements, if any, shall be submitted to and reviewed by the County Attorney for general consistency with this proffer. The Governing Documents shall (i) require that the applicable association adopt an annual maintenance budget and assess all of its members for the maintenance of the properties owned or maintained by such association, (ii) grant such association the power to, and require that such association, file liens on its member’s properties for non-payment of such assessments and for the cost to remedy violations of, or otherwise enforce, the Governing Documents, (iii) establish architectural controls, approved by the DRB with input from the County Planning Director, consistent with the Section 7 and 8 Design Guidelines, and (iv) provide for the implementation and enforcement of the water conservation, water quality monitoring/remediation plan, turf management, and stream channel monitoring/remediation proffered herein.

3. Development Process and Land Use.

(a) Development. The Property shall be developed in one or more phases generally in accordance with the Section 7 and 8 Master Plan and the Section 7 and 8 Design Guidelines, including, but not limited to, the land uses, densities and design set forth therein. All of such development shall be expressly subject to such changes in configuration, composition and location as required by all other governmental authorities having jurisdiction over such development.

(b) DRB Authority, Duties and Powers. All site plans, landscape plans, building materials, building elevation plans and other development plans for the Property shall be submitted to the DRB for review and approval in accordance with the manual entitled “NEW TOWN DESIGN PROCEDURES JAMES CITY COUNTY” as the same may be amended by the DRB from time to time, a copy of which is on file with the County Planning Director, and such other rules as may be adopted by the DRB from time to time, for general consistency with the Section 7 and 8 Master Plan and Section 7 and 8 Guidelines. Evidence of DRB approval of plans required to be submitted to the County for approval shall be provided with any submission of such plans to the County Department of Development Management. The County shall not be required to review any development plans not receiving the prior approval of the DRB. In reviewing applications, development plans and specifications, the DRB shall consider the factors set forth in the Section 7 and 8 Master Plan and/or the Section 7 and 8 Guidelines. The DRB shall advise of either (i) the DRB's recommendation of approval of the submission, or (ii) the areas or features of the submission which are deemed by the DRB to be materially inconsistent with the applicable Section 7 and 8 Guidelines and/or the Section 7 and 8 Master Plan and the reasons for such finding and suggestions for curing the inconsistencies. The DRB may approve development plans that do not strictly comply with the Section 7 and 8 Master Plan and/or the Section 7 and 8 Guidelines, if circumstances, including, but not limited to, topography, natural obstructions, design/development hardship, economic conditions or aesthetic or environmental considerations, warrant approval. All structures, improvements, open space, wetlands and other natural features on the Property shall be constructed, improved, identified for preservation, left undisturbed or modified, as applicable, substantially in accordance with the plans and specifications as finally approved by the DRB.

(c) Limitation of Liability. Review of and recommendations with respect to any application and plans by the DRB is made on the basis of aesthetic and design considerations only and the DRB shall not have any responsibility for ensuring the structural integrity or soundness of approved construction of modifications, nor for ensuring compliance with building codes or other governmental requirements, ordinances or regulations. Neither Owner, the County, the DRB nor any member of the DRB shall be liable for any injury, damages or losses arising out of the manner or quality of any construction on the Property.

4. Mix of Housing Types. A minimum of twelve (12) “Residential Units” constructed on the Property shall be initially offered for sale for a period of nine (9) continuous months (if not earlier sold pursuant to such offer) after the issuance of a building permit for such “Residential Units” at a price at or below One Hundred Fifty-Four Thousand Dollars (\$154,000), subject to adjustment as set forth herein. The County Planning Director shall be provided with a copy of the listing agreement and sales literature for each “Residential Unit” offered for sale at a price at or below the adjusted price set forth above, and with respect to the sale of such “Residential Units”, consultation shall be made with, and referrals of qualified buyers shall be accepted from, the County Office of Housing and Community Development. This obligation to construct and offer for sale the “Residential Units” with the above-proffered pricing shall be exclusive of any similar obligations that may have been or will hereafter be transferred from other sections of the New Town development.

5. Community and Open Spaces.

(a) The Section 7 and 8 Master Plan and the Section 7 and 8 Guidelines set forth an archaeological interpretive park, a small whorled pogonia preserve, and other open and/or community spaces (collectively, the “Community Space”).

(b) A site plan or other appropriate plan as may be reasonably requested by the Planning Director for the Community Space located in Section 7 shall be submitted to the County prior to final site plan or subdivision plan approval for greater than forty percent (40%) of the “Residential Units” to be constructed on Section 7 of the Property. Any improvements to be located in the Community Space shall be completed or guaranteed (“Guaranteed”) in accordance with Section 15.2-2299 of the Virginia Code (or such successor provision) and the applicable provisions of the County Code of Ordinances (such performance assurances to be hereinafter referred to as a “Guarantee” or “Guarantees”) prior to final site plan or subdivision plan approval for greater than seventy-five percent (75%) of the “Residential Units” to be constructed on Section 7 of the Property. Any form of a guarantee shall be approved by the County Attorney.

(c) A site plan or other appropriate plan as may be reasonably requested by the Planning Director for the Community Space located in Section 8 shall be submitted to the County prior to final site plan or subdivision plan approval for greater than forty percent (40%) of the “Residential Units” to be constructed on Section 8 of the Property. Any improvements to be located in the Community Space shall be completed or Guaranteed in a manner approved by the County Attorney prior to final site plan or subdivision plan approval for greater than seventy-five percent (75%) of the “Residential Units” to be constructed on Section 8 of the Property.

(d) The configuration, composition, location and design of the Community Space is subject to the provisions of paragraph 3(b) hereof, and shall be further expressly subject to such changes in configuration, composition and location as required by governmental authorities, other than the County, having jurisdiction.

(e) The Community Space shall be maintained by the Commercial Association, the Residential Association and/or a Separate Association, and shall be subject to rules and regulations as may be promulgated, from time to time, by the responsible association.

(f) The Property shall be developed in compliance with currently applicable County open space requirements, including Section 24-524 of the Zoning Ordinance. With the approval of the County Planning Director, the applicable open space requirements in developing the Property may be met by specifically designating open space on other property within the New Town development as and when the Property is developed if such open space requirements applicable to the Property cannot reasonably be met by identifying open space located on the Property. Such designation of open space on the New Town Property may be changed with the prior written approval of the County Planning Director. Owner may utilize the Community Space or portions thereof to meet the open space requirements for the Property, provided such space meets the applicable definition of open space contained in the Zoning Ordinance.

6. Streetscapes. All site plans and subdivision plans for development within the Property shall include: (i) pedestrian connections on the Property, or the portion thereof so developed, along main roads adjoining the Property; and (ii) streetscape plans for streets within the subject portion of the Property, all of which pedestrian connections and streetscapes shall be consistent with the Section 7 and 8 Guidelines applicable to the Property. The approved streetscape plans, including, where required by the DRB pursuant to the Section 7 and 8 Design Guidelines, street trees, sidewalks, walking trails, crosswalks, street lighting, and any other miscellaneous improvements that may be required by the Section 7 and 8 Design Guidelines and approved by the DRB, shall be implemented when the adjacent portion of the Property is developed.

7. Bus/Transit Facilities. If requested by the Williamsburg Area Transport Company in writing to Owner prior to March 31, 2007, at least one (1) bus pull-off area with bus stop shelter shall be constructed on the Property at a location along the proposed Casey Boulevard in the vicinity of that portion of the Property shown on the Master Plan as “Archaeological Interpretive Park” or, at the request of Owner, at such reasonable alternative location as is approved by the County Planning Director and the Williamsburg Area Transport Company. Design of any pull-offs and shelters shall be approved in advance by the DRB. The pull-off(s) and shelter(s) shall be shown on development plans for the subject portion(s) of the Property, Guaranteed at the time of final development plan approval, and installed in connection with construction of the adjacent roadway(s).

8. Recreation Facilities. The Property is being developed in furtherance of a comprehensive town plan that is subject to the Section 7 and 8 Guidelines and the Section 7 and 8 Master Plan which provide for a more urban approach to the design of buildings and public spaces in order to avoid conventional suburban patterns and promote an environment conducive to walking. Implementation of such development design will provide for a network of sidewalks, alleyways and community areas. Specifically, in accordance with of the County Comprehensive Parks and Recreation Plan proffer guidelines (the “County Recreation Guidelines”), as in effect on the date hereof, recreation facilities in the form of the community spaces to be established on the Property shall be provided, open to all residents of the development, and maintained and regulated by the Commercial Association, the Residential Association and/or a Separate Association. Further, prior to issuance of buildings permits for units exceeding seventy-five (75%) of the “Residential Units” to be constructed on the Property, Owner shall complete the installation of: (i) one (1) playground; (ii) one (1) pool; (iii) one (1)

urban park area associated with the pool; (iv) one (1) archaeological interpretive park; (v) one (1) urban park area in Section 8; and (vi) a system of pedestrian/jogging paths as shown on the Section 7 and 8 Master Plan, all in accordance with the currently adopted version of the County Parks and Recreation Master Plan and as approved by the DRB and County Planning Director. Subject to approval by the County Planning Director, Owner may utilize the Community Space to meet the aforementioned requirements.

9. Archaeology. Prior to any final site plan or subdivision plan approval for development on the Property, Owner shall submit to the County Planning Director for review and approval a treatment plan for that portion of the Property shown as “Archaeological Interpretive Park” on the Section 7 & 8 Master Plan to include but not be limited to (i) substantial preservation of the site in place, (ii) the placement of benches, landscaping and educational signs in the park area, and (iii) nomination of the site to the National Register of Historic Places; provided, however, that such treatment plan shall not conflict with any requirements of or restrictions imposed by any other governmental authority with jurisdiction.

10. Small Whorled Pogonia. Prior to any final site plan or subdivision plan approval for development on Section 8 of the Property, Owner shall (i) preserve as natural open space the area including and surrounding the small whorled pogonia colony (the “Casey Colony”) located on the Property (the “SWP Buffer”) shown as “Casey SWP Colony”, “Archaeological Preserve”, and “Casey SWP Colony Preserve” on the Section 7 and 8 Master Plan (ii) and submit to the County Planning Director for review and approval a preservation plan for the SWP Buffer addressing the maintenance and protection of the SWP Buffer; provided, however, that such preservation plan shall not conflict with any requirements of or restrictions imposed by the United States Army Corps of Engineers or other governmental authority with jurisdiction.

11. Water Conservation. The owner(s) of the Property, the Residential Association, the Commercial Association and/or Separate Association(s) shall be responsible for developing and enforcing, as to the Property, water conservation standards to be submitted to and approved by James City Service Authority ("JCSA"). The standards shall address such water conservation measures as limitations on 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. Design features, including the use of drought tolerant grasses and plantings, a water conservation plan, and drought management plan shall be implemented to accomplish the limitation on use of public water and groundwater. The standards shall be submitted to and reviewed by the County Attorney for general consistency with this proffer and shall be approved by JCSA prior to final approval of the first site plan or subdivision plan for development of the Property or any portion thereof.

12. Nutrient Management. The Residential Association, the Commercial Association and/or Separate Association(s) 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 ("Nutrient Management Plans") for all common areas of such Association(s) within the Property. The Nutrient Management Plans for individual common areas shall be submitted to the County Environmental Director for his review and approval prior to the issuance of building permits for the "Residential Units" adjacent to such common area(s). Upon approval, such Association shall be responsible for ensuring that any nutrients applied to the common areas which are controlled by such Association be applied in accordance with the applicable Nutrient

Management Plan or any updates or amendments thereto as may be approved by the County Environmental Director. Within twelve (12) months after issuance of the Certificate of Occupancy for the final "Residential Unit" on the Property and every three (3) years thereafter, a nutrient management information seminar shall be conducted regarding the Property. Such seminars shall be designed to acquaint residents with the tools, methods, and procedures necessary to maintain healthy lawns and landscaping. -

13. Stormwater Management.

(a) A site plan for the that certain stormwater management facility shown as "BMP PARCEL # 1" on that certain plat entitled "PLAT OF SUBDIVISION SHOWING CENTER STREET, NEW TOWN AVENUE, BLOCK 5, AND COMMON AREA, (BMP PARCEL#1) PREPARED FOR NEW TOWN ASSOCIATES, LLC", dated December 11, 2003, prepared by AES Consulting Engineers, and recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and the County of James City, Virginia as Instrument Number 040009441, as the same may be amended from time to time, shall be submitted to the County prior to issuance of a land disturbance permit for development of the Property. Owner shall complete and have in service BMP Parcel # 1 in accordance with such site plan prior to issuance of any land disturbance permit for development on Section 8 of the Property.

(b) Commencing at the date of issuance of the first land disturbing permit for any area within the Property build out and continuing for a period of five (5) years after complete build-out of Sections 2, 4, 7, 8, and 9 of New Town, Owner or the Residential Association shall monitor that portion of that certain stream located on the Property starting at the outfall of that certain BMP # 1, shown on the Section 7 & 8 Master Plan separating Section 7 from Section 8, by annual inspections to be conducted by a third-party environmental monitoring service for the

purpose of evaluating channel stability. A copy of the report generated from each such annual inspection shall be provided to the County Environmental Director.

(c) Commencing at the date of issuance of the first land disturbing permit for any area within the Property and continuing for a period of five (5) years after complete build out of Sections 2, 4, 7, 8 and 9 of New Town, Owner or the Residential Association shall monitor water resources on the Property bi-annually for the purpose of conducting water quality sampling and testing for Total Suspended Solids ("TSS"), Total Phosphorus, Dissolved Oxygen, Temperature, Nitrate, Nitrite, pH and Biological/Benthic. Owner shall establish not more than five (5) monitoring stations within the Property and/or New Town in locations approved by the Environmental Director and provide reports based on data collected all pursuant to a water quality monitoring plan designed by Owner and subject to the approval of the James City County Environmental Director. Such water quality monitoring plan shall be submitted to the Environmental Director for review prior to final approval of the first site plan or subdivision plan for any development within the Property.

(d) If the water quality monitoring plan or stream channel stability monitoring described above reveal the need for remediation as determined by the Environmental Director, such remediation shall be the obligation of the Residential Association as referenced in paragraph 2 above. The remediation shall be described in a plan approved by the Environmental Director when warranted by findings of the aforesaid programs. Owner shall provide the funds described in paragraph 15(i) below to capitalize or partially capitalize such remediation plans as may be approved by the County Environmental Director, but shall have no further or other obligation to undertake or fund remediation proffered herein.

14. Community Character Corridor Buffer. Owner shall maintain a variable width undisturbed (except for supplemental plantings as provided herein) buffer (the "Community Character Corridor Buffer") with an average depth of one hundred ten (110) feet but not less than one hundred (100) feet from the existing public right of way for Virginia Route 199 along the western boundary line of the Property. Prior to final site plan or subdivision plan approval for development in Section 8 of the Property, Owner shall supplement the Community Character Corridor Buffer with native, evergreen trees and shrubs to be planted in the Community Character Corridor Buffer and/or the adjacent public right of way (as may be approved by the Virginia Department of Transportation) in accordance with a landscape plan (the "Landscape Plan") designed to enhance the visual buffer from vehicles traveling on Virginia Route 199 and development on Section 8 of the Property. The Landscape Plan shall be prepared by a landscape architect licensed in the Commonwealth of Virginia and submitted to the County Planning Director for review and approval.

15. Contribution for Public Facilities/Impacts.

(a) Recreation Facilities. A recreation facilities contribution shall be made to the County in the amount of One Hundred Nine Dollars (\$109), for each individual residential dwelling unit (individually, a "Residential Unit", and collectively, the "Residential Units") constructed on the Property (the "Per Unit Recreation Contribution"). The County shall make these monies available for development of recreational facilities, the need for which is deemed by the County to be generated in whole or in part by the development of the Property.

(b) Water Facilities. A water facilities contribution shall be made to the County in the amount of Eight Hundred Twenty Dollars (\$820), for each single-family attached and multi-family Residential Unit constructed on the Property and in the amount of One

Thousand Ninety-Three Dollars (\$1,093), for each single-family detached Residential Unit constructed on the Property (collectively, the “Per Unit Water Contribution”). The County shall make these monies available for development of water supply alternatives, the need for which is deemed by the County to be generated in whole or in part by the development of the Property.

(c) School Facilities. A school facilities contribution shall be made to the County in the amount of Four Thousand Eleven Dollars (\$4,011) per single-family detached Residential Unit constructed on the Property (the “Per Unit School Contribution”). The Per Unit School Contribution shall not apply to any single-family attached, multi-family, or any other type of Residential Units constructed on the Property. The County shall make these monies available for acquisition of school sites and/or construction of school facilities, the need for which is deemed by the County to be generated in whole or in part by the development of the Property.

(d) Library Facilities. A library facilities contribution shall be made to the County in the amount of Sixty-One Dollars (\$61) for each Residential Unit constructed on the Property (the “Per Unit Library Contribution”). The County shall make these monies available for the development of library space, the need for which is deemed by the County to be generated in whole or in part by the development of the Property.

(e) Fire/EMS Facilities. A fire/EMS facilities contribution shall be made to the County in the amount of Seventy-One Dollars (\$71) for each Residential Unit constructed on the Property (the “Per Unit Fire/EMS Contribution”). The County shall make these monies available for the acquisition of fire and rescue facilities and equipment, the need for which is deemed by the County to be generated in whole or in part by the development of the Property.

(f) Timing. The Per Unit Recreation Contribution, Per Unit Water Contribution, Per Unit School Contribution, Per Unit Library Contribution, and Per Unit Fire/EMS Contribution (collectively, the “Per Unit Contributions”) shall be payable for each of the Residential Units to be developed within the Property at the time of final site plan or subdivision plan approval for the particular Residential Unit or grouping of Residential Units or at such other time as may be approved by the County Planning Director.

(g) Per Unit Contributions Inapplicable to Certain Residential Units. Notwithstanding any other provision of these Proffers, none of the Per Unit Contributions shall be assessed for any Residential Unit with original proffered pricing at or below One Hundred Fifty-Four Thousand Dollars (\$154,000) or as such amount may be adjusted in accordance with paragraph 18 of these Proffers.

(h) Transportation Improvements. Prior to final site plan or subdivision plan approval for development of the Property or portion thereof, a transportation improvement contribution shall be made to the County in the amount of Twelve Thousand Seven Hundred Twenty-Eight and 00/100 Dollars (\$12,728). The County shall make these monies available for off-site road improvements in the Monticello Avenue corridor, the need for which is deemed by the County to be generated in whole or in part by the development of the Property.

(i) Remediation Funding. Prior to final site plan or subdivision plan approval for development within the Property, Owner shall establish an interest bearing capital reserve account in the amount of Sixty Thousand and 00/100 Dollars (\$60,000) in the name of the Residential Association for the purpose of funding water quality or stream channel remediation efforts on the Property. If the capital reserve funds have not been utilized by the New Town

Residential Home Owners Association within the monitoring period proffered in paragraphs 13(c) and (d) above, any remaining funds shall revert to the Owner or its assignee.

16. Private Streets. Any and all streets within Section 7 and 8 of the Property may be private. Pursuant to Section 24-528 of the Zoning Ordinance, private streets within the Property shall be maintained by the Residential Association, Commercial Association and/or a Separate Association, as applicable. The party responsible for construction of a private street shall deposit into a maintenance fund to be managed by the applicable Commercial Association, Residential Association, or Separate Association responsible for maintenance of such private street an amount equal to one hundred fifty percent (150%) of the amount of the maintenance fee that would be required for a similar public street as established by VDOT – Subdivision Street Requirements. The County shall be provided evidence of the deposit of such maintenance fee amount at the time of final site plan or subdivision plan approval by the County for the particular phase or section which includes the street to be designated as private.

17. Building Setback from Wetland and Other Areas. The Section 7 and 8 Master Plan identifies a “RPA Buffer” and a “Voluntary Wetland Buffer” (collectively, the “Buffer”) on the Property. Except in the area shown on the Section 7 & 8 Master Plan as “COMM”, no building or impervious cover shall be constructed or installed on the Property within fifteen (15) feet of the Buffer.

18. Marshall & Swift Index Adjustment. All cash contributions and pricing contained in these Proffers (collectively, the “Proffered Amounts”), to include but not be limited to housing sales prices and Per Unit Contributions, shall be adjusted annually beginning January 1, 2007 to reflect any increase or decrease for the preceding year in the Marshall and Swift Building Cost Index (the “MSI”). In no event shall the Proffered Amounts be adjusted to a sum less than the

amount initially established by these Proffers. The adjustment shall be made by multiplying the Proffered Amounts for the preceding year by a fraction, the numerator of which shall be the MSI as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the MSI as of December 1 in the preceding year. In the event a substantial change is made in the method of establishing the MSI, then the Proffered Amounts shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing the MSI. In the event that the MSI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the MSI (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 Proffered Amounts to approximate the rate of annual inflation in the County.

19. Disposition of Proffered Property and Payments. In the event payment of cash and dedication of real property are proffered pursuant to these Proffers and any of such property and cash payments are not used by the County or, with respect to real property, the Commonwealth of Virginia, for the purposes designated within twenty (20) years from the date of receipt by the County, the amounts and property not used shall be used at the discretion of the Board of Supervisors of the County for any other project in the County capital improvement plan, the need for which is deemed by the County to be generated in whole or in part by the development of the Property.

20. Successors and Assigns. This Proffer Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns. Any obligation(s) of Owner hereunder shall be binding upon and enforceable against any subsequent owner or owners of the Property or any portion thereof.

21. Severability. In the event that any clause, sentence, paragraph, subparagraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, subparagraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, subparagraph, section or provision hereof.

22. Headings. All paragraph and subparagraph headings of the Proffers herein are for convenience only and are not a part of these Proffers.

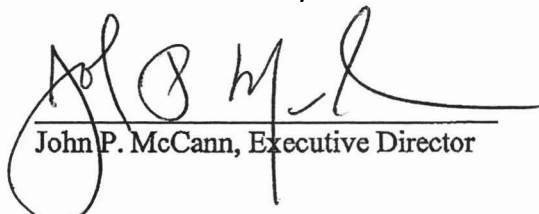
WITNESS the following signature, thereunto duly authorized:

[SIGNATURE LOCATED ON SUCCEEDING PAGE]

[SIGNATURE PAGE TO NEW TOWN SECTION 7 & 8 PROFFERS]

NEW TOWN ASSOCIATES, LLC

By:


John P. McCann, Executive Director

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF JAMES CITY, to wit:

The foregoing instrument was acknowledged before me this 29TH day of NOV., 2006 by John P. McCann as Executive Director of New Town Associates, LLC, a Virginia limited liability company, on its behalf.


NOTARY PUBLIC

My commission expires: 08/31/08

::ODMA\PCDOCS\DOCSWMB\6110004\13

EXHIBIT A

All those certain pieces, parcels, or tracts of land shown as “Section 7” and “Section 8” on that certain plan entitled “NEW TOWN SECTION 7 AND 8 MASTER PLAN BERKELEY DISTRICT JAMES CITY COUNTY, VIRGINIA”, dated August 25, 2006, revised October 13, 2006, prepared by AES Consulting Engineers, a copy of which is on file with the County Planning Director.

**SPECIAL USE PERMIT-28-06. VFW Post 8046 Meeting Facility
Staff Report for the December 12, 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:
Board of Supervisors:

Building F Board Room; County Government Complex

November 6, 2006, 7:00 p.m.
December 12, 2006, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. John Worley

Land Owner: Veterans of Foreign Wars Post 8046

Proposal: To replace their current meeting facility with a new building at their current location. Lodges, civic clubs, fraternal organizations or services clubs are specially permitted uses in the A-1, General Agricultural zoning district.

Location: 5343 Riverview Road

Tax Map/Parcel Nos.: (15-3)(1-31)

Parcel Size: 0.993 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

STAFF RECOMMENDATION

Staff believes that this proposal is generally consistent with the Comprehensive Land Use Map designation and is compatible with surrounding zoning and development. Staff believes that the proposed conditions will sufficiently mitigate the impacts created by the proposed development. Based on this information, staff recommends that the Board of Supervisors approve this application with the attached Special Use Permit (SUP) conditions.

Staff Contact: Matthew J. Smolnik Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

On November 6, 2006, the Planning Commission voted 7-0 to recommend approval of this application.

Proposed Changes Made After Planning Commission Consideration

None

PROJECT DESCRIPTION

VFW Post 8046 currently utilizes meeting facilities located at 5343 Riverview Road. Lodges, civic clubs, fraternal organizations or services clubs are specially permitted uses in the A-1, General Agricultural zoning district. The site consists of a grass yard with a few mature trees on the east side of the property, a one-story dwelling which currently serves as their meeting hall, a wood frame shed near the rear of the property and a trailer. There is no clearly defined parking lot on-site, which is currently served by two driveways off Riverview Road. The site is bordered by a few residences and wooded lots. The current meeting facility of approximately 900 square feet is outdated, and on behalf of Post 8046, the applicant proposes to remove the three existing structures on the property and construct a new 60-foot-by-60-foot building to be used by the Post and Ladies Auxiliary for monthly business meetings and occasional fellowship activities. There are approximately 80 members of Post 8046 with an additional 60 members in the women's auxiliary. Post 8046 holds its monthly business meeting on the third Monday of every month, with the meeting starting at 7:30 p.m. and lasting approximately three hours. The applicant has indicated that attendance at the monthly business meetings is typically between 12-15 total individuals. The Junior Girls Club meets on the fourth Sunday of every month for approximately one hour. In addition to the regular monthly business meetings and Junior Girls Club meetings, the Post occasionally hosts dinners, dances and other fellowship events throughout the year. The applicant has indicated to staff that the meeting facility for Post 8046 is a non-alcoholic and non-smoking place of gathering.

PUBLIC IMPACTS

Environmental

Watershed: York River Watershed

Staff Comments: Environmental staff has reviewed the application and believes all remaining issues can be resolved at the site plan stage. A land disturbing permit may be required and comments pertaining to stormwater management may be issued upon review of the improvement plans.

Public Utilities

This site is served by private well and septic systems.

Conditions: Staff is proposing a condition that the applicant shall receive full approval from the Health Department for septic tank and drainfield capacity prior to final site plan approval. (Condition # 6)

Staff Comments: The Health Department has reviewed the proposal and has no further comments at this time.

Transportation

Road Improvements: No road improvements are proposed for Riverview Road. There are currently no turn lanes or tapers and there are two existing entrances to the site from Riverview Road.

Conditions: Staff is proposing a condition to allow only one entrance onto Riverview Road. One of the existing entrances shall be permanently closed to vehicular traffic (Condition #7), which limits access points on Riverview Road.

VDOT Comments: VDOT has reviewed the proposal and believes that all issues can be worked out at the site plan stage of development.

Staff Comments: Staff believes the proposal will have minimal traffic impacts on Riverview Road. The Post 8046 meeting facility is currently in operation and staff has not received any traffic concerns on Riverview Road. Membership is relatively small and activities generally occur during off peak traffic hours.

COMPREHENSIVE PLAN

Land Use Map

Designation	Rural Lands (Page 119): Primary uses include agricultural and forestal activities, together with certain recreational, public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.
	Staff Comment: While this is considered an institutional use, staff does not believe that it fully meets the intent of this section. However, it is an existing small scale use that with the attached conditions will remain small in scale and be more consistent with the intent of the Comprehensive Plan. The proposed meeting facility will only be in use a few days every month and staff believes the surrounding residential dwellings will be minimally affected by the continued use of the property as a home to VFW Post 8046.
Rural Land Use Standards	Standard # 1 (page 135): Preserve the natural, wooded, and rural character of the County. Particular attention should be given to encouraging enhanced landscaping to screen developments located in open fields using a natural appearance or one that resembles traditional hedgerows and windbreak, minimizing the number of street and driveway intersections along the main road by providing common driveways and utilizing lighting only where necessary and in a manner that eliminates glare and brightness.
	Staff Comment: Through Special Use Conditions # 3, 7, and 9 staff believes any impacts created by the proposal will be mitigated through the use of specific lighting fixtures and limiting the time when the property can be illuminated, by limiting access points onto Riverview Road and by providing an enhanced landscape buffer between the building/parking and road.
Goals, strategies and actions	<i>Strategy #2-Page 138:</i> Ensure development is compatible in scale, size, and location to surrounding existing and planned development. Protect uses of different intensities through buffers, access control, and other methods.
	Staff Comment: Through Special Use Conditions # 2, 7, and 9 staff believes the use will be compatible with the size and scale of surrounding development and any impacts created by the proposal will be mitigated through the use of architectural and color review and approval by the Planning Director, by limiting access points onto Riverview Road and by providing enhanced landscape buffers.

RECOMMENDATION

Staff believes that this proposal is generally consistent with the Comprehensive Land Use Map designation and is compatible with surrounding zoning and development. Staff believes that the proposed conditions will sufficiently mitigate the impacts created by the proposed development. Based on this information, staff recommends that the Board of Supervisors approve this application with the attached SUP conditions.

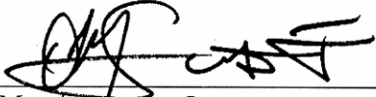
1. This SUP shall be valid for the construction of a 3,800-square-foot meeting facility and accessory uses thereto as shown on the Master Plan titled “VFW Post 8046 Meeting Facility” dated September 25, 2006. Development of the site shall be generally in accordance with the above-referenced master plan as determined by the Development Review Committee (DRC) of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development.
2. Prior to final site plan approval, architectural elevations, building materials and colors shall be submitted to the Planning Director for review and approval for general consistency with the building schematics and color charts submitted to the County and dated stamped October 23, 2006.
3. Should new exterior site or building lighting be installed for the new Post 8046 meeting facility, such fixtures shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source are not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 15 feet in height. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines. When the meeting

facility is not in use, all lights are to remain off except for one security light.

4. If construction has not commenced on this project within 36 months from the issuance of a SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
5. Freestanding signage shall be limited to one monument style sign. For purposes of this condition, a "monument" style sign shall be defined as a freestanding sign with a completely enclosed base not to exceed 16 square feet in size and not to exceed six feet in height from grade.
6. The applicant shall receive full approval from the Health Department for septic tank and drainfield capacity prior to final site plan approval.
7. Only one entrance shall be allowed onto Riverview Road (Route 606).
8. All parking shall be located at least 50 feet from Riverview Road and no closer than 20 feet from all side and rear property lines. The amount of parking and design and location of the parking lot shall be approved by the Planning Director.
9. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval to effectively screen the parking and meeting facility from Riverview Road. This shall include a 50-foot landscape buffer along Riverview Road and a 20-foot landscape buffer along both side property lines. The owner shall provide enhanced landscaping so that the required size of plants and trees equals, at a minimum, 125 percent of the requirements of the James City County Landscape Ordinance in the buffers mentioned above.
10. All existing structures shall be removed from the property prior to final site plan approval for the proposed meeting facility.
11. This SUP is not severable. Invalidity of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Matthew J. Smolnik

CONCUR:



O. Marvin Sowers, Jr.

MJS/nb
Sup_28_06

ATTACHMENTS:

1. Unapproved minutes from the November 6, 2006, Planning Commission meeting
2. Location Map
3. Master Plan
4. Building Schematic and Color Chart
5. Resolution

RESOLUTION

CASE NO. SUP-28-06: VFW POST 8046 MEETING FACILITY

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, the applicant has proposed to construct a 3,600-square-foot meeting facility for VFW Post 8046; and

WHEREAS, the property is currently zoned A-1, General Agriculture, and is designated Rural Lands on the 2003 Comprehensive Plan Land Use Map; and

WHEREAS, the property is located at 5343 Riverview Road on property more specifically identified as Parcel Number (1-31) on the James City County Real Estate Tax Map No. (15-3); and

WHEREAS, on November 6, 2006, the Planning Commission recommended approval of the application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, following a public hearing, does hereby approve the issuance of SUP-28-06 as described herein with the following conditions:

1. This SUP shall be valid for the construction of a 3,800-square-foot meeting facility and accessory uses thereto as shown on the Master Plan titled "VFW Post 8046 Meeting Facility" dated September 25, 2006. Development of the site shall be generally in accordance with the above-referenced master plan as determined by the Development Review Committee (DRC) of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development.
2. Prior to final site plan approval, architectural elevations, building materials and colors shall be submitted to the Planning Director for review and approval for general consistency with the building schematics and color charts submitted to the County and date stamped October 23, 2006.
3. Should new exterior site or building lighting be installed for the new Post 8046 meeting facility, such fixtures shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source are not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 15 feet in height. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines. When the meeting facility is not in use, all lights are to remain off except for one security light.

4. If construction has not commenced on this project within 36 months from the issuance of a SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
5. Freestanding signage shall be limited to one monument style sign. For purposes of this condition, a "monument" style sign shall be defined as a freestanding sign with a completely enclosed base not to exceed 16 square feet in size and not to exceed six feet in height from grade.
6. The applicant shall receive full approval from the Health Department for septic tank and drainfield capacity prior to final site plan approval.
7. Only one entrance shall be allowed onto Riverview Road (Route 606).
8. All parking shall be located at least 50-feet from Riverview Road and no closer than 20-feet from all side and rear property lines. The amount of parking and design and location of the parking lot shall be approved by the Planning Director.
9. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval to effectively screen the parking and meeting facility from Riverview Road. This shall include a 50-foot landscape buffer along Riverview Road and a 20-foot landscape buffer along both side property lines. The owner shall provide enhanced landscaping so that the required size of plants and trees equals, at a minimum, 125 percent of the requirements of the James City County Landscape Ordinance in the buffers mentioned above.
10. All existing structures shall be removed from the property prior to final site plan approval for the proposed meeting facility.
11. 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 12th day of December 2006.

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**UNAPPROVED MINUTES OF THE NOVEMBER 6, 2006 MEETING
OF THE PLANNING COMMISSION**

SUP-28-06 VFW Post 8046

Mr. Matthew Smolnik presented the staff report stating that Mr. John Worley has applied for a Special Use Permit on the parcel located at 5343 Riverview Road, which is currently zoned A-1, General Agricultural in order to construct a new meeting facility for VFW Post 8046. The property is also known as parcel (1-31) on the JCC Tax Map (15-3). Mr. Worley has filed the Special Use Permit application because the proposal is permitted by special use permit only in this zoning district. The site is designated as Rural Lands by the James City County Comprehensive Plan. Appropriate primary uses include agricultural and forestal activities, together with certain recreational, public or semi-public and institutional uses that are compatible with the natural and rural surroundings.

Mr. Kennedy recused himself stating his membership in the VFW.

Mr. Fraley opened the public hearing.

Ms. Peggy Boarman stated that the building had been purchased 30 years ago. She stated that the expansion was needed in order to increase membership and avoid the constant need for repairs.

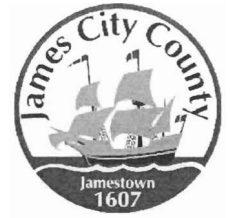
Mr. Hunt motioned for approval.

Ms. Jones seconded the motion.

In a unanimous roll call vote the application was recommended for approval (7-0). Billups, Hunt, Obadal, Jones, Fraley, Hughes (6); NAY: (0). (Kennedy abstained).

JCC-SUP-28-06

VFW Post 8046 Meeting Facility



Riverview Road

Site



110 55 0 110 220 330 Feet

VFW Post 8046 Meeting Facility

Project Address: 5343 Riverview Road

Tax Map: 1530100031

Zoning: A-1, General Agricultural

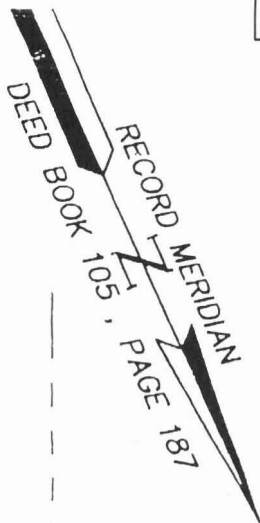
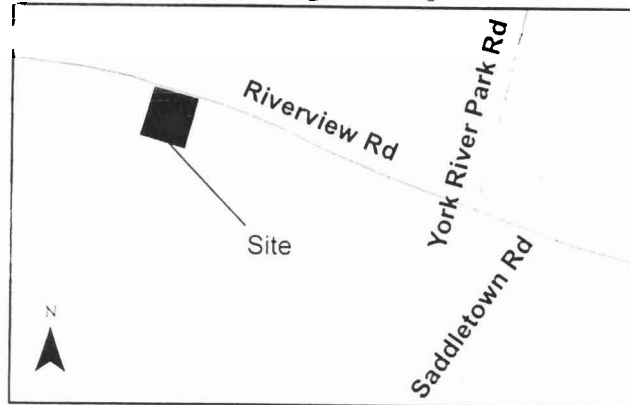
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Date: September 25, 2006

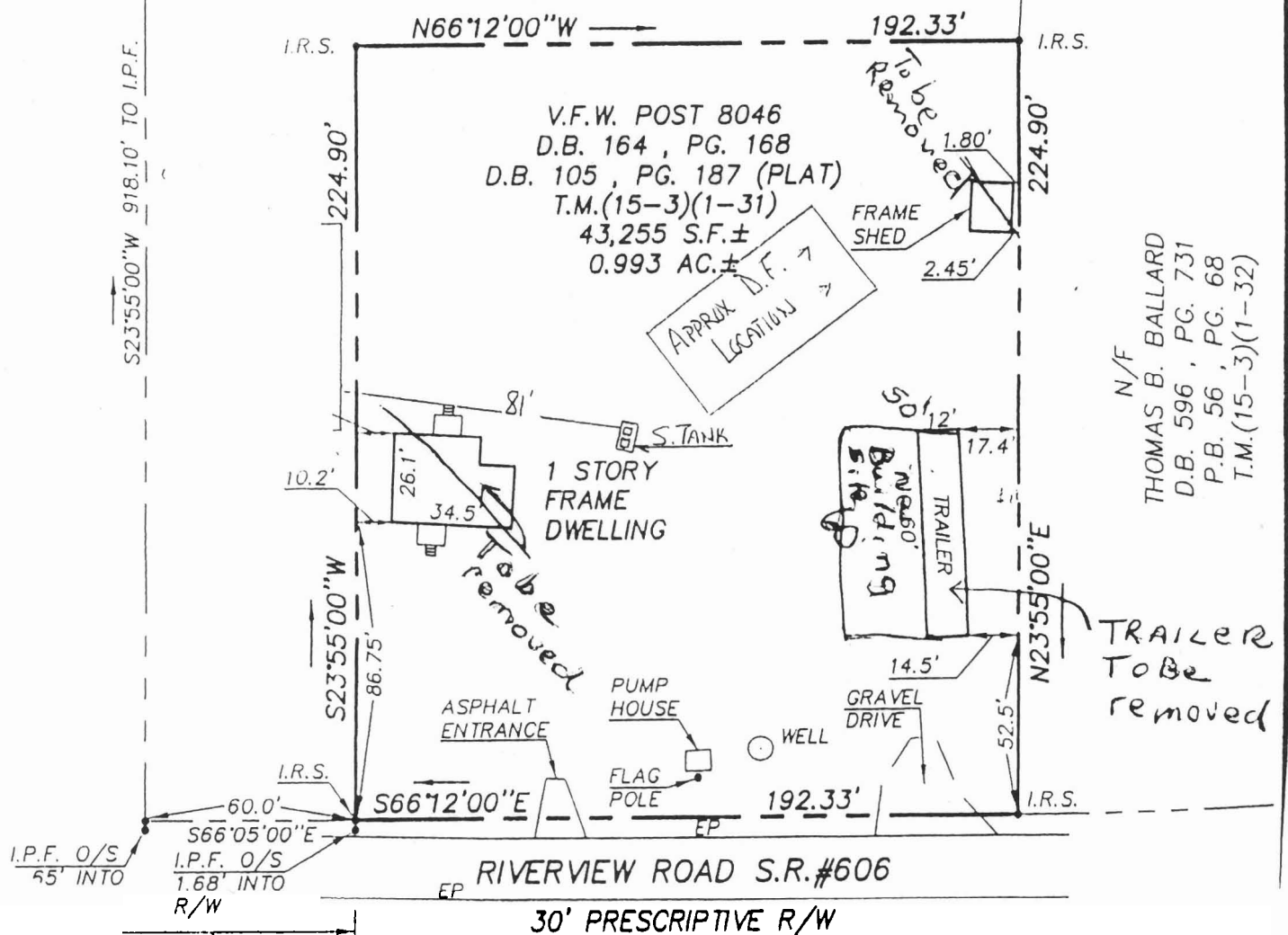


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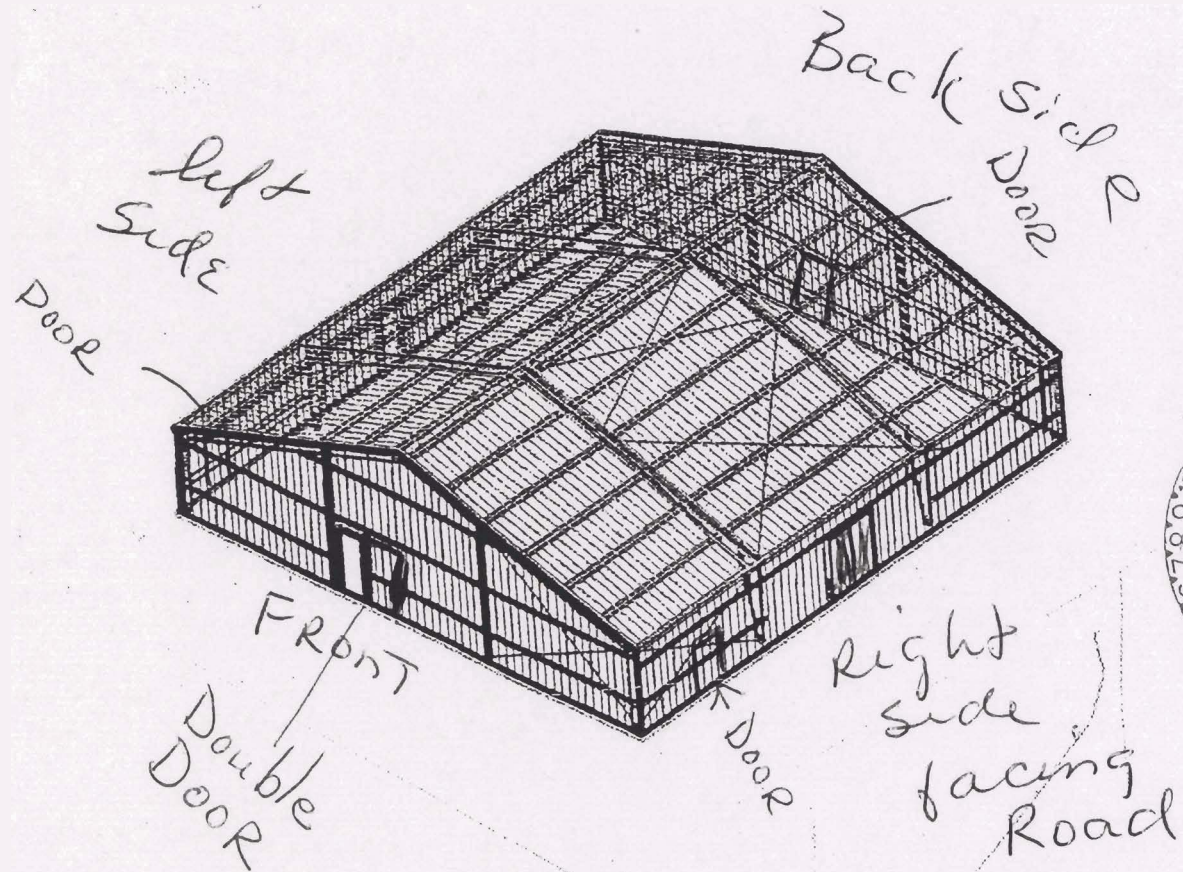
Vicinity Map



N/F
THOMAS B. BALLARD
D.B. 104 , PG. 463
P.B. 23 , PG. 18
T.M.(15-3)(1-35A)



1,520'± TO C/L INTX.
YORK RIVER PARK ROAD
STATE ROUTE #696





BUILDINGS

Star Building Systems
8600 South I-35
Oklahoma City, OK 73149

800-879-STAR (7827)
FAX 405-636-2419

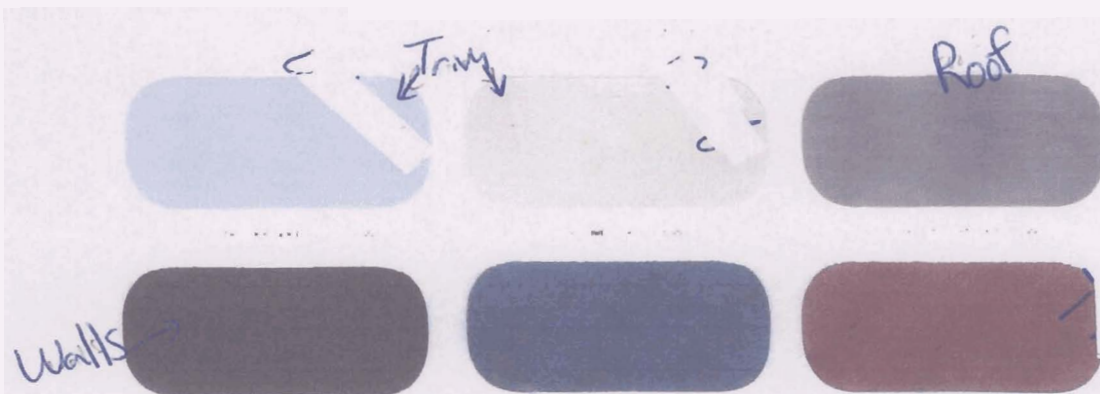
www.StarBuildings.com

COLOR SELECTION CHART

Signature 200



Signature 300



Final selection should be made from actual color chips.

MEMORANDUM

DATE: December 12, 2006

TO: The Board of Supervisors

FROM: John T. P. Horne, Manager, Development Management
John E. McDonald, Manager of Financial and Management Services

SUBJECT: Budget Amendment and Appropriation – Jamestown Campground/Yacht Basin

Some time in the next 60 days, closing will take place on the County's acquisition of the Jamestown Campground and Yacht Basin properties and it is necessary to amend the budget and appropriate funds to allow the payment of \$9.6 million to the property owner. It is also a convenient time to amend the budget to appropriate \$6.5 million as the first phase of the \$20 million in general obligation borrowing approved in a November 2005 voter referendum. The \$20 million referendum was approved for the acquisition of development rights and/or greenspace in the County.

The \$9.6 million needed to close on the property will be funded from sources that can be readily identified both as to the amount of money available and the expectation that the funds will exist or will be reimbursed shortly thereafter. As such, funding for the amount needed for closing is as follows:

General Obligation Bond Proceeds	\$6,500,000
N.O.A.A. Grant Funds FY 2006	1,871,687
Virginia Land Conservation Foundation	<u>750,000</u>
	\$9,121,687
Current Greenspace Budget Balance	<u>478,313</u>
	<u>\$9,600,000</u>

Funds from other sources are expected, but the timing and the total funding are not now easily determined so the Board is not being asked to appropriate them at this time. When these funds are received, the Board will be asked to appropriate them to the County's Greenspace and/or Purchase of Development Rights (PDR) accounts. This money may come from the following sources:

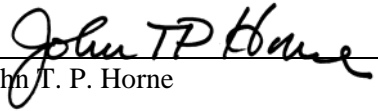
Jamestown-Yorktown Foundation – not to exceed	\$3,000,000
Virginia Department of Transportation – not to exceed	2,500,000
N.O.A.A. Grant Funds FY 2007	1,200,000
Dominion Foundation - Trust for Public Lands	<u>250,000</u>
	<u>\$6,950,000</u>

The attached resolution amends the FY 2007 Capital Budget and appropriates \$9,121,687 as shown above to Greenspace. Further, it establishes the intent of the Board to appropriate any additional donations, grants, or reimbursements for this property to Greenspace and/or the PDR program. Staff recommends approval.

Budget Amendment and Appropriation – Jamestown Campground/Yacht Basin

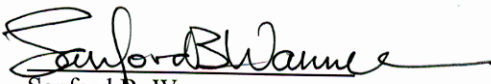
December 12, 2006

Page 2


John T. P. Horne

John E. McDonald

CONCUR:


Sanford B. Wanner

JTPH/JEM/gb
CampBasin_Bud.mem

Attachment

RESOLUTION

BUDGET AMENDMENT AND APPROPRIATION –

JAMESTOWN CAMPGROUND/YACHT BASIN

WHEREAS, the Board of Supervisors of James City County has entered into a contract to acquire property commonly known as the Jamestown Campground and Yacht Basin; and

WHEREAS, the County has previously paid \$2,900,000 as a down payment on this property and the remaining funds are now due; and

WHEREAS, the Board has previously authorized the sale of \$6,500,000 in bonds, approved by voters in November 2005, to finance the acquisition of property rights and/or greenspace and has, through annual budget appropriations, previously provided funds for both; and

WHEREAS, a balance of \$9,600,000 shall be needed at closing to acquire the property and current appropriations are not sufficient; and

WHEREAS, a public hearing has been held on the budget amendment and appropriation of additional revenue.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes an amendment to the FY 2007 Capital Budget and appropriates the following to the County's Greenspace account:

General Obligation Bond Proceeds	\$6,500,000
N.O.A.A. Grant Funds FY 2006	1,871,687
Virginia Land Conservation Foundation	<u>750,000</u>
	<u>\$9,121,687</u>

BE IT FURTHER RESOLVED that it is the intent of the Board of Supervisors that any additional funds provided for the acquisition of this property, whether through donations, grants, or the proceeds from the sale of any portion of the real property, be appropriated for the purposes of acquiring Greenspace and/or for the Purchase of Development Rights (PDR) program.

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 12th day of
December, 2006.

CampBasin_Bud.res

MEMORANDUM

DATE: December 12, 2006

TO: The Board of Supervisors

FROM: Steven W. Hicks, General Services Manager

SUBJECT: Appropriation of \$14,839,312 to Design, Engineer, and Acquire Rights-of-Way for the Relocation of Route 60 East

The Department of General Services requests an appropriation of \$14,839,312 to design, engineer, and acquire the rights-of-way necessary to relocate Route 60 East. These funds are reimbursable by the Virginia Department of Transportation (VDOT).

On September 29, 2006, the County/State Administration Agreement was executed to locally administer the Route 60 East Relocation Project financed by VDOT. This project, located in the Roberts District and the Lee Hall areas of James City County and Newport News, has been a top priority of James City County for more than ten years. The project will provide for two lanes of travel in each direction, separated by a raised median, with curb and gutter, and sidewalks on both sides. These improvements will make the road safer for residents and more convenient for businesses located in that area. The VDOT cost estimate to design and construct the Federally- and State-funded project is \$48 million.

To move forward with administering the Route 60 East project, staff requests that the Board appropriate \$14,839,312 at this time to allow the award of contracts to begin the project design, engineering, and rights-of-way acquisition phase of the project. These funds are eligible for reimbursement to James City County.

FY2007 SPECIAL PROJECTS/GRANTS FUND

Revenues:

Federal RSTP Funds – Route 60 East	\$ 11,871,449
VDOT Match – Route 60 East	\$ 2,967,863
Total:	<u>\$ 14,839,312</u>


Expenditure:

Realignment of Route 60 East	<u>\$ 14,839,312</u>
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Staff recommends approval of the attached resolution.


Steven W. Hicks

CONCUR:


Sanford B. Wanner

SWH/cec
Rt60RelocFunds.mem

Attachment

RESOLUTION

APPROPRIATION OF \$14,839,312 TO DESIGN, ENGINEER, AND ACQUIRE

RIGHTS-OF-WAY FOR THE RELOCATION OF ROUTE 60 EAST

WHEREAS, on September 29, 2006, the County/State Administration Agreement was executed to locally administer the Route 60 East project financed by the Virginia Department of Transportation (VDOT); and

WHEREAS, the appropriation of these funds will allow the award of contracts for the Route 60 East project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the previously adopted capital budget for the fiscal year ending June 30, 2007, and appropriates the following sum in the amount and for the purpose indicated:

FY2007 SPECIAL PROJECTS/GRANT FUND

Revenues:

Federal RSTP Funds – Route 60 East	\$ 11,871,449
VDOT Match Funds – Route 60 East	<u>2,967,863</u>
Total:	<u>\$ 14,839,312</u>

Expenditure:

Realignment of Route 60 East	<u>\$ 14,839,312</u>
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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 12th day of December, 2006.

Rt60RelocFunds.res

M E M O R A N D U M

DATE: December 12, 2006

TO: The Board of Supervisors

FROM: William C. Porter, Jr., Assistant County Administrator

SUBJECT: An Ordinance to Amend and Reordain Chapter 11, Health and Sanitation, of the Code of the County of James City, Virginia, by Adding Article VIII. Debris Management Following a Disaster, Section 11-72, Purpose of Article; Section 11-73, Definitions; and Section 11-74, Debris Removal on Locally Maintained Roads

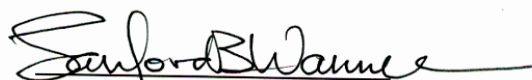
The Board requested staff to prepare an ordinance that permitted the removal of debris from private residential subdivision streets following Federal/State/County declared natural or man-made disaster. The attached ordinance is written based on current Federal Emergency Management Agency (FEMA) guidelines for reimbursement. The ordinance:

- Permits the County to remove and dispose of debris from private streets/roads that serve more than five homes where there is a memorandum of understanding between the private road owner(s) and the County.
- Permits the County to remove and dispose of debris from public roads where there is a memorandum of agreement in place with the Virginia Department of Transportation (VDOT) resident administrator and the County.
- Meets FEMA and State requirements for reimbursement for debris pick-up and disposal.

Staff recommends adoption of the attached Ordinance.

William C. Porter, Jr.

CONCUR:



Sanford B. Wanner

WCP/nb
Chap11Ord.mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY ADDING ARTICLE VIII, DEBRIS MANAGEMENT FOLLOWING A DISASTER, SECTION 11-72, PURPOSE OF ARTICLE; 11-73, DEFINITIONS; AND SECTION 11-74, DEBRIS REMOVAL ON LOCALLY MAINTAINED ROADS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 11, Health and Sanitation, is hereby amended and reordained by adding Article VIII, Debris Management Following a Disaster, Section 11-72, Purpose of article; Section 11-73, Definitions; and Section 11-74. Debris removal on locally maintained roads.

Article VIII. Debris Management Following a Disaster

Section 11-72. Purpose of article.

The removal of debris from local roads following an emergency is necessary to eliminate or lessen an immediate threat to life, public health and safety and to eliminate immediate threats of significant damage to improved property.

Section 11-73. Definitions.

For the purposes of this article, the following words or phrases shall have the meanings respectively ascribed to them by this section.

Debris removal. The clearance of disaster-related material from public or private rights-of-way.

Emergency. Any natural or man-made disaster or other emergency for which a local, state or federal declaration of emergency is declared.

Local roads. Private roads which serve more than five homes where the underlying owner has entered into a memorandum of understanding with the county and public roads designated in a memorandum of agreement with the VDOT resident administrator.

Memorandum of understanding. An agreement between the county and the owner of a privately-owned road or the VDOT resident administrator for publicly owned roads in a form approved by the county attorney and executed by the county administrator.

Section 11-74. Debris removal on locally maintained roads.

Pursuant to the County's duty to protect the health and safety of its citizens and through its police power authority, the county, its contractors, agents, employees or assigns shall be responsible for the removal and disposal of debris from local roads in the event of an emergency. The county director of emergency management shall assume responsibility for implementing and overseeing the removal and disposal of debris on local roads.

State law references - Code of Va., §§ 15.2-1200; 15.2-1201; 44-146.21.

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 12th day of December,
2006.

DebrisMgmt.ord

MEMORANDUM

DATE: December 12, 2006

TO: The Board of Supervisors

FROM: M. Ann Davis, Treasurer
Richard Bradshaw, Commissioner of the Revenue

SUBJECT: Ordinance Amendments – Motor Vehicle Decals

The attached amendments to the James City County Code eliminate the requirement for a James City County motor vehicle decal, effective July 1, 2007. The ordinance retains a \$10 one-time vehicle registration fee which, if not collected initially from the owner of the vehicle, will be billed with the first personal property tax bill.

We recommend the approval of the attached ordinance amendments.

M. Ann Davis

CONCUR:

Richard Bradshaw

MAD/RB/nb
MtrVhcleDclsOrd.mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, PERSONAL PROPERTY TAX, BY ADDING SECTION 20-13.9, MOTOR VEHICLE, TRAILER, AND SEMITRAILER REGISTRATION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by adding Section 20-13-9, Motor vehicles, trailer, and semitrailer registration.

Chapter 20. Taxation

Article III. Personal Property Tax

Section 20-13.9. Motor Vehicle, trailer, and semitrailer registration.

(a) A one-time \$10.00 registration fee is hereby imposed upon every motor vehicle, trailer, or semitrailer normally garaged, stored or parked in the county. The fee shall be collected as taxes are collected.

(b) For the purposes of this section, “motor vehicle, trailer and semitrailer” shall be defined in accordance with section 46.2-100 of the Code of Virginia. In the event it cannot be determined where such motor vehicle, trailer or semitrailer is normally garaged, stored or parked, the situs for purposes of the registration fee requirement shall be the domicile of the owner of such motor vehicle, trailer, or semitrailer.

(c) *The provisions of this section shall not apply to the following:*

- (1) *Any vehicle exempted by the provisions of Code of Virginia, §§ 46.2-663--46.2-683, as amended, and Code of Virginia, § 46.2-755, as amended; or*
- (2) *Any vehicle licensed pursuant to Code of Virginia, § 46.2-750, as amended; or,*
- (3) *Any vehicle otherwise exempted by state law.*

State law reference-*Authority of county to license motor vehicles, etc., and provisions relating thereto, Code of Va., §§ 46.2-752, 46.2-755.*

This ordinance shall become effective July 1, 2007.

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 12th day of December, 2006.

ord20-13_9.ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, STOPPING, STANDING, AND PARKING, SECTION 13-40.4, PARKING WITHOUT A VALID LICENSE PLATE DECAL OR MOTOR VEHICLE DECAL; AND SECTION 13-40.5, ISSUANCE OF CITATION; AMOUNT AND PRE-PAYMENT OF FINES; PROTEST; BY DELETING ARTICLE IV, VEHICLE DECALS, SECTION 13-53, DECAL REQUIRED; SECTION 13-54, EXEMPTIONS; SECTION 13-55, DECAL PERIOD; SECTION 13-56, DECAL PROCUREMENT; SECTION 13-57, MOTOR VEHICLE RETURNS; SECTION 13-58, PAYMENT OF PERSONAL PROPERTY TAXES PREREQUISITE TO ISSUANCE OF DECAL; SECTION 13-59, APPLICATION; WHEN DECAL AVAILABLE FOR SALE; SECTION 13-60, PAYMENT OF FEE AND ISSUANCE OF DECAL GENERALLY; SECTION 13-61, REQUIRED DISPLAY OF DECAL; SECTION 13-62, PRESUMPTION ARISING FROM ABSENCE OF COUNTY DECAL; SECTION 13-63, DISPLAY OF EXPIRED DECAL; SECTION 13-64, DUPLICATE OR SUBSTITUTE DECALS; SECTION 13-65, TRANSFER OF DECAL TO ANOTHER VEHICLE; SECTION 13-66, REMOVAL OF DECAL UPON SALE OF VEHICLE; AND SECTION 13-67, VIOLATIONS AND PENALTIES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by amending Section 13-40.4, Parking without a valid license plate decal; Section 13-40.5, Issuance of citation; amount and pre-payment of fines; protest; by deleting Article IV, Vehicle Decals.

Chapter 13. Motor Vehicles and Traffic

Article III. Stopping, Standing, and Parking

Section 13-40.4. Parking without a valid license plate decal ~~or motor vehicle decal.~~

(a) It shall be unlawful for any owner of a vehicle required to have a license plate decal to park his or her vehicle (including motorcycles, motor-bikes and minibikes), trailer or semitrailer on any highway which is part of the state secondary system of highways within James City County without having obtained a valid license plate decal which is displayed on such vehicle (including motorcycles, motorbikes and minibikes), trailer or semitrailer.

~~(b) It shall be unlawful for any owner of a motor vehicle, trailer, or semitrailer required to have a county motor vehicle decal pursuant to section 13-53 to park his or her motor vehicle, trailer, or semitrailer on any of the streets, alleys, lanes, public places of the county, or parking lots that are open to the public within the county, without a valid county motor vehicle decal attached thereto.~~

~~(c) It shall be unlawful for any owner of a motor vehicle, trailer, or semitrailer from another locality to park his or her motor vehicle, trailer, or semitrailer on any of the streets, alleys, lanes, public places of the county, or parking lots that are open to the public within the county, without a valid local motor vehicle decal attached thereto, provided that the owner is required by a jurisdiction that is a party to a compact with James City County for the regional enforcement of local motor vehicle license requirements to obtain a local motor vehicle decal or local motor vehicle license.~~

Section 13-40.5. Issuance of citation; amount and pre-payment of fines; protest.

(a) Any law enforcement officer of James City County may issue a citation charging a person parking in violation of this article, or if such person is not known, then the registered owner of the motor vehicle parked in violation of this article. Such citations may be posted on the windshield or other conspicuous place of each vehicle found illegally parked.

(b) Except as otherwise noted in this article, violation of any provision of this article shall be a traffic infraction punishable by a fine according to the following schedule:

Type of violation:	Fine paid within 5 days of violation:	Fine paid more than 5 days after violation:
Sec. 13-40.1 (handicapped parking)	\$100	\$200
Sec. 13-40.3 (fire lanes/near fire hydrants)	\$50	\$100
Sec. 13-40.4 (b) or (c) (no valid motor vehicle decal)	\$25	\$50
Other violations of this Article	\$10	\$20

(c) Fines assessed pursuant to this article that are paid before the issuance of a summons pursuant to section 13-40.6 shall be collected and accounted for by the county treasurer.

(d) Every person charged with a violation of any provision of this Article or of any parking provision of this chapter may, before the issuance of a summons pursuant to section 13-40.6, elect to contest the charge by filing a written protest and a copy of the relevant traffic citation with the county treasurer. Such protest shall identify the charge by traffic citation number and date of issue and shall be signed by the party charged. All parking citations contested pursuant to this section shall be certified in writing, upon an appropriate form, to the clerk of the general district court for the county by the county treasurer. The clerk shall thereupon establish a hearing date and give written notification of the date and time of the hearing to the protestor, the county treasurer, and the law enforcement officer who issued the citation. If the general district court finds the protestor guilty, the fine imposed shall be as specified herein as applicable to payment made more than five days after the date of the violation, and the protestor shall pay all court costs resulting from the proceeding.

(e) Whenever a reply mail envelope is used for transmitting cash, check, draft or money order by mail to the county treasurer's office pursuant to the provisions of this section, the responsibility for receipt of the cash, check, draft or money order by the treasurer shall be that of the registered owner of the vehicle on which the citation was placed.

~~Article IV. Vehicle Decals~~

~~Section 13-53. Decal required.~~

~~(a) Every person owning a motor vehicle, trailer or semitrailer normally garaged, stored or parked in the county shall procure a multi-year county motor vehicle decal.~~

~~In the event it cannot be determined where such motor vehicle, trailer or semitrailer is normally garaged, stored or parked, the situs for the motor vehicle decal or license requirement shall be the domicile of the owner of such motor vehicle. For the purposes of this article, "motor vehicle, trailer and semitrailer" shall be defined in accordance with section 46.2-100 of the Code of Virginia.~~

~~(b) The following shall be the duty of persons taking residence in the county:~~

~~(1) A nonresident or nondomiciled owner of a motor vehicle, trailer or semitrailer shall, upon taking residence or becoming domiciled in the county, procure a county motor vehicle decal within 30 days.~~

~~(2) Owners moving to the county from elsewhere in the state where a local decal or license was required, who at the time of moving to the county had obtained a local decal or license from that jurisdiction for the current year, shall obtain a current county motor vehicle decal and display it in accordance with the provisions of this article. Upon proof of purchase of a current motor vehicle decal or license from such other jurisdiction, the office of the county treasurer shall provide those newly moving into the county, upon presentation of proof of registration with the commissioner of the revenue and payment of a \$10.00 registration fee, with a county motor vehicle decal. Upon expiration of the aforesaid local decal or license from another jurisdiction, and in all successive years in which the owner remains a resident of or domiciled in James City County, unless otherwise excepted, a current county motor vehicle decal shall be procured in accordance with the provisions of this article.~~

- ~~(c) Every purchaser of a new or used motor vehicle, trailer or semitrailer which will be normally garaged, stored or parked in the county shall have 30 days from the date of purchase to procure a county motor vehicle decal.~~
- ~~(d) It shall be unlawful for any owner or operator of a motor vehicle, trailer, semitrailer, or motorcycle who is required by law by another locality to obtain and display on the owner's or operator's motor vehicle, trailer, semitrailer, or motorcycle a valid decal issued by such locality to drive or park such motor vehicle, trailer, semitrailer, or motorcycle on any highway in the county unless a current decal from such other locality is displayed thereon. This subsection shall only be applicable if such other locality is a party to a compact with the county pursuant to § 46.2-752(K), Code of Virginia, as amended, for the regional enforcement of licensing requirements.~~

~~**State law reference**—Authority of county to license motor vehicles, etc., and provisions relating thereto, Code of Va., §§ 46.2-752, 46.2-755.~~

Section 13-54. Exemptions.

~~(a) The county shall not require a county motor vehicle decal for any motor vehicle, trailer or semitrailer when:~~

- ~~(1) A similar tax or license fee is imposed by the county, city or town wherein such motor vehicle, trailer or semitrailer is normally garaged, stored or parked;~~
- ~~(2) The motor vehicle, trailer or semitrailer is owned by a nonresident of the county and is used exclusively for pleasure or personal transportation and not for hire or for the conduct of any business or occupation other than that set forth in paragraph (3) of this subsection;~~
- ~~(3) The motor vehicle, trailer or semitrailer is owned by a nonresident and is used for transporting into and within the county for sale in person or by his employees of wood, meats, poultry, fruits, flowers, vegetables, milk, butter, cream or eggs produced or grown by him, and not purchased by him for sale;~~
- ~~(4) The motor vehicle, trailer or semitrailer is owned by an officer or employee of the Commonwealth of Virginia who is a nonresident of the county and who uses the vehicle in the performance of his duties for the Commonwealth under an agreement for such use;~~
- ~~(5) The motor vehicle, trailer or semitrailer is kept by a dealer or manufacturer for sale or for sales demonstration;~~
- ~~(6) The motor vehicle, trailer or semitrailer is operated by a common carrier of persons or property operating between cities and towns in this Commonwealth and not in intracity transportation or between cities and towns on the one hand and points and places without cities and towns on the other and not in intracity transportation;~~
- ~~(7) The motor vehicle, trailer or semitrailer is owned by a governmental agency and operated solely within such governmental agency's business.~~

~~(b) Upon payment of the \$10.00 registration fee, the county shall provide a motor vehicle decal for any one motor vehicle owned and used personally by any veteran who holds a current state motor vehicle registration card establishing that he has received a disabled veteran's exemption from the Department of~~

~~Motor Vehicles and has been issued a disabled veteran's motor vehicle license plate as prescribed in section 46.2-739 of the Code of Virginia.~~

~~(c) The county shall not require a county motor vehicle decal for any daily rental passenger car, the rental of which is subject to the tax imposed by section 58.1-2402(A)(4) of the Code of Virginia.~~

~~(d) Every nondomiciliary member of the armed forces residing in this county in compliance with military or naval orders shall be entitled to receive a county motor vehicle decal; provided, however, that all such military and naval personnel shall register the motor vehicle with the commissioner of the revenue and pay the \$10.00 registration fee.~~

~~Section 13-55. Decal period.~~

~~The multi year decal period shall commence on January 1, 2003, and shall terminate on December 31, 2007, unless otherwise extended by the board of supervisors.~~

~~Section 13-56. Decal procurement.~~

~~On or before February fifteenth of 2003, unless subject to a 30 day grace period otherwise provided in this article, the owner of each motor vehicle, trailer or semitrailer required by this article to procure a county motor vehicle decal shall procure such decal from the county treasurer.~~

~~Section 13-57. Motor vehicle returns.~~

~~(a) Notwithstanding the filing requirement set out in this article, the most recent personal property tax return filed prior to January 1, 1996, or any return filed thereafter shall be the basis for the assessment of a motor vehicle in all subsequent years in which the commissioner of the revenue has not been informed of a change in the address or name of the motor vehicle owner or of a change in the situs or ownership of the vehicle.~~

~~(b) Motor vehicle owners shall file a new personal property tax return on or before February 15 of any tax year for which there is:~~

~~(1) A change in the name or address of the person or persons owning the vehicle;~~

~~(2) A change in the situs of the vehicle; or~~

~~(3) Any other change affecting the personal property tax assessment of a vehicle for which a tax return was previously filed.~~

~~(c) All motor vehicle owners shall file a personal property tax return with the commissioner of the revenue whenever a personal property tax return has not been previously filed with the county.~~

~~**State law reference** Similar provisions, Code of Va. § 58.1-3518.1.~~

~~Section 13-58. Payment of personal property taxes prerequisite to issuance of decal.~~

~~No motor vehicle, trailer or semitrailer taxable under the provisions of this article shall be issued a decal by the county unless and until the applicant for such decal shall have produced satisfactory evidence that all personal property taxes have been paid which have been properly assessed or are assessable against the applicant by the county.~~

~~Section 13-59. Application; when decal available for sale.~~

~~(a) Application for a motor vehicle registration shall be made at the office of the county commissioner of the revenue or at any other location designated by him, on forms provided for the name and address of the applicant and a description of the motor vehicle, trailer or semitrailer for which the decal is to be issued.~~

~~(b) An applicant registering a motor vehicle shall provide the commissioner of the revenue the original or an accurate copy of the permanent Virginia vehicle registration.~~

~~(c) Upon completing registration and payment of the registration fee, county motor vehicle decals shall be available for sale in the office of the county treasurer, or at any location designated by him.~~

~~Section 13-60. Payment of fee and issuance of decal generally.~~

~~The county motor vehicle registration fee provided for in this article shall be paid at the office of the county treasurer, or at any other location designated by him. Upon the payment of such registration fee, the county treasurer or his agent shall issue to the applicant a county motor vehicle decal for the motor vehicle, trailer or semitrailer for which the fee is paid.~~

~~Section 13-61. Required display of decal.~~

~~Every motor vehicle, trailer or semitrailer required by this article to have a county motor vehicle decal shall display on that motor vehicle, trailer or semitrailer its designated county motor vehicle decal. The county motor vehicle decal shall be affixed to the windshield one inch to the right of the state inspection sticker. If the vehicle does not have a windshield or state inspection sticker, such decal shall be placed on the vehicle in a location designated by the county treasurer.~~

~~Section 13-62. Presumption arising from absence of county decal.~~

~~The finding of any motor vehicle, trailer or semitrailer registered in the county on any of the streets, alleys, lanes, public places of the county, or parking lots that are open to the public within the county, without a valid county motor vehicle decal attached thereto, shall be prima facie evidence that such motor vehicle, trailer or semitrailer is normally garaged, stored or parked in the county by the owner thereof.~~

~~Section 13-63. Display of expired decal.~~

~~No person shall display upon any motor vehicle, trailer or semitrailer a county motor vehicle decal after the expiration date of such decal.~~

~~Section 13-64. Duplicate or substitute decals.~~

~~In the event that any county motor vehicle decal issued under the provisions of this article is lost or mutilated or becomes illegible, the owner shall make immediate application for and obtain a duplicate or substitute decal by furnishing information of such fact satisfactory to the county treasurer.~~

~~Section 13-65. Transfer of decal to another vehicle.~~

~~(a) — Any owner who sells or transfers a motor vehicle, trailer or semitrailer currently issued a decal under the provisions of this article may have the county motor vehicle decal and the registration number thereon assigned to another vehicle of like design and titled in such owner's name, upon application to the county commissioner of the revenue on forms providing for the name and address of the applicant and a description of the motor vehicle for which such decal has been issued, as well as a description of the motor vehicle for which such decal is to be transferred. Such application shall be accompanied by a registration fee of \$10.00; provided, that no registration shall be required if exempted by section 13-54.~~

~~(b) — For the purposes of this section, "like design" shall mean that the original vehicle issued a decal and the one to which the county motor vehicle decal is transferred either are both motorcycles or are both any other type of motor vehicles, trailers or semitrailers as defined by state law.~~

~~(c) — No person shall display a county motor vehicle decal on a motor vehicle, trailer or semitrailer other than that decal issued for that vehicle, unless a transfer has been made under the circumstances covered by and as provided in this section.~~

~~Section 13-66. Removal of decal upon sale of vehicle.~~

~~The seller of a motor vehicle, trailer or semitrailer shall remove the county motor vehicle decal therefrom upon the sale of the vehicle.~~

~~Section 13-67. Violations and penalties.~~

~~It shall be unlawful for any person to violate any provision of this article. Violations of the provisions of this article shall constitute a Class 4 misdemeanor. No violation of section 13-53 shall be discharged by payment of a fine except upon presentation of satisfactory evidence that the required decal has been obtained.~~

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 12th day of December,
2006.

MtrVhleTrffc.ord

MEMORANDUM

DATE: December 12, 2006

TO: The Board of Supervisors

FROM: Adam R. Kinsman, Assistant County Attorney


SUBJECT: Ordinance to Vacate a Portion of Reserve Drive in Vineyards at Jockey's Neck

Gary P. and Linda Warren (together, the "Warrens") have requested a vacation of a portion of the Vineyards at Jockey's Neck, Phase 3 plat. The proposed vacation includes approximately 7,104 square feet of property at the terminus of Reserve Drive and would relocate the cul-de-sac northward approximately 200 feet.

As depicted on the original plat, the Reserve Drive cul-de-sac bisects Lots 5 and 7. Because the Warrens own both of these lots and intend to vacate the property lines separating Lots 5, 7, and the adjacent Lot 6, there is no longer a need to have the cul-de-sac extend through Lots 5 and 7. The owners of the other two affected lots – 4 and 8 – have both agreed to the proposed relocation of the cul-de-sac.

The Division of Real Estate Assessments has determined that the value of the right-of-way to be vacated is \$25,800. Pursuant to the Board's adopted policy, the Warrens have submitted a check equaling 25 percent of the assessed value of the property. Attached is a proposed ordinance authorizing the execution and recordation of a plat entitled "Boundary Line Adjustment of Lots 5, 6, 7, & 8 and Right of Way Vacation Plat."

Staff recommends adoption of the proposed ordinance.


Adam R. Kinsman

CONCUR:

Leo P. Rogers

ARK/cec
JockeyNeck.mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN SUBDIVISION PLAT ENTITLED "PLAT OF THE VINEYARDS AT JOCKEY'S NECK PHASE 3 STANDING IN THE NAME OF WESSEX DEVELOPMENT, INC." AND MORE PARTICULARLY DESCRIBED AS THE VACATION OF APPROXIMATELY 200 FEET OF RIGHT-OF-WAY AT THE TERMINUS OF RESERVE DRIVE

WHEREAS, Gary P. Warren and Linda Warren have submitted an application to vacate certain lines, numbers, and symbols on a plat more particularly described below; and

WHEREAS, notice that the Board of Supervisors of James City County would consider such application has been given pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended; and

WHEREAS, the Board of Supervisors held a public meeting and considered such application on the 12th day of December 2006, pursuant to such notice and the Board of Supervisors was of the opinion that the vacation would not result in any inconvenience and is in the interest of public welfare.

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

1. A portion of that certain subdivision plat entitled "Plat of Vineyards at Jockey's Neck, Phase 3, Standing in the Name of Wessex Development, Inc." prepared by Landmark Design Group and dated October 5, 2000, be so vacated as to permit the recordation of a new plat that will serve to remove certain lines, words, numbers, and symbols as more specifically set forth in the above-mentioned plat and thereby vacating the portion of right-of-way at the terminus of Reserve Drive as more particularly described and shown on the plat entitled "Boundary Line Adjustment of Lots 5, 6, 7 and 8 and Right of Way Vacation Plat, the Vineyards at Jockey's Neck, Phase 3" prepared by Landmark Design Group and dated November 7, 2006.
2. A new plat entitled "Boundary Line Adjustment of Lots 5, 6, 7 and 8 and Right of Way Vacation Plat, the Vineyards at Jockey's Neck, Phase 3" prepared by Landmark Design Group and dated November 7, 2006, and approved by James City County be put to record in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City, Virginia.
3. Upon recordation of the new plat, title in the vacated right-of-way shall vest in Gary P. and Linda S. Warren.

This ordinance shall be in full force and effect from the date of its adoption.

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, on this 12th day of
December, 2006.

JockeyNeck.res

M E M O R A N D U M

DATE: December 12, 2006

TO: The Board of Supervisors

FROM: Adam R. Kinsman, Assistant County Attorney

SUBJECT: Amendment to a Conservation Easement – 2945 and 2975 Forge Road

The County recently entered into an agreement to transfer its rights to purchase the 88-acre Sunnyside Farm and Branch residence on Forge Road to Elwood and Sharon Perry in exchange for a conservation easement on the Branch Property and property owned by the Perrys. The Perrys purchased the Branch property on July 27, 2006, and recorded the conservation easement the same day. The Perrys have requested that the conservation easement be revised to reduce the total number of permitted lots by one (from seven to six) in exchange for the ability to construct a guest cottage on the property.

The existing conservation easement and associated development plan preserves the existing pastureland on the property, limits development to no more than seven houses in unobtrusive locations, and prohibits all non-agricultural commercial activities on the property. The proposed change to the easement will further the County's goal of preserving the agricultural nature of the Forge Road corridor. There will be one fewer permanently occupied residential structure on the property encumbered by the conservation easement and, because the Perrys have included provisions in the revised easement which are designed to hide the guest cottage within an agricultural structure, the rural character of the Forge Road corridor will be maintained.

The proposed changes to the easement and development plat are included in the Reading File.

Staff recommends adoption of the attached resolution to permit the County Administrator to execute the amended conservation easement on behalf of the County.



Adam R. Kinsman
CONCUR:

Leo P. Rogers

ARK/cec
ConsvEasmnt.mem

Attachment

RESOLUTION

AMENDMENT TO A CONSERVATION EASEMENT - 2945 AND 2975 FORGE ROAD

WHEREAS, on July 26, 2006, James City County (the "County") assigned its interest to purchase 88 acres of real property located at 2945 and 2975 Forge Road, designated as Tax Parcel Nos. 1230100021 and 1230100022 (the "Property"), to Elwood and Sharon Perry (the "Perrys") in exchange for a conservation easement on the Property; and

WHEREAS, on July 26, 2006, a conservation easement designed to protect the agricultural nature of the Property was recorded in the Office of the Clerk of the Circuit Court for the City of Williamsburg and the County of James City as Document No. 060018317; and

WHEREAS, the Perrys have requested that the conservation easement be amended to allow a guest cottage on the Property in exchange for one fewer lots on the Property; and

WHEREAS, the proposed revision to the conservation easement on the Property will further the purpose of protecting the rural and agricultural nature of the Forge Road corridor and will prevent inappropriate development of the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute the necessary documents to amend the conservation easement.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Larry M. Foster
Acting Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of December, 2006.

ConsvEasmnt.res

M E M O R A N D U M

DATE: December 12, 2006

TO: The Board of Supervisors

FROM: Steven W. Hicks, General Services Manager

SUBJECT: Creation of Full-Time Permanent Capital Projects Coordinator Position – General Services

This memorandum requests the establishment of an additional full-time permanent Capital Projects Coordinator position to help manage the large number of capital projects currently planned and underway, such as the Route 60 East project. We would normally request the position as part of the FY 2008 budget; however, we are asking that the position be established now so the individual we hire can manage the Route 60 East project from the outset.

On September 29, 2006, the County/State Administration Agreement was executed to locally administer the Route 60 East project financed by the Virginia Department of Transportation (VDOT). The Route 60 East project, located in the Roberts District and the Lee Hall areas of James City County and Newport News, has been a top priority of James City County for more than ten years. The completed project will provide for lanes of travel in each direction, separated by a raised median, with curb and gutter, and sidewalks on both sides. The VDOT cost estimate to design and construct the Federal and State-funded project is \$48 million.


If approved, the new position will provide an opportunity to recruit and hire someone familiar with managing Federal and State transportation projects of this complexity. An individual with this experience will also be valuable in managing other County transportation and Capital Improvement Projects.

The time the position spends managing the Route 60 East project will be 100 percent reimbursed from VDOT funds. General fund dollars will be used to cover the expenses of the position incurred while managing County Capital Projects. Money is available in the General Services budget to cover the position's salary and benefits for the remainder of FY 2007.

Staff recommends approval of the attached resolution establishing an additional full-time permanent Capital Projects Coordinator position in General Services, effective January 3, 2007.


Steven W. Hicks

CONCUR:


Sanford B. Wanner

SWH/nb
CapProjCoOrd.mem

Attachment

RESOLUTION

CREATION OF FULL-TIME PERMANENT CAPITAL PROJECTS COORDINATOR POSITION -

GENERAL SERVICES

WHEREAS, the Board of Supervisors is committed to Strategic Direction 3.d, "Invest in capital project needs of the community"; and

WHEREAS, the number and complexity of capital projects planned and underway require an additional Capital Projects Coordinator; and

WHEREAS, on September 29, 2006, the County/State Administration Agreement was executed to locally administer the Route 60 East project located in the Roberts District from the James City County line at Newport News to 0.9 miles west of the James City County line, also known as Project No. 0060-047-V11, UPC 13496, and financed by the Virginia Department of Transportation (VDOT); and

WHEREAS, it is to the County's advantage to hire a full-time employee familiar with managing Federal and State transportation projects of this complexity to oversee the Route 60 East project from its outset; and

WHEREAS, funds are available in the General Services budget to pay for the position for the remainder of FY 2007 with 100 percent of the expense for administering the Route 60 East project being reimbursable by VDOT.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes a full-time permanent Capital Projects Coordinator position in the General Services Department, effective January 3, 2007.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

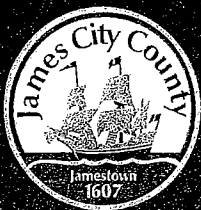
Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of December, 2006.

CapProjCoOrd.res

The Comprehensive Annual Financial Report

For the fiscal year ended June 30, 2006.

*Prepared by the Department of
Financial & Management Services
James City County, Virginia*



COUNTY OF JAMES CITY, VIRGINIA

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COUNTY OF JAMES CITY, VIRGINIA

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COUNTY OF JAMES CITY, VIRGINIA

Comprehensive Annual Financial Report

County Officials

Year ended June 30, 2006

Board of Supervisors

Bruce C. Goodson, Robert District	Chairman
John J. McGlennon, Jamestown District	Vice Chairman
M. Anderson Bradshaw, Stonehouse District	
James O. Icenhour, Jr., Powhatan District	
Jay T. Harrison, Sr., Berkeley District	
Sanford B. Wanner	Clerk

Officials

Samuel T. Powell, III	Judge of the Circuit Court
Thomas B. Hoover	Judge of the Circuit Court
Betsy B. Woolridge	Clerk of the Circuit Court
Michael E. McGinty	Commonwealth's Attorney
Richard W. Bradshaw	Commissioner of the Revenue
M. Ann Davis	Treasurer
Colleen K. Killilea	Judge of the General District Court
George C. Fairbanks, IV	Judge of the Juvenile and Domestic Relations Court
Robert J. Deeds	Sheriff
Emmett H. Harmon	Chief of Police
Dr. Gary S. Matthews	Superintendent of Schools
Sanford B. Wanner	County Administrator
Leo P. Rogers	County Attorney

COUNTY OF JAMES CITY, VIRGINIA

Comprehensive Annual Financial Report

County Officials

Year ended June 30, 2006

Board of Directors, James City Service Authority

John J. McGlennon	Chairman
-------------------	----------

Jay T. Harrison, Sr.	Vice Chairman
----------------------	---------------

M. Anderson Bradshaw

James O. Icenhour, Jr.

Bruce C. Goodson

Sanford B. Wanner	Secretary
-------------------	-----------

Robert H. Smith	Treasurer
-----------------	-----------

Larry M. Foster	General Manager, S.A.
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Board of Directors, Williamsburg Area Transport Company

M. Anderson Bradshaw	President
----------------------	-----------

James O. Icenhour, Jr.

Bruce C. Goodson

Jay T. Harrison, Sr.

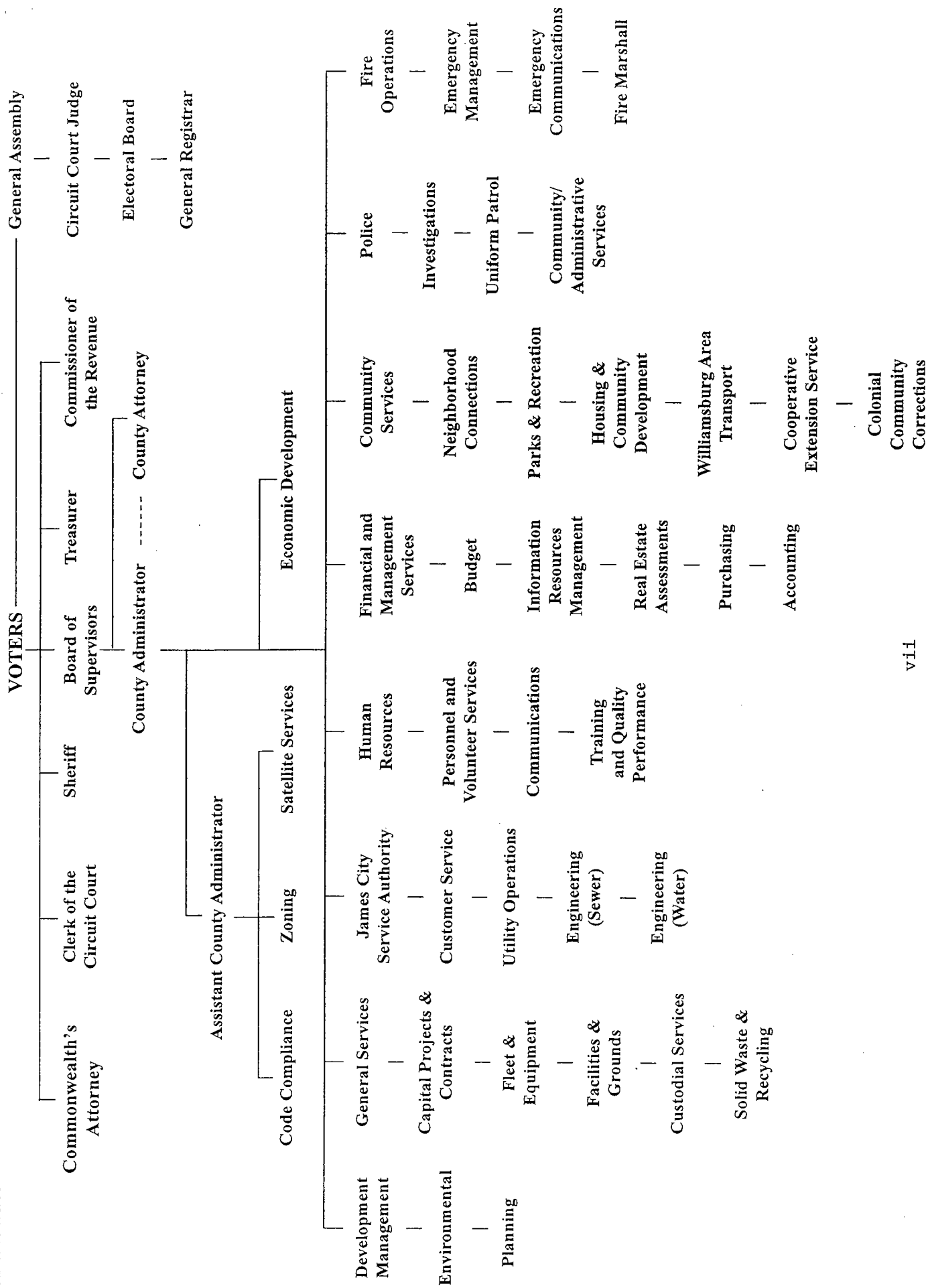
John J. McGlennon

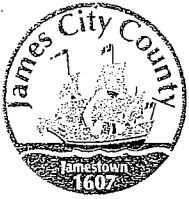
M. Douglas Powell	Secretary/Treasurer
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James City County Organization Chart

Effective 2/8/06





FINANCIAL AND MANAGEMENT SERVICES

101-F MOUNTS BAY ROAD, P.O. BOX 8784, WILLIAMSBURG, VIRGINIA 23187-8784

E-MAIL: fms@james-city.va.us

ACCOUNTING

(757) 253-6636

FAX: (757) 253-6619

BUDGET/FINANCE

(757) 253-6630

FAX: (757) 253-6619

PURCHASING

(757) 253-6646

FAX: (757) 253-6753

REAL ESTATE ASSESSMENTS

(757) 253-6650

FAX: (757) 253-6601

November 1, 2006

The Members of the Board of Supervisors and the Citizens of James City County:

We are pleased to submit to you the Comprehensive Annual Financial Report of James City County, Virginia (the County), for the fiscal year ended June 30, 2006, as required by the Code of Virginia. The Department of Financial and Management Services has prepared this report in accordance with accounting principles generally accepted in the United States of America (GAAP) and the standards of financial reporting prescribed by the Governmental Accounting Standards Board, the Financial Accounting Standards Board and the Auditor of Public Accounts of the Commonwealth of Virginia. Section 15.1-67 of the Code of Virginia (1950, as amended) requires the County to have an annual audit of the books of account, financial records, and the transactions of the County. KPMG LLP was selected and approved by the Board of Supervisors to perform the required audit. The unqualified report of KPMG LLP, the highest possible result of the audit process, accompanies the financial statements in this report.

Responsibility for both the accuracy of the presented data and the fairness of the presentation, including all disclosures, rests with the County. We believe the data, as presented, is accurate in all material respects; that it is presented in a manner designed to fairly set forth the financial position and the results of operations of the various funds of the County; and that all disclosures necessary to enable the reader to gain maximum understanding of the County's financial activity have been included. The Comprehensive Annual Financial Report is presented in three sections; introductory, financial, and statistical. The introductory section includes this letter of transmittal, the Certificate of Achievement for Excellence in Financial Reporting, the government's organizational chart and a list of principal officials. The financial section includes the report of independent auditors on the basic financial statements, the management's discussion and analysis, the basic financial statements, required supplementary information, and other supplementary information. The statistical section includes selected financial and demographic information, generally presented on a multi-year basis.

GAAP requires that management provide a narrative introduction, overview, and analysis to accompany the basic financial statements in the form of Management's Discussion and Analysis (MD&A). This letter of transmittal is designed to complement the MD&A and should be read in conjunction with it. The County's MD&A can be found immediately following the report of the independent auditors on pages 3-12 of this report.

Profile of the Government

The County is located in southeastern Virginia and partially surrounds the City of Williamsburg. Although much of the County's 144 square miles consists of developed suburban areas, it has retained a considerable amount of undeveloped agricultural and forest land. There are no incorporated towns within the County. The County is empowered to levy a property tax on both real and personal properties located within its boundaries.

The County is organized under the County Administrator form of government (as defined under Virginia Law). Under this form of government, the Board of Supervisors appoints a County Administrator to serve as the Chief Executive Officer of the County. The Administrator serves at the pleasure of the Board of Supervisors, implements its policies, appoints department heads, and directs business and administrative procedures.

The Board of Supervisors is a five-member body, elected by the voters of the Electoral Districts in which they live to staggered terms. The Chairman of the Board is elected annually by its members. Each member serves a four-year term. This body enacts ordinances, appropriates funds, sets tax rates, and establishes policies for the administration of the County's public services.

The County provides a full range of services, including law enforcement, fire protection, and recreational activities. Water and Sewer services are provided through the legally separate James City Service Authority (JCSA). The Board of Supervisors of James City County serves as the Board of Directors of the JCSA. The financial activity of the JCSA is included as an integral part of the County's financial statements. The County is also financially accountable for the legally separate Williamsburg-James City County School Board and the legally separate James City County Economic Development Authority, both of which are reported separately as discretely presented component units within the County's financial statements. Additional information on each of these legally separate entities can be found in note 1(a) in the notes to the basic financial statements.

The annual budget serves as the foundation for the County's financial planning and control. In the spring of each year, departments and agencies of the County are required to submit requests for appropriation to the County Administrator. The County Administrator then submits to the Board of Supervisors a proposed operating and capital budget for the fiscal year commencing the following July 1. The operating budget and capital budget include proposed expenditures and the means of financing them. Public hearings are conducted to obtain citizen comments.

Prior to June 30, the budget is legally enacted through passage of an Appropriations Resolution. The Appropriations Resolution places legal restrictions on expenditures at the fund and function level. The appropriation for each fund and function can be revised only by the Board of Supervisors; however, the County Administrator may amend the budget within functions. Budget to actual comparisons are provided in this report for each individual governmental fund for which an appropriated annual budget has been adopted. For the general fund, this comparison is presented on pages 60-64 as part of the required supplementary information other than management's discussion and analysis. For governmental funds, other than the general fund, with appropriated budgets, this comparison is presented in the supplementary information subsection of this report which starts on page 67.

Economic Condition and Outlook

James City County has a strong, diverse and growing economic base. The value of taxable real property grew by 22.3% from FY 2005 to FY 2006, and a healthy increase is expected over the next 12-month period. Real property taxes are expected to increase, which is attributed to projected growth in new construction. This projection continues the trends the County has seen over the past few years as new construction activity increases in both residential and commercial sectors.

Continuing commercial investment in the Stonehouse and New Town areas of the County has and will create additional jobs, and the unemployment rate in the County (2.9%) is lower than State and federal averages. Significant new investment in road infrastructure and continuing development of both the state and federal properties at Jamestown are expected to continue, anticipating the 400th anniversary of the English colony at Jamestown in 2007.

The County enjoys bond ratings of AA2 from Moody's, AA from Standard and Poor's, and an AA+ from Fitch. These bond ratings are based on analyst recommendations after a review of economic and fiscal performance, fiscal policies and practices, current debt outstanding and evidence of financial planning to meet future capital needs. These ratings are excellent for a community the size of James City County and give the County additional leverage in the bond market for potential bond buyers and investors.

Major Initiatives

In FY 2006, the County continued to utilize its Strategic Management Plan as a framework for planning and accountability and continued to seek out new partnerships to help achieve its goal.

The County continues to manage finances wisely and encourage a balanced economy. County voters overwhelmingly approved a \$15 million bond referendum to finance improvements to parks, greenways, trails, and recreational facilities and \$20 million for the acquisition of land or voluntary land conservation agreements that will serve as greenspace and preserve agricultural, forestal, or environmentally valuable lands. Bonds in the amount of \$6 million will be sold in December 2006 for greenspace. Lease revenue bonds totaling \$96 million will be issued in December 2006 for Matoaka Elementary School, Stonehouse Middle School, fourth middle school, and ninth elementary school.

Improving the lives of citizens and fostering a sense of community is also very important to the County. In partnership with Computer Recycling of Virginia, 43 computers were refurbished and distributed to area youth to assist in their academic needs. The County launched its redesigned website with new navigation and features, including live streaming of local programming.

The County continues to plan responsibility for the needs of a growing, diverse community. The County is providing infrastructure at the Warhill Site for the construction of the new high school, Thomas Nelson Community College's new Historic Triangle campus, and the Community Sports Facility. Construction is underway in New Town for the County's Community Building. Police implemented a new "yellow dot" car safety program for seniors that alerts first responders to emergency contact and medical information.

The County continues to steward the natural environment and historic heritage. Governor Tim Kaine assisted in the planting of the first official America's Anniversary Garden at the Jamestown Settlement. Construction began on the Virginia Capital Trail, a 50-mile bike trail, which connects Virginia's past and present capitals of Jamestown, Williamsburg, and Richmond. The County is working towards its goal of reducing petroleum by 20 percent by 2010. As a result, 16 "flex fuel" vehicles have been purchased and seven more have been ordered.

Providing outstanding customer service is imperative to the County. The Fire Department installed 307 smoke alarms, 152 carbon monoxide alarms, and 50 deaf/hard of hearing smoke alarms for citizens. The Police Department published two "Watch Dial" Neighborhood Watch newsletters and two "Business Watch" newsletters to provide safety tips, current topics, and other valuable information.

Economic Development

During FY 2006, an improving economy continued to support business expansions. AVID Medical, Inc. will undertake a \$7.9 million expansion of its plant at Stonehouse Commerce Park. This will double both its existing 90,000-square-foot facility and its work force, growing to more than 600 employees over the next three years.

Citizens and Farmers (C&F) Bank opened its new \$7.5 million operation center and headquarters at Stonehouse Commerce Park. The Economic Development Authority and County Board of Supervisors, in partnership with the Hampton Roads Technology Council, established a Technology Business Incubator in County-owned office space at Ironbound Village near New Town and announced its first two clients.

The Anheuser-Busch Brewery completed its \$200 million plant modernization project. Wal-Mart expanded its import distribution center to three million square feet of space at GreenMount Industrial Park, bringing Wal-Mart's capital investment here to just under \$100 million.

Financial Planning

The Board of Supervisors has established a Comprehensive Statement of Fiscal Goals. Included in this is a goal to keep the fund balance designated for Fiscal Liquidity at the end of the fiscal year, equal to or no less than 8%, with a target of 12% of the total operating budget (General Fund plus the County's share of the Component Unit Schools). At June 30, 2006, the fund balance designated for Fiscal Liquidity is 10.2% of the total general governmental expenditures.

Capital Improvement Program

James City County will continue to face challenges over the next several years. Several years of population growth have produced demands for public services and facilities. The five-year Capital Improvement Program totals \$159,270,015 and focuses on a wide variety of needs. An indication of anticipated impacts can be seen in the adopted budget and capital improvements program for the fiscal year beginning July 1, 2006.

In FY 2007, funding is included for construction costs for the third high school, eighth elementary school and renovations of other school facilities. Funding is also provided for the replacement of ambulances and fire trucks and the second investment of a three-year program for mobile data terminals. Water quality spending is included for regional facilities in the Grove and Ironbound Square communities. Trailhead parking for the Greensprings Trail, planning and design funds for a gymnasium, and pedestrian safety improvements at Warhill are also included in the FY 2007 Capital Budget. Future planning includes a fourth middle school, ninth elementary school, replacement of a fire station, and enhancements to Warhill and Freedom Parks.

Debt Administration

The Board of Supervisors has three targets relating to debt administration in its Statement of Fiscal Goals.

- 1) Debt will be no more than 3% of assessed valuation of property.

The County's debt was 1.0% of assessed valuation of property at June 30, 2006, and can be found on Table IX in page 87 of this document.

- 2) Debt service costs will not exceed 10 to 12% of total operating expenditures, including the County's share of the Component Unit - Public Schools.

The County's debt service for FY 2006 equaled \$13,178,021, or 7.67% of total general governmental expenditures. This can be found on Table IXA on page 88 of this document.

- 3) Debt per capita will not exceed \$2,000.

The County's debt per capita equaled \$1,529 and can be found on Table IX on page 87 of this document.

All of these targeted goals were met well within the guidelines for FY 2006.

James City Service Authority

The financial statements of the JCSA are included in this report in accordance with accounting principles generally accepted in the United States of America. The JCSA, for legal and management purposes, issues its own comprehensive annual financial report which is audited and available from the Department of Financial and Management Services.

The Board of Directors has authorized water and sewer operations for the JCSA within the Primary Service Area (PSA) in the County. The JCSA also provides water and/or sewer service to limited sections of York County and the City of Williamsburg with the concurrence of the appropriate governing bodies. The JCSA's operating funds are self-supporting, and the JCSA receives no share of any local or property tax levies.

The JCSA's water system includes the central water system with ten water production facilities and six independent water production facilities. There are approximately 321 miles of water transmission and distribution lines throughout the entire system. The water system facilities supply approximately 4.8 million gallons of water per day to 17,500 water customers.

The JCSA's sewer system includes 71 pump stations with approximately 361 miles of sewer collection lines. The sewer system facilities collect and move approximately 4.4 million gallons of sewage per day for 18,500 sewer customers. The JCSA has no sewage treatment facilities. Sewage treatment for areas served by the JCSA, as well as for other Hampton Roads communities, is provided by the Hampton Roads Sanitation District.

The JCSA currently has groundwater permits for its central system to withdraw 7.9 million gallons per day to support the residential and commercial customers. With the current rate of growth, it is estimated that this amount of water will meet the County's needs through 2013. The JCSA is pursuing separate initiatives to meet its long-term water demand by participating in a regional effort to supplement the JCSA groundwater with surface water from the proposed King William Reservoir or the construction of a second groundwater desalination facility. Water conservation is also an important component of meeting the future water needs. The JCSA has initiated the "Let's be Water Smart" program which is a partnership with local businesses involved in the landscape industry. The partnership promotes the importance of using water wisely.

In FY 2005, the JCSA completed the first phase of a 5.0 million gallon per day groundwater treatment facility which has reverse osmosis technology to treat water from the Potomac Aquifer. The first phase of the project is capable of treating 2.5 mgd which is projected to meet the JCSA's water needs through

2013. The JCSA is proceeding with the construction of the second phase of the project which will increase the facility to its ultimate capacity of 5.0 mgd. The expansion will cost between \$1.5 and \$2.0 million and is being accelerated to meet peak demands in the summer. The additional water capacity should be available in 2007.

The JCSA also completed a major upgrade project for the Lift Station 1-2 (John Tyler Highway) service area. This rather large service area is developing rapidly, and the existing collection and conveyance system is currently operating near maximum capacity. HRSD will assume the ownership of Lift Station 1-2 (Route 5) and Lift Station 1-5 (Longhill Road) in early FY 2007. Both lift stations are large and complex. Transfer of the stations to HRSD will eliminate the JCSA's maintenance and operation responsibilities associated with these two wastewater facilities. During FY 2005, the JCSA identified the need to replace the Powhatan Creek Interceptor which serves a very large portion of central James City County. While the costs to replace the line have not been fully established, it may cost \$5 million. FY 2007 will begin a phased plan to replace this very critical sewer line beginning at Lift Station 1-1 off of Jamestown Road and ending at Lift Station 1-2 located off John Tyler Highway. The project is estimated to cost between \$1.5 and \$2.0 million.

Treasury Management

A conservative cash management system is carried out by the County Treasurer. Temporary idle funds are automatically invested overnight in repurchase agreements that are secured or collateralized by government securities as required by the Code of Virginia. Funds that are available for a longer period of time are part of a comprehensive investment strategy that maximizes short- and medium-term interest rates.

Risk Management

In our opinion, the County maintains a practical insurance program through a variety of vendors which affords adequate protection against loss and includes comprehensive public liability insurance for bodily injury and property damage.

Awards of Achievement

The GFOA awarded a Certificate of Achievement for Excellence in Financial Reporting to James City County for its Comprehensive Annual Financial Report for the fiscal year ended June 30, 2005.

In order to be awarded a Certificate of Achievement, the County must publish an easily readable and efficiently organized comprehensive annual financial report, whose contents conform to program standards. Such reports must satisfy both accounting principles generally accepted in the United States of America and applicable legal requirements.

A Certificate of Achievement is valid for a period of one year only. We believe our current report continues to conform to Certificate of Achievement Program requirements, and we are submitting it to the GFOA to determine its eligibility for another certificate.

Acknowledgments

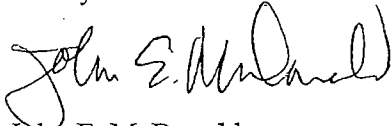
The County has established and continues to maintain a strong and stable financial position through progressive management of financial operations and through sound accounting and financial reporting practices. Appreciation is expressed to the Members of the James City County Board of Supervisors and all of the Constitutional Officers for their interest and support in planning and conducting the financial operations of the County in a responsible and progressive manner.

The preparation of this report could not have been accomplished without the extensive effort and efficient services of the staff of Financial and Management Services. We would like to express our appreciation to each employee of the Department who assisted with the annual audit and preparation of the financial statements.

Respectfully submitted,



Sanford B. Wanner
County Administrator



John E. McDonald
Manager of Financial and Management Services

Certificate of Achievement for Excellence in Financial Reporting

Presented to

James City County,
Virginia

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended
June 30, 2005

A Certificate of Achievement for Excellence in Financial Reporting is presented by the Government Finance Officers Association of the United States and Canada to government units and public employee retirement systems whose comprehensive annual financial reports (CAFRs) achieve the highest standards in government accounting and financial reporting.



President

Executive Director

FINANCIAL SECTION

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KPMG LLP
2100 Dominion Tower
999 Waterside Drive
Norfolk, VA 23510

Independent Auditors' Report

The Honorable Members of the Board of Supervisors
County of James City, Virginia:

We have audited the accompanying financial statements of the governmental activities, the business-type activity, the aggregate discretely presented component units, each major fund and the aggregate remaining fund information of the County of James City, Virginia (the County) as of and for the year ended June 30, 2006, which collectively comprise the County's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the County's management. Our responsibility is to express opinions on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States; and the *Specifications for Audits of Counties, Cities and Towns*, issued by the Auditor of Public Accounts of the Commonwealth of Virginia (specifications). Those standards and specifications require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the County's internal control over financial reporting. Accordingly, we express no such opinion. An audit also includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and the significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinions.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activity, the aggregate discretely presented component units, each major fund and the aggregate remaining fund information of the County as of June 30, 2006, and the respective changes in financial position and, where applicable, cash flows, thereof for the year then ended in conformity with U.S. generally accepted accounting principles.

In accordance with *Government Auditing Standards*, we have also issued our report dated October 24, 2006, on our consideration of the County's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

The Management's Discussion and Analysis on pages 3 through 12 and the required supplementary information included at Exhibits 10 and 11 are not a required part of the basic financial statements but are supplementary information required by U.S. generally accepted accounting principles. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the County's basic financial statements. The information listed as supplementary information in the accompanying table of contents is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole. The introductory and statistical sections have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we express no opinion on them.

KPMG LLP

October 24, 2006

COUNTY OF JAMES CITY, VIRGINIA

Management's Discussion and Analysis

June 30, 2006

As management of James City County (the County), we offer readers of the County's financial statements this narrative overview and analysis of the financial activities of the County for the fiscal year ended June 30, 2006. We encourage readers to consider the information presented here in conjunction with additional information that we have furnished in our letter of transmittal at the front of this report and the County's financial statements, which follow this analysis.

Financial Highlights

- The County's total debt outstanding for governmental activities at June 30, 2006 was \$146,360,591. During the current year, the County issued a \$22,570,000 lease revenue bond to finance the sports stadium and Warhill site improvements. In addition, the County executed a \$922,454 regional lease purchase with York County for enhanced 911 telephone equipment.
- The County's total net assets increased by \$26.8 million over the course of this year's operations. The majority of the increase is attributed to an increase in capitalization of assets.
- The assets of the County exceeded its liabilities as of June 30, 2006 by \$314.8 million. Of this amount, \$181.7 million, or 57.7%, is the net investment in capital assets.
- Actual General Fund revenues received were 3.6%, or \$4,875,037 more than what had been budgeted and showed a 14.3% increase, or \$17,728,887 over fiscal year 2005.

Overview of the Financial Statements

The County's Comprehensive Annual Financial Report consists of three sections: introductory, financial and statistical. The financial section consists of three primary components – government-wide financial statements, fund financial statements, and notes to the basic financial statements.

Government-Wide Financial Statements

The government-wide financial statements report information about the County as a whole using accounting methods similar to those used by private-sector companies. The statement of net assets includes all of the government's assets and liabilities. All of the current year's revenues and expenses are accounted for in the statement of activities regardless of when cash is received or paid.

The two government-wide financial statements report the County's net assets and how they have changed. Net assets – the difference between the County's assets and liabilities – is one way to measure the County's financial health, or position.

- Over time, increases or decreases in the County's net assets are an indicator of whether its financial health is improving or deteriorating, respectively.
- To assess the overall health of the County, you need to consider additional nonfinancial factors, such as changes in the County's property tax base.
- The government-wide financial statements of the County are divided into three categories:
 - *Governmental activities* – Most of the County's basic services are included here, such as the police, fire, parks and recreation, and general administration. Property taxes and state and federal funding finance most of these activities.

COUNTY OF JAMES CITY, VIRGINIA

Management's Discussion and Analysis

June 30, 2006

- *Business-type activity* – Activity that is intended to recover all or a significant portion of their costs through user fee charges to external parties for goods or services are included here.
- *Component units* – The County includes two other entities in its report – The Public Schools and the Economic Development Authority. Although legally separate, these “component units” are important because of the County’s financial accountability for them.

Fund Financial Statements

The fund financial statements provide more detailed information about the County’s most significant funds, not the County as a whole. Funds are accounting devices that the County uses to keep track of specific sources of funding and spending for particular purposes. Some funds are required by state law and by bond covenants. Other funds are established to control and manage money for particular purposes or to show that the County is properly using certain taxes and grants. The County has three kinds of funds:

- *Governmental funds* – Most of the County’s basic services are included in governmental funds, which focus on (1) how cash and other financial assets can be readily converted to cash flow in and out and (2) the balances remaining at year end that are available for spending. Consequently, the governmental funds statements provide a detailed short-term view that helps you determine whether there are more or fewer financial resources that can be spent in the near future to finance the County’s programs. Because this information does not encompass the additional long-term focus of the government-wide statements, we provide additional information at the bottom of the governmental funds statement, or on the subsequent page, that explains the relationship (or differences) between them.
- *Proprietary funds* – Services that are intended to recover all or a significant portion of their costs through user fees are generally reported in the proprietary fund. Proprietary funds, like the government-wide statements, provide both long- and short-term financing information. The County’s enterprise fund (one type of proprietary fund) is the same as its business-type activity, but provides more detail and additional information, such as cash flows.
- *Fiduciary funds* – The County is responsible for assets of various agency funds. It is responsible for ensuring that the assets reported in these funds are used for their intended purposes. All of the County’s fiduciary activities are reported in a separate statement of fiduciary net assets and a statement of changes in fiduciary net assets. We exclude these activities from the County’s government-wide financial statements because the County cannot use their assets to finance its operations.

Notes to the Basic Financial Statements

The notes to the basic financial statements provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements.

COUNTY OF JAMES CITY, VIRGINIA

Management's Discussion and Analysis

June 30, 2006

Other Information

In addition to the basic financial statements and accompanying notes, this report also presents certain required supplementary information concerning the County's General Fund budget and progress in funding its obligation to provide pension benefits to its employees. The combining statements for nonmajor governmental funds are presented immediately following the required supplementary information on the General Fund budget and defined benefit pension plans.

Financial Analysis

As noted earlier, net assets may serve over time as a useful indicator of a government's financial position. The County's assets exceeded liabilities by \$314,789,590 at the close of the most recent fiscal year. This represents a 9.3% increase over last year.

Condensed Summary of Net Assets

June 30, 2006

	<u>Governmental activities</u>	<u>Business-type activity</u>	<u>Total</u>	<u>Component unit – public schools</u>
Assets:				
Current and other assets	\$ 117,100,460	32,112,835	149,213,295	15,002,201
Capital assets	<u>200,484,395</u>	<u>136,745,515</u>	<u>337,229,910</u>	<u>26,618,114</u>
Total assets	<u>\$ 317,584,855</u>	<u>168,858,350</u>	<u>486,443,205</u>	<u>41,620,315</u>
Liabilities:				
Long-term liabilities	\$ 146,360,591	13,034,918	159,395,509	842,006
Other liabilities	<u>10,476,513</u>	<u>1,781,593</u>	<u>12,258,106</u>	<u>12,649,956</u>
Total liabilities	<u>\$ 156,837,104</u>	<u>14,816,511</u>	<u>171,653,615</u>	<u>13,491,962</u>
Net assets:				
Invested in capital assets, net of related debt	\$ 57,943,767	123,710,597	181,654,364	26,446,862
Unrestricted and restricted	<u>102,803,984</u>	<u>30,331,242</u>	<u>133,135,226</u>	<u>1,681,491</u>
Total net assets	<u>\$ 160,747,751</u>	<u>154,041,839</u>	<u>314,789,590</u>	<u>28,128,353</u>

COUNTY OF JAMES CITY, VIRGINIA

Management's Discussion and Analysis

June 30, 2006

Condensed Summary of Net Assets

June 30, 2005

	Governmental activities	Business-type activity	Total	Component unit – public schools
Assets:				
Current and other assets	\$ 113,608,626	29,380,752	142,989,378	11,154,510
Capital assets	<u>171,088,083</u>	<u>125,929,218</u>	<u>297,017,301</u>	<u>26,628,449</u>
Total assets	<u>\$ 284,696,709</u>	<u>155,309,970</u>	<u>440,006,679</u>	<u>37,782,959</u>
Liabilities:				
Long-term liabilities	\$ 127,478,659	13,916,041	141,394,700	897,050
Other liabilities	<u>9,036,046</u>	<u>1,548,460</u>	<u>10,584,506</u>	<u>8,717,174</u>
Total liabilities	<u>\$ 136,514,705</u>	<u>15,464,501</u>	<u>151,979,206</u>	<u>9,614,224</u>
Net assets:				
Invested in capital assets, net of related debt	\$ 47,458,012	112,013,177	159,471,189	26,390,984
Unrestricted and restricted	<u>100,723,992</u>	<u>27,832,292</u>	<u>128,556,284</u>	<u>1,777,751</u>
Total net assets	<u>\$ 148,182,004</u>	<u>139,845,469</u>	<u>288,027,473</u>	<u>28,168,735</u>

The largest portion of the County's net assets at June 30, 2006 (57.7%) reflects its investment in capital assets (e.g., land, buildings, machinery and equipment), less any related debt used to acquire those assets that are still outstanding. The County uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the County's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

The unrestricted portion of net assets (24.4%) may be used to meet the County's ongoing obligations to citizens and creditors. The remaining portion of net assets (17.9%) is restricted for specific purposes.

At the end of the current fiscal year, the County was able to report positive balances in all three categories of net assets, both for the primary government as a whole, as well as for its separate governmental and business-type activities.

COUNTY OF JAMES CITY, VIRGINIA

Management's Discussion and Analysis

June 30, 2006

The Public Schools' net assets decreased 0.1% to \$28.1 million. Of the balance, \$2.7 million of net assets are unrestricted. The decrease in net assets is primarily attributable to the ongoing and completed capital projects.

Summary of Changes in Net Assets

Year ended June 30, 2006

	Governmental activities	Business-type activity	Total	Component unit – public schools
Revenues:				
Program revenues:				
Charges for services	\$ 15,335,524	16,805,640	32,141,164	2,284,274
Operating grants and contributions	18,790,084	—	18,790,084	11,617,249
Capital grants and contributions	785,786	10,077,376	10,863,162	—
General revenues:				
Property taxes	86,204,347	—	86,204,347	—
Other taxes and permits, fees and licenses	29,243,811	—	29,243,811	—
Grants and contributions not restricted to specific programs	—	—	—	82,800,634
Interest and investment earnings	3,407,722	935,971	4,343,693	178,321
Miscellaneous	2,053,405	526,601	2,580,006	10,126
Total revenues	155,820,679	28,345,588	184,166,267	96,890,604
Expenses:				
General government administration	5,790,007	—	5,790,007	—
Judicial administration	4,374,852	—	4,374,852	—
Public safety	13,599,920	—	13,599,920	—
Public works	2,674,311	—	2,674,311	—
Health and welfare	7,043,503	—	7,043,503	—
Education	77,265,247	—	77,265,247	96,930,986
Parks, recreation and cultural	8,720,218	—	8,720,218	—
Community development	12,662,469	—	12,662,469	—
Interest on long-term debt	5,962,561	—	5,962,561	—
Nondepartmental	5,161,844	—	5,161,844	—
Service Authority	—	14,149,218	14,149,218	—
Total expenses	143,254,932	14,149,218	157,404,150	96,930,986
Change in net assets	12,565,747	14,196,370	26,762,117	(40,382)
Net assets at beginning of year	148,182,004	139,845,469	288,027,473	28,168,735
Net assets at end of year	\$ 160,747,751	154,041,839	314,789,590	28,128,353

COUNTY OF JAMES CITY, VIRGINIA

Management's Discussion and Analysis

June 30, 2006

Summary of Changes in Net Assets

Year ended June 30, 2005

	Governmental activities	Business-type activity	Total	Component unit – public schools
Revenues:				
Program revenues:				
Charges for services	\$ 13,819,822	15,149,124	28,968,946	2,110,069
Operating grants and contributions	18,964,343	—	18,964,343	10,990,988
Capital grants and contributions	3,057,457	4,983,390	8,040,847	—
General revenues:				
Property taxes	74,480,869	—	74,480,869	—
Other taxes	25,701,542	—	25,701,542	—
Grants and contributions not restricted to specific programs	2,520,331	—	2,520,331	77,346,943
Interest and investment earnings	849,860	506,939	1,356,799	52,149
Gain (loss) on sale of capital assets	(53,727)	24,124	(29,603)	—
Miscellaneous	1,074,518	627,532	1,702,050	4,158
Total revenues	140,415,015	21,291,109	161,706,124	90,504,307
Expenses:				
General government administration	7,715,060	—	7,715,060	—
Judicial administration	4,212,935	—	4,212,935	—
Public safety	16,742,887	—	16,742,887	—
Public works	4,390,347	—	4,390,347	—
Health and welfare	6,555,435	—	6,555,435	—
Education	58,841,825	—	58,841,825	89,572,078
Parks, recreation and cultural	8,893,143	—	8,893,143	—
Community development	11,835,533	—	11,835,533	—
Storm costs	30,124	—	30,124	—
Interest on long-term debt	4,328,942	—	4,328,942	5,167
Miscellaneous	1,975,709	—	1,975,709	—
Service Authority	—	12,804,913	12,804,913	—
Total expenses	125,521,940	12,804,913	138,326,853	89,577,245
Change in net assets	14,893,075	8,486,196	23,379,271	927,062
Net assets at beginning of year	133,288,929	131,359,273	264,648,202	27,241,673
Net assets at end of year	\$ 148,182,004	139,845,469	288,027,473	28,168,735

Governmental Activities

For the fiscal year ended June 30, 2006, revenues from governmental activities totaled \$155,820,679. Of this amount, \$40,334,685, or 25.9%, is received from sources other than local tax revenue. Real estate tax revenues, the County's largest single revenue source, totaled \$86,204,347. The County's assessed real property tax base for fiscal year 2006 was \$8,189,928,900. The County continues to experience growth in residential and commercial development. Net assets increased by \$12,565,747, or 8.5% over last year.

In fiscal year 2006, the County reported current year collections of \$12,802,970 in personal property taxes, and received reimbursement from the Commonwealth of Virginia of \$9,812,213. Under the provisions of the Personal Property Tax Relief Act (PPTRA), the state's share of local personal property tax was approximately 61% of most taxpayer's payments.

COUNTY OF JAMES CITY, VIRGINIA

Management's Discussion and Analysis

June 30, 2006

For the fiscal year ended June 30, 2006, expenses for governmental activities totaled \$143,254,932, including payments of \$78,579,066 to Public Schools (which includes \$16.7 million for the construction of a new high school) and \$199,226 to the James City Economic Development Authority.

Expenses increased by \$17,732,992 over fiscal year 2005. This was primarily due to the construction costs for the third high school.

Business-Type Activity

The business-type activity increased the County's net assets by \$14,196,370, accounting for 53.0% of the total growth in the County's net assets. The majority of the increase is attributed to the contribution of water and sewer systems.

Expenses increased from last year by 10.5%, which is due to an increase in special services, which is a result of new positions being approved during the current fiscal year. Revenues increased 33.1% from last year, which was mainly a result of an increase in customer growth.

Component Unit – Public Schools

The Schools received \$78,579,066 from the County during fiscal year 2006. This represents 69.6% of their total intergovernmental revenue. This money supported the operating and capital activities for the Schools.

Expenses increased by 8.2% over fiscal year 2005. This is primarily a result of increases in expenses for salaries, fringe benefits and pupil transportation. Revenues also increased by 7.1% over the previous fiscal year. This is primarily due to funding received from the City of Williamsburg and the County for construction costs associated with the third high school.

Financial Analysis of the County's Funds

The County's General Fund experienced an overall increase in fund balance of \$5,186,472. A key factor to this increase was the reduced spending for personnel and debt service obligations. The Reserve for Fiscal Liquidity totaled \$17,485,691, which was 10.2% of the total general governmental expenditures, including the County's share of the Public Schools' operating expenditures, and within the goal of 8% to 12%.

General Fund Budgetary Highlights

The overall difference between the original budget and the final amended budget for revenues increased by \$4,448,400, or 3.4%, primarily resulting from a 22.2% increase in assessments offset by a four cent real estate tax reduction approved by the Board of Supervisors in September 2005 and an increase in the contribution for capital projects for additional funding needed for the third high school and new community building. Actual General Fund revenues received were 3.6%, or \$4,875,037 more than what had been budgeted and showed a 14.3% increase, or \$17,728,887 over fiscal year 2005.

The largest increase in revenues from fiscal year 2005 to fiscal year 2006 occurred in real estate tax revenues totaling \$9,414,160. Real estate tax revenues, both current and delinquent, are the County's largest revenue source and for fiscal year 2006 totaled \$65,571,510 and was \$736,315 greater than the amended budget. This was primarily due to higher than anticipated new construction. Personal property taxes, another large source of local tax funding, had combined collections from the state and local taxpayers of \$22,615,183. This was \$1,993,120 more than budget, and \$2,659,042, or a 13.3% increase over fiscal year 2005.

COUNTY OF JAMES CITY, VIRGINIA

Management's Discussion and Analysis

June 30, 2006

State revenues, not including the personal property tax reimbursement, were \$126,723 less than budgeted. State revenues, not including the personal property tax reimbursement, increased \$1,091,182 in fiscal year 2006 from fiscal year 2005 levels. This increase is primarily due to state sales tax for education, which increased \$1,002,693 over fiscal year 2005.

General Fund budgeted expenditures were 3.0% below the final budget, or \$3,523,122. Of this amount, \$2,454,283 is reserved in the fund balance for encumbered commitments.

Proprietary Fund

The County operates one proprietary fund, James City Service Authority (JCSA or the Authority), which provides water and sewer service to County residents. The Authority had an increase of \$14,196,370 in net assets during the fiscal year primarily due to the acceptance of contributed capital assets.

Capital Assets and Debt Administration

Capital Assets

At the end of fiscal year 2006, the County's investment in capital assets for its governmental and business-type activities totaled \$337,229,910 (net of accumulated depreciation). This investment in capital assets includes land, construction in progress, land improvements, buildings and improvements, water and sewer systems, infrastructure, equipment, and vehicles. The County does not own its roads and they are therefore not included in the capital assets. In addition, the Public Schools own all school buildings and the related debt is County debt. The value associated with the purchase and/or construction of the Public Schools' buildings is reported as capital assets in the governmental activities of the County to properly match with the associated debt, as allowed by Virginia state law. In fiscal year 2006, the net value of school buildings reflected in the governmental activities of the County equals \$105,790,411, and the associated current year's depreciation expense of \$2,115,808 is reflected in the educational expense line of the County's governmental activities in the statement of net assets.

Capital Assets, Net of Depreciation

June 30, 2006 and 2005

	2006			2005
	Governmental activities	Business-type activity	Total	Total
Land	\$ —	1,785,961	1,785,961	1,584,998
Land and land rights – utility plant	—	890,438	890,438	910,138
Land and land improvements	16,482,697	13,183	16,495,880	15,559,958
Construction in progress	33,038,514	5,098,030	38,136,544	7,694,849
Water and sewer systems	—	127,022,149	127,022,149	119,816,738
Buildings and improvements	116,632,968	1,206,657	117,839,625	118,024,645
Improvements other than buildings	6,850,825	—	6,850,825	5,540,875
Equipment and vehicles	24,251,069	729,097	24,980,166	24,581,700
Infrastructure	3,228,322	—	3,228,322	3,303,400
Total	\$ 200,484,395	136,745,515	337,229,910	297,017,301

Additional information about the County's capital assets can be found in note 7 to the financial statements.

COUNTY OF JAMES CITY, VIRGINIA

Management's Discussion and Analysis

June 30, 2006

Capital Projects Fund

The Capital Projects Fund is used by the County to account for the financing sources used to acquire and construct major capital projects for the general government. A major source of funding for the capital projects is transfers from the General Fund.

For fiscal year 2006, \$9,292,241 was transferred to the Capital Projects Fund from the General Fund. During the year, capital project expenditures of \$37,898,518 included the following:

- Site improvements and construction costs for the third high school
- Architectural and engineering costs associated with the Community Sports Facility
- Construction costs for the Community Building located in New Town
- Continuation of work on the acquisition of an 800 mhz radio system

Long-Term Debt

At June 30, 2006, the County had total outstanding debt of \$155,854,494. Compensated absences and landfill postclosure care costs of \$3,541,015 and \$3,415,688 at June 30, 2006 and 2005, respectively, are not included in these amounts.

Summary of Long-Term Debt

June 30, 2006 and 2005

	2006			2005
	Governmental activities	Business-type activity	Total	Total
General obligation bonds	\$ 106,062,319	—	106,062,319	109,814,071
State Literary Fund loan	28,950	—	28,950	57,900
Revenue bonds	22,570,000	13,034,918	35,604,918	13,916,041
Capital lease – radio system	13,100,000	—	13,100,000	13,816,000
Other capital leases	808,307	—	808,307	—
Loan payable – Virginia Department of Transportation	250,000	—	250,000	375,000
Total	\$ 142,819,576	13,034,918	155,854,494	137,979,012

In August 2005, the County issued a \$22,570,000 lease revenue bond to finance the sports stadium and Warhill site improvements. In addition, a \$922,454 regional lease purchase was executed with York County to finance enhanced 911 telephone equipment.

Additional information about the County's long-term debt can be found in note 10 to the financial statements.

COUNTY OF JAMES CITY, VIRGINIA

Management's Discussion and Analysis

June 30, 2006

Economic Factors and Next Year's Budgets and Tax Rates

The County has a two-year budget cycle. The first year of a two-year cycle is adopted and appropriated and the second year is adopted for planning purposes. Fiscal year 2007 is the first year of the current two-year cycle. The fiscal year 2007 approved and amended budget for the General Fund is \$154,894,919.

This amended budget reflects \$15,742,682, or an 11.3% increase over fiscal year 2006. As similar to the previous year, almost the entire area of growth is located within real estate tax revenue, which is expected to increase \$11,771,581. Market values prompting assessment increases in real property, combined with a healthy volume of new construction, drive this revenue growth. The transient occupancy room tax rate increased to 5% from 4% in 2006. There are also increases in fees for dog licenses, and base building permits and reinspections. Moderate growth is expected in interest revenue while interest rates have been increasing. The County will also have an increase in rent income from the new radio towers and community building.

More than 29% of the County's General Fund revenue increase is allocated to school spending. The County's contribution to the Williamsburg-James City County School Board will increase by \$4,713,305.

Contacting the County's Financial Management

This financial report is designed to provide our citizens, taxpayers, customers, and investors and creditors with a general overview of the County's finances and to demonstrate the County's accountability for the money it receives. Questions concerning this report or requests for additional information should be directed to the Department of Financial and Management Services, 101-F Mounts Bay Road, P.O. Box 8784, Williamsburg, Virginia 23187-8784.

Basic Financial Statements

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COUNTY OF JAMES CITY, VIRGINIA

Statement of Net Assets

June 30, 2006

Assets	Primary government			Discretely presented component units	
	Governmental activities	Business-type activity	Total	Public schools	Economic Development Authority
Cash and cash equivalents (note 2)	\$ 19,010,561	1,349,986	20,360,547	10,830,332	2,597,216
Cash and cash equivalents and investments - restricted (notes 2 and 3)	43,644,096	703,494	44,347,590	—	700,000
Investments (note 2)	19,910,694	26,882,240	46,792,934	—	—
Receivables, net of allowance for uncollectibles:					
Taxes, including penalties	21,315,014	—	21,315,014	—	—
Accounts	—	2,477,126	2,477,126	—	—
Interest	141,372	240,444	381,816	—	—
Loans	—	—	—	—	78,914
Miscellaneous	3,920,546	156,708	4,077,254	243,230	—
Internal balances (note 5)	496,532	(496,532)	—	—	—
Due from primary government (note 8)	—	—	—	2,613,011	559,073
Due from other governments, net (note 6)	7,523,208	—	7,523,208	1,278,870	—
Inventory	245,959	627,198	873,157	36,758	—
Prepaid items	40,652	—	40,652	—	—
Other assets	851,826	172,171	1,023,997	—	—
Capital assets (notes 7 and 10):					
Land	16,482,697	2,689,582	19,172,279	8,249,163	2,483,106
Construction in progress (note 16)	33,038,514	5,098,030	38,136,544	2,468,134	149,120
Buildings, improvements and equipment	202,445,498	189,664,024	392,109,522	27,936,582	—
Less accumulated depreciation	(51,482,314)	(60,706,121)	(112,188,435)	(12,035,765)	—
Net capital assets	200,484,395	136,745,515	337,229,910	26,618,114	2,632,226
Total assets	\$ 317,584,855	168,858,350	486,443,205	41,620,315	6,567,429
Liabilities and Net Assets					
Liabilities:					
Accounts payable (note 4)	\$ 3,031,979	1,067,851	4,099,830	3,881,862	566,439
Accrued liabilities (note 4)	2,388,059	462,842	2,850,901	8,110,227	—
Liabilities payable from restricted assets	1,269,301	—	1,269,301	—	—
Due to component units (note 8)	3,172,084	—	3,172,084	—	—
Advances for construction (note 16)	—	135,302	135,302	—	—
Amounts held for others	—	115,598	115,598	—	—
Unearned revenue (note 9)	615,090	—	615,090	657,867	—
Long-term liabilities (notes 10 and 11):					
Due within one year	11,712,119	860,000	12,572,119	370,723	60,000
Due in more than one year	134,648,472	12,174,918	146,823,390	471,283	1,480,000
Total liabilities	156,837,104	14,816,511	171,653,615	13,491,962	2,106,439
Net assets:					
Invested in capital assets, net of related debt	57,943,767	123,710,597	181,654,364	26,446,862	1,792,226
Restricted net assets:					
Capital projects	41,541,322	703,494	42,244,816	—	—
Other purposes	14,148,422	—	14,148,422	—	—
Unrestricted net assets	47,114,240	29,627,748	76,741,988	1,681,491	2,668,764
Total net assets	160,747,751	154,041,839	314,789,590	28,128,353	4,460,990
Total liabilities and net assets	\$ 317,584,855	168,858,350	486,443,205	41,620,315	6,567,429

See accompanying notes to basic financial statements.

COUNTY OF JAMES CITY, VIRGINIA

Statement of Activities

Year ended June 30, 2006

Functions/programs	Expenses	Program revenues		
		Charges for services	Operating grants and contributions	Capital grants and contributions
Primary government:				
Governmental activities:				
General government administration	\$ 5,790,007	6,569,599	11,608,665	451,851
Judicial administration	4,374,852	2,098,886	808,726	—
Public safety	13,599,920	1,555,099	—	—
Public works	2,674,311	239,912	11,601	—
Health and welfare	7,043,503	—	3,680,213	—
Education (including payments to school system)	77,265,247	—	—	—
Parks, recreation and cultural	8,720,218	2,638,777	11,758	—
Community development	12,662,469	594,472	2,669,121	333,935
Interest on long-term debt	5,962,561	—	—	—
Non-departmental	5,161,844	1,638,779	—	—
Total governmental activities	143,254,932	15,335,524	18,790,084	785,786
Business-type activity:				
Service Authority	14,149,218	16,805,640	—	10,077,376
Total primary government	\$ 157,404,150	32,141,164	18,790,084	10,863,162
Component units:				
Economic Development Authority	\$ 399,641	76,410	352,379	—
Public Schools	96,930,986	2,284,274	11,617,249	—
Total component units	\$ 97,330,627	2,360,684	11,969,628	—
General revenues:				
Taxes:				
Property taxes, levied for general purposes				
Other local taxes				
Permits, fees and licenses				
Grants and contributions not restricted to specific programs				
Interest and investment earnings				
Miscellaneous				
Total general revenues				
Change in net assets				
Net assets – beginning				
Net assets – ending				

See accompanying notes to basic financial statements.

Net (expenses) revenues and changes in net assets				
Primary government			Discretely presented component units	
Governmental activities	Business-type activity	Total	Public schools	Economic Development Authority
12,840,108	—	12,840,108	—	—
(1,467,240)	—	(1,467,240)	—	—
(12,044,821)	—	(12,044,821)	—	—
(2,422,798)	—	(2,422,798)	—	—
(3,363,290)	—	(3,363,290)	—	—
(77,265,247)	—	(77,265,247)	—	—
(6,069,683)	—	(6,069,683)	—	—
(9,064,941)	—	(9,064,941)	—	—
(5,962,561)	—	(5,962,561)	—	—
(3,523,065)	—	(3,523,065)	—	—
(108,343,538)	—	(108,343,538)	—	—
—	12,733,798	12,733,798	—	—
(108,343,538)	12,733,798	(95,609,740)	—	—
—	—	—	—	29,148
—	—	—	(83,029,463)	—
—	—	—	(83,029,463)	29,148
\$ 86,204,347	—	86,204,347	—	—
20,366,681	—	20,366,681	—	—
8,877,130	—	8,877,130	—	—
—	—	—	82,800,634	—
3,407,722	935,971	4,343,693	178,321	128,623
2,053,405	526,601	2,580,006	10,126	1,429
120,909,285	1,462,572	122,371,857	82,989,081	130,052
12,565,747	14,196,370	26,762,117	(40,382)	159,200
148,182,004	139,845,469	288,027,473	28,168,735	4,301,790
\$ 160,747,751	154,041,839	314,789,590	28,128,353	4,460,990

COUNTY OF JAMES CITY, VIRGINIA

Balance Sheet

Governmental Funds

June 30, 2006

Assets	General	Capital projects	Debt service	Other governmental funds	Total governmental funds
Cash and cash equivalents and investments	\$ 17,180,723	—	—	1,829,838	19,010,561
Cash and cash equivalents and investments – restricted (note 3)	1,159,724	41,541,322	—	943,050	43,644,096
Investments	2,774,474	15,598,777	—	1,537,443	19,910,694
Receivables, net of allowance for uncollectibles:					
Taxes	21,313,403	1,611	—	—	21,315,014
Interest	141,372	—	—	—	141,372
Loans	—	—	—	147,168	147,168
Miscellaneous (note 4)	3,612,253	—	—	161,125	3,773,378
Due from other funds (note 5)	1,199,954	—	—	149,555	1,349,509
Due from other governments, net (note 6)	6,738,685	—	—	784,523	7,523,208
Inventory	245,959	—	—	—	245,959
Prepaid and other assets	15,290	—	—	25,362	40,652
Total assets	\$ 54,381,837	57,141,710	—	5,578,064	117,101,611
Liabilities and Fund Balances					
Liabilities:					
Accounts payable (note 4)	\$ 1,068,095	1,585,636	—	378,248	3,031,979
Accrued liabilities (note 4)	221,670	624,000	—	22,538	868,208
Liabilities payable from restricted assets	1,175,481	—	—	93,820	1,269,301
Due to other funds (note 5)	149,555	—	—	703,422	852,977
Due to component unit (note 8)	39,188	3,122,461	—	10,435	3,172,084
Deferred revenue (note 9)	15,561,691	1,611	—	560,063	16,123,365
Total liabilities	18,215,680	5,333,708	—	1,768,526	25,317,914
Fund balances:					
Reserved for:					
Encumbrances	2,454,283	11,448,180	—	—	13,902,463
Inventory	245,959	—	—	—	245,959
Loans	—	—	—	147,168	147,168
Other purposes	—	—	—	25,362	25,362
Unreserved:					
Designated:					
Subsequent years' expenditures, reported in Special Revenue Funds	—	—	—	2,297,482	2,297,482
Potential insurance losses	300,000	—	—	—	300,000
Capital projects	2,000,000	40,359,822	—	—	42,359,822
Fiscal liquidity	17,485,691	—	—	—	17,485,691
Health insurance	157,287	—	—	—	157,287
Capital reserve fund	12,056,476	—	—	—	12,056,476
Undesignated, reported in:					
General fund	1,466,461	—	—	—	1,466,461
Special revenue funds	—	—	—	1,339,526	1,339,526
Total fund balances	36,166,157	51,808,002	—	3,809,538	91,783,697
Total liabilities and fund balances	\$ 54,381,837	57,141,710	—	5,578,064	117,101,611

COUNTY OF JAMES CITY, VIRGINIA

Balance Sheet

Governmental Funds

June 30, 2006

Reconciliation of the balance sheet for governmental funds to the government-wide statement of net assets:

Ending fund balance – governmental funds	\$ 91,783,697
Amounts reported for governmental activities in the balance sheet are different because:	
Capital assets used in governmental activities are not financial resources and therefore are not reported in the funds.	200,484,395
Other long-term assets are not available to pay for current-period expenditures and therefore are deferred in the funds.	15,508,275
Governmental funds report the effect of issuance costs when the debt is issued. These costs are deferred in the government-wide statement of net assets.	851,826
Unmatured interest payable reported in governmental activities will not be paid with current financial resources and therefore is not reported in the funds.	(1,519,851)
Long-term liabilities, including notes and bonds payable, are not due and payable in the current period and therefore are not reported in the funds.	<u>(146,360,591)</u>
Net assets of governmental activities	<u>\$ 160,747,751</u>

See accompanying notes to basic financial statements.

COUNTY OF JAMES CITY, VIRGINIA
Statement of Revenues, Expenditures and Changes in Fund Balances
Governmental Funds
Year ended June 30, 2006

	General	Capital projects	Debt service	Other governmental funds	Total governmental funds
Revenues:					
General property taxes	\$ 85,279,502	1,158	—	—	85,280,660
Other local taxes	20,366,681	—	—	—	20,366,681
Permits, privilege fees and regulatory licenses	8,877,130	—	—	—	8,877,130
Fines and forfeitures	290,714	—	—	—	290,714
Revenue from use of money and property	1,037,588	—	2,232,155	137,980	3,407,723
Charges for services	3,741,033	—	—	594,472	4,335,505
Miscellaneous	374,014	1,214,855	—	464,533	2,053,402
Intergovernmental:					
Local	—	—	—	423,919	423,919
Commonwealth	21,846,995	392,352	—	2,842,993	25,082,340
Federal	112,980	59,500	—	4,606,436	4,778,916
Total revenues	141,926,637	1,667,865	2,232,155	9,070,333	154,896,990
Expenditures:					
Current:					
General government administration	7,681,371	—	—	—	7,681,371
Judicial administration	3,371,852	—	—	816,328	4,188,180
Public safety	18,120,147	—	—	671,818	18,791,965
Public works	4,481,863	—	—	13,110	4,494,973
Health and welfare	1,322,742	—	—	5,517,594	6,840,336
Education	60,797,314	—	—	—	60,797,314
Parks, recreation and cultural	8,953,491	—	—	57,356	9,010,847
Community development	7,580,522	—	113,010	5,355,118	13,048,650
Nondepartmental	996,756	—	270,632	—	1,267,388
Debt service:					
Principal retirement	—	—	7,090,460	125,000	7,215,460
Interest, other fiscal charges and early retirement	—	—	5,962,561	—	5,962,561
Underwriter's discount	—	—	125,640	—	125,640
Capital outlay – governmental activities	—	18,752,594	—	—	18,752,594
Capital outlay – school activities	—	19,145,924	—	—	19,145,924
Total expenditures	113,306,058	37,898,518	13,562,303	12,556,324	177,323,203
Excess (deficiency) of revenues over (under) expenditures	28,620,579	(36,230,653)	(11,330,148)	(3,485,991)	(22,426,213)
Other financing sources (uses):					
Transfers in (note 5)	—	9,292,241	11,449,014	2,817,852	23,559,107
Issuance of debt	—	23,492,454	—	—	23,492,454
Premium on bond issued	—	291,672	—	—	291,672
Transfers out (note 5)	(23,434,107)	—	(125,000)	—	(23,559,107)
Total other financing sources and uses	(23,434,107)	33,076,367	11,324,014	2,817,852	23,784,126
Net change in fund balances	5,186,472	(3,154,286)	(6,134)	(668,139)	1,357,913
Fund balances at beginning of year	30,979,685	54,962,288	6,134	4,477,677	90,425,784
Fund balances at end of year	\$ 36,166,157	51,808,002	—	3,809,538	91,783,697

COUNTY OF JAMES CITY, VIRGINIA
Statement of Revenues, Expenditures and Changes in Fund Balances
Governmental Funds
Year ended June 30, 2006

Reconciliation of the statement of revenues, expenditures and changes in fund balances of governmental funds to the statement of activities:

Net change in fund balances – total governmental funds \$ 1,357,913

Amounts reported for governmental activities in the statement of activities are different because:

Governmental funds report capital outlays as expenditures; however, in the statement of activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This amount represents the difference between depreciation expense and capital outlay expenditures. The details of this difference are as follows:

Depreciation expense	\$	(6,668,243)	
Capital outlay expenditures		36,102,388	
Cost of assets sold		<u>(37,833)</u>	
			29,396,312

Because some revenues will not be collected for several months after the County's fiscal year end, they are not considered "available" revenues and are deferred in the governmental funds. Deferred revenue increased by this amount this year.

923,690

The issuance of long-term debt provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net assets. Also, governmental funds report the effect of issuance costs, premiums, refunding costs, and similar items when debt is first issued, whereas these amounts are deferred and amortized in the statement of activities. This amount is the net effect of these differences in the treatment of long-term debt and related accounts. The details of this difference are as follows:

Issuance of debt	(23,492,454)		
Premium on debt issuance	(76,222)		
Cost of issuance	231,772		
Amortization of issuance costs	(50,440)		
Principal payments	7,215,460		
Underwriters discount	125,640		
Deferred costs	<u>(2,529,029)</u>		
			(18,575,273)

Some expenses reported in the statement of activities do not require the use of current financial resources and therefore are not reported as expenditures in governmental funds. This difference includes the increase in vested compensated absences of \$162,712, decrease in landfill postclosure care cost of \$37,385 and increase in accrued interest of \$411,568.

(536,895)

Change in net assets of governmental activities

\$ 12,565,747

See accompanying notes to basic financial statements.

COUNTY OF JAMES CITY, VIRGINIA
Balance Sheet
Proprietary Fund – James City Service Authority
June 30, 2006

Assets

Current assets:	
Cash and cash equivalents	\$ 1,349,986
Investments	26,882,240
Receivables, net of allowance for uncollectibles:	
Accounts	2,477,126
Interest	240,444
Miscellaneous	156,708
Inventory	627,198
Total current assets	<u>31,733,702</u>
Noncurrent assets:	
Capital assets (notes 7, 10 and 16):	
Land	1,785,961
Land and land rights – utility plant	890,438
Land improvements	13,183
Construction in progress	5,098,030
Water and sewer systems – utility plant	184,876,629
Buildings and improvements	1,903,142
Office fixtures and equipment	925,966
Automotive equipment	1,958,287
Less accumulated depreciation	<u>(60,706,121)</u>
Net capital assets	136,745,515
Investments restricted for future use (note 2)	703,494
Bond issuance costs, net	172,171
Total noncurrent assets	<u>137,621,180</u>
Total assets	<u>\$ 169,354,882</u>

Liabilities and Net Assets

Liabilities:	
Current liabilities:	
Accounts payable	\$ 1,067,851
Accrued salaries and benefits	334,419
Due to other funds (note 5)	496,532
Deposits	115,598
Interest payable	128,423
Current portion of bonds payable (note 10)	860,000
Total current liabilities	<u>3,002,823</u>
Noncurrent liabilities:	
Advances for construction (note 16)	135,302
Bonds payable, net of current portion (note 10)	12,174,918
Total noncurrent liabilities	<u>12,310,220</u>
Total liabilities	<u>15,313,043</u>
Net assets:	
Invested in capital assets, net of related debt	123,710,597
Restricted for capital projects	703,494
Unrestricted net assets	29,627,748
Total net assets	<u>154,041,839</u>
Total liabilities and net assets	<u>\$ 169,354,882</u>

See accompanying notes to basic financial statements.

COUNTY OF JAMES CITY, VIRGINIA

Statement of Revenues, Expenses and Changes in Fund Net Assets

Proprietary Fund – James City Service Authority

Year ended June 30, 2006

Operating revenues:	
Water and sewer services	\$ 10,269,798
Miscellaneous	930,060
Total operating revenues	<u>11,199,858</u>
Operating expenses:	
Salaries and wages	762,584
Fringe benefits	265,520
Operating supplies and maintenance	560,840
Maintenance of buildings and equipment	637,345
Special services	4,877,696
Utilities	651,820
Water purchases	320,509
Depreciation and amortization	5,330,865
Other	207,397
Total operating expenses	<u>13,614,576</u>
Operating loss	<u>(2,414,718)</u>
Nonoperating revenues (expenses):	
Water and sewer facility fees	6,132,383
Investment income	935,971
Loss on disposal of capital assets	(39,930)
Interest expense, net	(494,712)
Total nonoperating revenues, net	<u>6,533,712</u>
Income before contributions	4,118,994
Capital contributions	<u>10,077,376</u>
Increase in net assets	14,196,370
Total fund net assets at beginning of year	<u>139,845,469</u>
Total fund net assets at end of year	<u>\$ 154,041,839</u>

See accompanying notes to basic financial statements.

COUNTY OF JAMES CITY, VIRGINIA

Statement of Cash Flows

Proprietary Fund – James City Service Authority

Year ended June 30, 2006

Cash flows from operating activities:	
Cash receipts from customers	\$ 10,429,520
Other operating cash receipts	355,595
Cash payments to suppliers of goods and services	(7,083,664)
Cash payments to employees for services	(998,911)
Net cash provided by operating activities	<u>2,702,540</u>
Cash flows from capital and related financing activities:	
Payment of debt	(840,000)
Interest paid	(544,430)
Acquisition and construction of capital assets	(6,119,296)
Proceeds from sale of capital assets	24,124
Net cash used in capital and related financing activities	<u>(7,479,602)</u>
Cash flows provided by noncapital and related financing activities:	
Water and sewer facility fees	<u>6,132,383</u>
Cash flows from investing activities:	
Purchases of investments	(24,455,175)
Sales of investments	22,507,774
Interest received	839,604
Net cash used in investing activities	<u>(1,107,797)</u>
Net increase in cash and cash equivalents	247,524
Cash and cash equivalents at beginning of year	<u>1,102,462</u>
Cash and cash equivalents at end of year	<u><u>\$ 1,349,986</u></u>
Reconciliation of operating loss to net cash provided by operating activities:	
Operating loss	\$ (2,414,718)
Adjustments to reconcile operating loss to net cash provided by operating activities:	
Depreciation and amortization	5,330,865
Changes in assets and liabilities:	
Accounts and interest receivable	(463,344)
Accounts receivable, miscellaneous	46,166
Inventory	(48,331)
Accounts payable	210,100
Accrued salaries and benefits	29,193
Due to other funds	10,174
Deposits	2,435
Net cash provided by operating activities	<u><u>\$ 2,702,540</u></u>
Supplemental schedule – noncash capital and investing activities:	
Capital asset contributions	\$ 10,077,376
Unrealized gain from change in fair value of investments	16,397

See accompanying notes to basic financial statements.

COUNTY OF JAMES CITY, VIRGINIA

Statement of Fiduciary Net Assets

Fiduciary Funds

June 30, 2006

Assets	Pension trust fund	Agency funds
Cash and cash equivalents (note 2)	\$ —	1,915,792
Restricted cash and cash equivalents and investments with fiscal agent/trustee (notes 2 and 13):		
Money market funds	1,597,284	1,027,155
Mutual funds	181,716	—
Debt and equities	2,437,451	—
U.S. stock funds	5,427,644	3,091,688
International stock funds	392,244	—
Government agencies	—	724,589
Commonwealth cash reserve fund	—	1,764,591
Total assets	\$ 10,036,339	8,523,815
Liabilities and Net Assets		
Liabilities:		
Due to other funds	\$ —	622
Deferred revenue	—	123,521
Amounts held for others	—	8,396,928
Accounts payable and accrued liabilities	—	2,744
Total liabilities	—	8,523,815
Net assets:		
Held in trust for Employees' retirement	10,036,339	—
Total liabilities and net assets	\$ 10,036,339	8,523,815

See accompanying notes to basic financial statements.

COUNTY OF JAMES CITY, VIRGINIA
Statement of Changes in Fiduciary Net Assets
Fiduciary Funds
Year ended June 30, 2006

	<u>Pension trust fund</u>
Additions:	
Revenue from use of money and property	\$ 694,681
Contributions	<u>1,178,284</u>
Total additions	1,872,965
Deductions:	
Distributions to employees	<u>432,486</u>
Change in net assets held in trust for employees' retirement	1,440,479
Net assets at beginning of year	<u>8,595,860</u>
Net assets at end of year	<u>\$ 10,036,339</u>

See accompanying notes to basic financial statements.

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

June 30, 2006

(1) Summary of Significant Accounting Policies

The County of James City (the County or the primary government) operates under the County Administrator form of government (as defined under Virginia Law). The elected five-member board of supervisors appoints a County Administrator to serve as the Chief Executive Officer of the County.

The accompanying financial statements of the County of James City, Virginia conform to U.S. generally accepted accounting principles (GAAP) applicable to government units promulgated by the Governmental Accounting Standards Board (GASB). The following is a summary of the more significant policies:

(a) *The Financial Reporting Entity*

As defined by U.S. GAAP established by GASB, the financial reporting entity consists of the primary government and its component units, which are legally separate organizations for which the board of supervisors of the County is financially accountable. Financial accountability is defined as appointment of a voting majority of the component unit's board, and either (a) the ability to impose will by the primary government, or (b) the possibility that the component unit will provide a financial benefit or impose a financial burden on the primary government.

These financial statements present the County and its component units. The component units discussed below are included in the County's reporting entity because of the significance of the operational or financial relationships with the County.

Blended Component Units

1. James City Service Authority

The James City Service Authority (the Authority) was established on June 30, 1969, by resolution of the board of supervisors of James City County, Virginia and was chartered by the Commonwealth of Virginia State Corporation Commission in July 1969 to provide water and sewer service to County residents as permitted under the *Code of Virginia*, 1950, as amended (the Enabling Act).

The Authority's governing body is appointed by the James City County board of supervisors, although the Authority is legally separate. The James City County board of supervisors is the appointed board of directors of the Authority.

The County can impose its will over the Authority, significantly influencing the programs, projects, activities, or level of service. Although a financial benefit or burden relationship may not exist, the County is financially accountable. The Authority is accounted for as a proprietary fund and its financial statements have been blended with the County's financial statements for reporting purposes.

The Authority's financial statements for the fiscal year ended June 30, 2006 may be obtained from the Department of Financial and Management Services, 101-F Mounts Bay Road, P.O. Box 8784, Williamsburg, Virginia 23187-8784.

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

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2. Williamsburg Area Transport Company

The Williamsburg Area Transport Company (the Company) was incorporated on October 15, 1980. The Company provides transportation systems to James City County, the City of Williamsburg and the Bruton District of York County. Although the Company is legally separate, the James City County board of supervisors is the appointed board of directors of the Company. The County can impose its will over the Company and is financially accountable for the Company. The Company is accounted for as a Special Revenue Fund and its financial statements have been blended with the County's financial statements. Separately issued financial statements are not prepared.

Discretely Presented Component Units

1. Williamsburg-James City County Public Schools

The Williamsburg-James City County Public Schools (the Public Schools), pursuant to an agreement dated January 14, 1954, as amended, is responsible for educating the school-age population of the City of Williamsburg, Virginia (the City) and the County. Two members of the School Board are appointed by the City Council of the City. Five members of the School Board represent James City County and are elected by the citizens of James City County.

Although the Public Schools are legally separate, the County is financially accountable due to the significance of the fiscal dependency relationship with the Public Schools.

Local costs related to operations of the Public Schools are apportioned between the participating localities in accordance with the agreement, as amended. For the fiscal year ended June 30, 2006, the apportionment of the Public Schools' operating costs to the City and County was \$6,428,004 and 9.57% and \$60,773,282 and 90.43% respectively. For the fiscal year ended June 30, 2006, the contributions for the Public Schools' capital project costs from the City and County were \$1,689,392 and 8.7% and \$17,792,632 and 91.3%, respectively.

The Public Schools' financial statements for the fiscal year ended June 30, 2006 may be obtained from the Chief Financial Officer, 101-D Mounts Bay Road, Williamsburg, Virginia 23185.

2. James City County Economic Development Authority

The James City County Economic Development Authority (the Development Authority) is responsible for industrial and commercial development in the County. The Development Authority makes recommendations to the James City County board of supervisors. The Development Authority consists of seven members appointed by the James City County board of supervisors. Although the Development Authority is a legally separate entity, the County is financially accountable due to the significance of the fiscal dependency relationship with the Development Authority.

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From time to time, the Development Authority has issued Industrial Revenue Bonds (the Bonds) to provide financial assistance to private-sector entities for the acquisition and construction of industrial and commercial facilities deemed to be in the public interest. The Bonds are secured by the property financed and are payable solely from payments received on the underlying mortgage loans. Upon repayment of the Bonds, ownership of the acquired facilities transfers to the private-sector entity served by the bond issuance. Neither the County, the state, nor any political subdivision thereof is obligated in any manner for repayment of the Bonds. Accordingly, the Bonds are not reported as liabilities in the accompanying financial statements. As of June 30, 2006, there were 14 series of Industrial Revenue Bonds outstanding, with an aggregate principal amount payable of approximately \$165.2 million.

The Development Authority's financial statements for the fiscal year ended June 30, 2006 may be obtained from the Director of Economic Development, 101-C Mounts Bay Road, P.O. Box 8784, Williamsburg, Virginia 23187-8784.

Other Related Organizations and Joint Ventures

Separate financial statements for the fiscal year ended June 30, 2006, for all other related organizations and joint ventures discussed below except the Colonial Community Corrections Program, Inc., the Virginia Peninsulas Public Service Authority, and the Williamsburg Regional Library, may be obtained from the Director of Accounting of James City County, 101-F Mounts Bay Road, P.O. Box 8784, Williamsburg, Virginia 23187-8784.

1. **Williamsburg Area Medical Assistance Corporation**

The Williamsburg Area Medical Assistance Corporation (the Corporation) was incorporated on February 19, 1993. The Corporation provides a primary medical care clinic to economically disadvantaged persons in the Counties of James City and York and the City of Williamsburg. The County appoints one board member to the Corporation. The Corporation is a legally separate organization, and the County cannot impose its will on the Corporation. The program is fiscally independent, and there is no financial benefit or burden relationship with the County. The County is fiscal agent for the Corporation, and as a result, the Corporation's financial transactions are included as an agency fund in the County's financial statements.

2. **Colonial Community Corrections Program**

The Colonial Community Corrections Program (the Program) serves the Counties of James City, New Kent, York and Charles City, and the City of Williamsburg. Each jurisdiction appoints one member to the Board. The Program is fiscally independent, and there is no financial benefit or burden relationship with the County. The Program is included as a special revenue fund in the County's financial statements.

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3. Virginia Peninsulas Public Service Authority

The Virginia Peninsulas Public Service Authority (the Public Service Authority), was created pursuant to the *Code of Virginia*, 1950, as amended, between the Cities of Hampton, Newport News, Poquoson and Williamsburg, and the Counties of Essex, Gloucester, James City, King and Queen, King William, Mathews, Middlesex and York. The Public Service Authority's financial statements for the fiscal year ended June 30, 2006 may be obtained from the Public Service Authority, 300 McLaws Circle, Suite 200, Williamsburg, Virginia 23185-5676.

Each jurisdiction appoints one board member. The Public Service Authority is a legally separate organization, and the County cannot impose its will on the Public Service Authority. The Public Service Authority is fiscally independent, and there is no financial benefit or burden relationship with the County; therefore, it is not included in the County's financial statements.

4. Williamsburg Regional Library

Pursuant to an agreement dated May 26, 1977, as amended, the Williamsburg Regional Library (the Library) provides library services to the City and the County. The Library is operated by a board of trustees. Each jurisdiction appoints four trustees. The Library is a legally separate organization, and the County cannot impose its will on the trustees. The Library is fiscally independent, and there is no financial benefit or burden relationship with the County; therefore, it is not included in the County's financial statements. The Library's financial statements for the fiscal year ended June 30, 2006 may be obtained from the Library, 7770 Croaker Road, Williamsburg, Virginia 23188.

5. Virginia Peninsula Regional Jail Authority

The Virginia Peninsula Regional Jail Authority (the Jail Authority) was organized and exists pursuant to resolutions adopted in 1993 by and between the Cities of Williamsburg and Poquoson and the Counties of James City and York. The Jail Authority is operated by a board. Each member jurisdiction appoints one member. The Jail Authority is a legally separate organization, and the County cannot impose its will on the Jail Authority.

The Jail Authority is fiscally independent, and there is no financial benefit or burden relationship with the County. The County is charged user fees based on inmate population in order to cover direct and indirect costs of the Jail Authority. The County is fiscal agent for the Jail Authority, and as such, the Jail Authority's financial transactions are included as an agency fund in the County's financial statements.

6. Middle Peninsula Juvenile Detention Commission

The Middle Peninsula Juvenile Detention Commission (the Commission) was created as a political subdivision of the Commonwealth of Virginia by resolutions adopted in 1993. The member jurisdictions are as follows: Caroline County, Charles City County, Essex County, Gloucester County, Hanover County, James City County, King and Queen County, King William County, Lancaster County, Mathews County, Middlesex County, New Kent County,

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Northumberland County, City of Poquoson, Richmond County, Westmoreland County, City of Williamsburg and York County. The Commission is operated by a board.

Each member jurisdiction appoints one member. The Commission is a legally separate organization, and the County cannot impose its will on the Commission. The Commission is fiscally independent, and there is no financial benefit or burden relationship with the County. The County is charged user fees based on juvenile population in order to cover direct and indirect costs of the Commission. The County is fiscal agent for the Commission, and as such, the Commission's financial statements are included as an agency fund in the County's financial statements.

(b) *The Financial Reporting Model*

In June 1999, GASB issued Statement No. 34, *Basic Financial Statements – and Management's Discussion and Analysis – for State and Local Governments*. This statement, known as the "Reporting Model" statement, affects the way the County prepares and presents financial information. State and local governments, including other governmental entities such as the County, traditionally have used a financial reporting model substantially different from the one used to prepare private-sector financial reports.

GASB Statement No. 34 establishes requirements and a new reporting model for the annual financial reports of state and local governments, including other governmental entities. The statement was developed to make annual reports easier to understand and more useful to the people who use governmental financial information to make decisions and includes:

Management's Discussion and Analysis – GASB Statement No. 34 requires that financial statements be accompanied by a narrative introduction and analytical overview of the government's financial activities in the form of "management's discussion and analysis" (MD&A). This analysis is similar to analysis the private sector provides in their annual reports.

Government-Wide Financial Statements – The reporting model includes financial statements prepared using full accrual accounting for all of the government's activities. This approach includes not just current assets and liabilities (such as cash and accounts payable) but also capital assets and long-term liabilities (such as buildings and debt). Accrual accounting also reports all of the revenues and cost of providing services each year, not just those received or paid in the current year or soon thereafter.

Statement of Net Assets – The government-wide statement of net assets is designed to display the financial position of the County. Governments report all capital assets, including infrastructure, in the government-wide statement of net assets and report depreciation expense – the cost of "using up" capital assets – in the statement of activities. The net assets of a government are broken down into three categories – 1) invested in capital assets, net of related debt; 2) restricted; and 3) unrestricted.

Statement of Activities – The government-wide statement of activities reports expenses and revenues in a format that focuses on the cost of each of the government's functions. The expense of individual functions is compared to the revenues generated directly by the function (for instance, through user charges or intergovernmental grants).

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Fund Financial Statements – These statements are, in substance, very similar to the financial statements presented in the previous financial reporting model. Emphasis here is on major funds.

The County adopted the provisions of GASB Statement No. 44, *Economic Condition Reporting*. The Statistical Section, which amends portions of NCGA Statement 1, *Governmental Accounting and Financial Reporting Principles*, that guide the preparation of the statistical section. The statistical section presents detailed information, typically in ten-year trends, which assist financial statement users in utilizing the basic financial statements, notes to basic financial statements, and required supplementary information to assess the economic condition of a government. The statistical section is a required part of a comprehensive annual financial report (CAFR).

(c) ***Government-Wide and Fund Financial Statements***

The accompanying basic financial statements include both government-wide (based on the County as a whole) and fund financial statements. While the previous reporting model emphasized fund types (the total of all funds of a particular type), in the new reporting model, the focus is on either the County as a whole or major individual funds (within the fund financial statements). Both the government-wide and fund financial statements (within the basic financial statements) categorize primary activities as either governmental or business type. In the government-wide statement of net assets, the governmental and business-type activities columns (a) are presented on a consolidated basis by column, and (b) are reflected, on a full accrual basis of accounting and economic resources measurement focus, which incorporates long-term assets and receivables as well as long-term debt and obligations. The County generally first uses restricted assets for expenses incurred for which both restricted and unrestricted assets are available. The County may defer the use of restricted assets based on a review of the specific transaction.

The government-wide statement of activities reflects both the gross and net cost per functional category that are otherwise being supported by general government revenues. The statement of activities reduces gross expenses (including depreciation) by related program revenues, operating and capital grants and contributions. The program revenues must be directly associated with the function or a business-type activity. Program revenues include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function and 2) grants and contributions that are restricted to meeting the operation or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported as general revenues. Administrative overhead charges are allocated to the programs and included in direct expenses. The operating grants include operating-specific and discretionary (either operating or capital) grants while the capital grants column reflects capital-specific grants.

In the fund financial statements, financial transactions and accounts of the County are organized on the basis of funds. The operation of each fund is considered to be an independent fiscal and separate accounting entity, with a self-balancing set of accounts recording cash and/or other financial resources together with all related liabilities and residual equities or balances, and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations. The governmental fund statements are presented on a current financial resources measurement focus and modified accrual basis of

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accounting. Since the governmental fund statements are presented on a different measurement focus and basis of accounting than the government-wide statements' governmental activities column, a reconciliation is presented which explains the adjustments necessary to reconcile the fund financial statements to the governmental activities column of the government-wide financial statements. The County's fiduciary funds are presented in the fund financial statements. Since, by definition, these assets are being held for the benefit of third parties and cannot be used to address activities or obligations of the County, these funds are not incorporated into the government-wide statements.

The County reports the following major governmental funds:

General Fund – The General Fund is the general operating fund of the County. It is used to account for all financial resources except those required to be accounted for in other funds. A significant part of the General Fund's revenues is contributed to the joint-school operations of the City and County or is transferred to other funds principally to fund debt service, capital projects and social services requirements.

Capital Projects Fund – The Capital Projects Fund is used to account for financial resources to be used for the acquisition or construction of major capital facilities other than those financed by the proprietary fund.

Debt Service Fund – The Debt Service Fund is used to account for the accumulation of resources for, and the payment of principal, interest and related costs on long-term debt of governmental funds.

The County reports the following major proprietary fund:

James City Service Authority – The James City Service Authority accounts for the operation of the County's water and sewer services.

Additionally, the County reports the following fund types:

Nonmajor Governmental Funds – Nonmajor Governmental Funds include special revenue funds which account for revenue derived from specific sources that are restricted by legal and regulatory provisions to finance specific activities of the County.

Nonmajor Fiduciary Funds – Nonmajor Fiduciary Funds are used to account for assets held by the County in a trustee capacity or as an agent for individuals, private organizations, other governmental units and/or other funds.

(d) *Basis of Accounting and Measurement Focus*

The accounting and financial reporting treatment applied to a fund is determined by its measurement focus. All governmental funds are accounted for using the current financial resources measurement focus. With this measurement focus, only current assets and current liabilities generally are included on the balance sheet in the funds statements. Long-term assets and long-term liabilities are included in the government-wide statements. Operating statements of the governmental funds present increases (i.e., revenues and other financing sources) and decreases (i.e., expenditures and other financing uses) in net current assets.

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The accompanying fund financial statements of the governmental funds are maintained and reported on the modified accrual basis of accounting using the current financial resources measurement focus. Under this method of accounting, revenues are recognized in the period in which they become measurable and available to finance operations during the year. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 45 days of the end of the current fiscal period. Expenditures, other than interest on long-term debt, are recorded when the fund liability is incurred. Interest on long-term debt is recorded when due.

In applying the modified accrual concept to intergovernmental revenues, the legal and contractual requirements of the numerous individual programs are used as guidance. There are, however, essentially two types of those revenues. In one, monies must be expended for the specific purpose or project before any amounts will be paid to the County, which is usually within 45 days; therefore, revenues are recognized based upon the expenditures recorded. In the other, monies are virtually unrestricted as to purpose of expenditure and are usually revocable only for failure to comply with prescribed compliance requirements. These resources are reflected as revenues at the time of receipt or earlier if the susceptible to accrual criteria are met.

Real estate and personal property taxes are recorded as revenues and receivables when levied and billed, net of allowances for uncollectible amounts. Property taxes levied but not collected within 45 days after year end are reflected as deferred revenue. Sales taxes, which are collected by the state and subsequently remitted to the County, are recognized as revenues and receivables upon execution of the sale, which is generally two months preceding receipt by the County.

License and permits, fines and rents are recorded as revenue when received in cash because they are generally not measurable until actually received. Investment earnings are recorded at fair value as earned since they are measurable and available.

The government-wide and the proprietary fund financial statements are accounted for on a flow of economic resources measurement focus. With this measurement focus, all assets and all liabilities associated with the operation of these activities are included on the statement of net assets. The proprietary fund-type operating statement presents increases (e.g., revenues) and decreases (e.g., expenses) in net total assets.

The statement of net assets, statement of activities and financial statements of the proprietary fund are presented on the accrual basis of accounting. Under this method of accounting, revenues are recognized when earned and expenses are recorded when liabilities are incurred without regard to receipt or disbursement of cash. The proprietary fund distinguishes operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the County's proprietary fund are charges to customers for services. Operating expenses for the proprietary fund include the cost of services, administrative expenses and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

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In accordance with GASB Statement No. 20, *Accounting and Financial Reporting for Proprietary Funds and Other Governmental Entities that use Proprietary Fund Accounting*, proprietary fund types follow all applicable GASB pronouncements as well as all Financial Accounting Standards Board (FASB) pronouncements and predecessor Accounting Principles Board Opinions and Accounting Research Bulletins (ARB) issued on or before November 30, 1989. Under paragraph 7 of GASB Statement No. 20, the County has elected not to apply FASB pronouncements issued after November 30, 1989.

(e) *Cash and Cash Equivalents*

For purpose of the statement of cash flows, cash equivalents are defined as short-term, highly liquid investments that are both (a) readily convertible to known amounts of cash, and (b) so near the maturity that they present insignificant risk of changes in value because of changes in interest rates. Generally, the County considers investments with original maturities of 90 days or less to be cash equivalents.

(f) *Allowance for Uncollectible Accounts*

The County calculates its allowance for uncollectible accounts using historical collection data and specific account analysis. The allowance for uncollectible accounts relating solely to property taxes was \$266,326 in the General Fund at June 30, 2006. Additionally, the County recorded an allowance for uncollectible accounts of \$15,462 related to business, professional and occupational license taxes.

The Authority has few uncollectible receivables and does not use allowance accounts. State law permits filing of liens against real property for unpaid utility charges. The write-off of bad debts occurs when the property is sold prior to the lien process being instituted.

(g) *Investments*

All investments of the County are stated at fair value as of June 30, 2006, in accordance with the provisions of GASB Statement No. 31, *Accounting and Financial Reporting for Certain Investments and for External Investment Pools*.

(h) *Inventory*

All inventories, which consist of materials and supplies, are valued at cost using the average-cost method. Reported inventories are accounted for under the consumption method (i.e., recorded as expenditures when used) in the governmental and proprietary funds. The cost is recorded as an expenditure at the time individual inventory items are consumed. Quantities on hand at year end are recorded at cost on the balance sheet with an offsetting reserve to fund balance which indicates that they do not constitute available spendable resources.

(i) *Capital Assets*

Capital outlays are recorded as expenditures of the General and Special Revenue Funds and as assets in the accompanying government-wide financial statements to the extent the County's capitalization threshold of \$5,000 is met. Depreciation is recorded on capital assets on a government-wide basis. Capital outlays of the proprietary funds are recorded as capital assets and depreciated over their estimated useful lives on a straight-line basis on both the funds basis and the government-wide basis.

COUNTY OF JAMES CITY, VIRGINIA

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All capital assets are valued at historical cost or estimated historical cost if actual cost was not available. Contributed capital assets are valued at their estimated fair market value on the date donated.

Maintenance, repairs and minor equipment are charged to operations when incurred. Expenditures that materially change capacities or extend useful lives are capitalized. Upon sale or retirement of capital assets, the cost and related accumulated depreciation, if applicable, are eliminated from the respective accounts and any resulting gain or loss is included in the results of operations.

Depreciation of capital assets is calculated on the straight-line basis over the following estimated useful lives:

Buildings and improvements	10 to 50 years
Improvements other than buildings	6 to 40 years
Equipment and vehicles	3 to 20 years
Infrastructure	20 to 40 years

(j) *Compensated Absences*

County employees are granted vacation time in varying amounts based on length of service. They may accumulate, subject to certain limitations, unused vacation leave, and upon retirement, termination, or death, may be compensated for certain amounts at their then current rates of pay. The accumulated annual vacation leave and sick leave estimated to be paid upon separation are recorded in the accompanying government-wide financial statements.

(k) *Unbilled Revenue*

The Authority records the amount of earned but unbilled service charges revenue by prorating actual subsequent billings. Amounts accrued but unbilled were approximately \$406,000 at June 30, 2006.

(l) *Property Taxes*

Real property taxes are recognized as receivables when levied. Real property taxes attach as an enforceable lien on property automatically. Taxes are levied no later than October 1 and are due by December 5 and June 5.

Property taxes levied in the current and prior year have been recorded in governmental activities as receivables as of the date the County has the legal right to receive payments thereon. The receivables collected during the fiscal year and during the first 45 days of the succeeding fiscal year are recognized in the General Fund as revenues in the current fiscal year.

A penalty of 10% of the tax is assessed on December 6 and June 6 on taxes outstanding as of those dates. Interest at 10% per annum will be added.

Personal property taxes do not create a lien on property. However, County vehicle decals, which are required by law for all vehicles garaged in the County, may not be issued to any individual having outstanding personal property taxes.

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

June 30, 2006

(m) Risk Management

The County is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. Property and liability coverages are provided through third-party insurance. The County's retention is through deductibles on a per-claim basis. The County's deductibles and property and liability coverages at June 30, 2006 are as follows:

	<u>Per claim deductible</u>	<u>Liability coverage limits</u>
Coverages:		
Property insurance:		
Blanket general property	\$ 10,000	95,078,571
Scheduled property	2,500	2,993,180
Boiler and machinery	1,000	10,000,000
Boiler and machinery – extra expense	cost incurred for 12 hours after accident	100,000
Consequential damage	1,000	100,000
Property at fire stations	250	3,182,915
Money and securities	1,000	1,000,000
Automobile physical damage	10,000	various
Extra expense	10,000	3,000,000
General liability and public officials/police liability	100,000	1,000,000
Umbrella	—	5,000,000
Umbrella – Fire Department	—	5,000,000
General and EMT liability – Fire Department	—	1,000,000
Workers' compensation	—	statutory
Employee benefit liability	—	1,000,000
Automobile liability	100,000	1,000,000
Garagekeepers liability	500	100,000
Blanket dishonesty bond/depositors forgery	2,500	1,000,000
Group accident:		
Fire and rescue	—	various
Volunteers	—	25,000
Auxiliary police	—	30,000

There have been no reductions in insurance coverages from the prior year, and settled claims have not exceeded the amount of insurance coverage in any of the past three fiscal years.

(n) Bond Premiums, Discounts and Issuance Costs

In the accompanying government-wide financial statements, bond premiums and discounts, as well as issuance costs, are deferred and amortized over the terms of the related issues on a straight-line basis.

COUNTY OF JAMES CITY, VIRGINIA

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In the accompanying fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

(o) ***Interfund Transactions***

Interfund transactions are reflected as either loans, services provided, reimbursements or transfers. Loans are reported as receivables and payables as appropriate and are subject to elimination upon consolidation. Services provided, deemed to be at market or near market rates, are treated as revenues and expenditures/expenses. Reimbursements occur when one fund incurs a cost, charges the appropriate benefiting fund and reduces its related cost as a reimbursement. All other interfund transactions are treated as transfers. Transfers between governmental or proprietary funds are netted as part of the reconciliation to the government-wide presentation.

(p) ***Encumbrances***

Encumbrance accounting, in which purchase orders, contracts and other commitments for the expenditure of monies are recorded in order to reserve that portion of the applicable appropriations, is employed as an extension of formal budgetary integration in the General, Special Revenue and Capital Projects Funds. Encumbrances outstanding at year end are reported as reservations of fund balances since they do not constitute expenditures or liabilities under GAAP.

(q) ***Fund Balances***

Fund balances have been reserved for those portions of fund balances that are not available for expenditures or are legally segregated for a specific use.

- *Reserved for encumbrances* – Represents funds appropriated and encumbered for outstanding purchase orders, contracts and other commitments.
- *Reserved for inventory* – Represents funds invested in inventory and not available for future use.
- *Reserved for loans* – Represents mortgage loans and security deposits as part of the Homeless Intervention Program.
- *Unreserved-designated for subsequent years' expenditures* – Designated for future expenditures of individual funds.
- *Unreserved-designated for potential insurance losses* – Designated for future multiple insurance claims that would exceed deductible amounts.
- *Unreserved-designated for capital projects* – Designated for capital improvements projects.
- *Unreserved-designated for fiscal liquidity* – Fund balance targeted between 8% and 12% of total operating budget (General Fund plus the County's share of the Component Unit – Public Schools).

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

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- *Unreserved-designated for health insurance* – Designated for future insurance increases.
- *Unreserved-designated for capital reserve fund* – Designated for future debt payments.
- *Unreserved-undesignated* – Fund balance that has not been designated for specific purposes.

(2) Cash and Cash Equivalents and Investments

Primary Government

(a) Deposits

At year end, the carrying value of the deposits with banks and savings and loans was \$20,360,547, and the bank balance was \$24,032,907. The entire bank balance was covered by federal depository insurance or collateralized in accordance with the Virginia Security for Public Deposits Act (the Act). These deposits do not include \$830,616 of cash in the School Activity Fund, an agency fund of the County.

Under the Act, banks holding public deposits in excess of the amounts insured by the Federal Deposit Insurance Corporation (FDIC) must pledge collateral in the amount of 50% of excess deposits to a collateral pool in the name of the State Treasury Board. Savings and loan institutions are required to collateralize 100% of deposits in excess of FDIC limits. If any member financial institution fails, the entire collateral becomes available to satisfy the claims of the County. If the value of the pool's collateral is inadequate to cover a loss, additional amounts would be assessed on a pro rata basis to the members (banks and savings and loans) of the pool; therefore, these deposits are considered collateralized and as a result are considered insured. The State Treasury Board is responsible for monitoring compliance with the collateralization and reporting requirements of the Act and for notifying local governments of compliance by banks and savings and loans.

(b) Investments

As of June 30, 2006, the primary government had the following investments and maturities:

	Fair value	Original investment maturity (in years)		
		Less than 1	1-2	2-4
State of Virginia LGIP	\$ 9,609,803	9,609,803	—	—
Money market funds	30,167,826	30,167,826	—	—
Federal agency bonds/notes	39,886,467	2,953,437	24,273,792	12,659,238
Commercial paper	2,665,886	2,665,886	—	—
Corporate notes	1,930,299	—	—	1,930,299
U.S. Treasury notes	6,880,243	—	2,345,019	4,535,224
	<u>\$ 91,140,524</u>	<u>45,396,952</u>	<u>26,618,811</u>	<u>19,124,761</u>

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

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(c) *Summary of Deposits*

A reconciliation of the carrying value of deposits and investments reported above to amounts reported in the statement of net assets is as follows:

Deposits	\$ 20,360,547
Investments	91,140,524
	<u>\$ 111,501,071</u>
Cash and cash equivalents	\$ 20,360,547
Cash and cash equivalents and investments - restricted	44,347,590
Investments	46,792,934
	<u>\$ 111,501,071</u>

(d) *Investment Policy*

In accordance with the Code of Virginia and other applicable law, including regulations, the County's Investment Policy (the Policy) permits investments in U.S. Government obligations, municipal obligations, prime quality commercial paper, and certain corporate notes, bankers' acceptances, repurchase agreements, negotiable certificates of deposit, bank deposit notes, mutual funds that invest exclusively in securities specifically permitted under the Policy, and the State Treasurer's Local Government Investment Pool (the Virginia LGIP, a 2a-7 like pool).

The Policy establishes limitations on the holdings of non-U.S. Government obligations. The maximum percentage of the portfolio (book value at the date of acquisition) permitted in each security is as follows:

Registered money market mutual funds	100% maximum
State of Virginia LGIP	100% maximum
Repurchase agreements	50% maximum
Bankers' acceptances	40% maximum
Commercial paper	35% maximum
Negotiable certificates of deposit/bank notes	20% maximum
Municipal obligations	20% maximum
Corporate notes	15% maximum
Bank deposits	25% maximum

(e) *Credit Risk*

As required by state statute, the Policy requires that commercial paper have a short-term debt rating of no less than "A-1" (or its equivalent) from at least two of the following; Moody's Investors Service, Standard & Poor's, Fitch Investor's Service, and Duff and Phelps. Corporate notes must have a minimum of "Aa" long-term debt rating by Moody's Investors Service and a minimum of "AA" long-term debt rating by Standard & Poor's. Negotiable Certificates of Deposit and bank deposit notes maturing in less than one year must have a short-term debt rating of at least "A-1" by

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

June 30, 2006

Standard & Poor's and "P-1" by Moody's Investors Service. Notes having a maturity of greater than one year must be rated "AA" by Standard & Poor's and "Aa" by Moody's Investors Service.

Although state statute does not impose credit standards on repurchase agreement counterparties, bankers' acceptances or money market mutual funds, the County has established stringent credit standards for these investments to minimize portfolio risk.

(f) *Concentration of Credit Risk*

The Policy establishes limitations on portfolio composition by issuer in order to control concentration of credit risk. No more than 5% of the County's portfolio will be invested in the securities of any single issuer with the following exceptions:

U.S. Treasury	100% maximum
Each money market mutual fund	50% maximum
Each federal agency	35% maximum
Each repurchase agreement counterparty	25% maximum

As of June 30, 2006, the portion of the County's portfolio (excluding the blended component unit), excluding U.S. Treasury notes, that exceed 5% of the total portfolio are as follows:

<u>Issuer</u>	<u>% of portfolio</u>
Federal Home Loan Bank	34.6%
Federal Home Loan Mortgage Corporation	20.7
Federal National Mortgage Association	24.0

(g) *Interest Rate Risk*

As a means of limiting exposure to fair value losses arising from rising interest rates, the County's Policy limits the investment of short-term operating funds to an average weighted maturity of no more than 180 days, with a portion of the portfolio continuously invested in readily available funds. The operating fund core portfolio will be invested in permitted investments with a stated maturity of no more than five years from the date of purchase. To control the volatility of the core portfolio, the Treasurer will determine a duration target, not to exceed three years.

Proceeds from the sale of bonds must be invested in compliance with the specific requirements of the bond covenants and may be invested in securities with longer maturities, so long as the maturity does not exceed the expected disbursement date of those funds.

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

June 30, 2006

(h) *Custodial Credit Risk*

The Policy requires that all investment securities purchased by the County or held as collateral on deposits or investments shall be held by the County or by a third-party custodial agent who may not otherwise be a counterparty to the investment transaction. As of June 30, 2006, all of the County's investments are held in a bank's trust department in the name of James City County.

(i) *Component Unit – Public Schools*

Cash and cash equivalents:	
Petty cash	\$ 500
Bank deposits	11,659,176
Investment in LGIP	1,272
	<u>\$ 11,660,948</u>

At year end, the carrying value of the Public Schools' deposits with banks and savings institutions in the General Fund and the Special Revenue Fund was \$11,659,176 and the bank balance was \$14,456,014. The difference between the carrying value of bank deposits and the bank balance is primarily due to outstanding checks and deposits in transit. The bank balance is fully covered by federal depository insurance or collateralized in accordance with the Act.

The Public Schools' investments consist of \$1,272 in the Local Government Investment Pool (LGIP). These investments are stated at fair value.

(j) *Component Unit – Economic Development Authority – Deposits*

At year end, the carrying value of the Development Authority's deposits with banks and savings institutions was \$2,597,216 and the bank balance was \$2,353,225.

(3) **Restricted Cash and Cash Equivalents and Investments**

Restricted cash and cash equivalents and investments of the County at June 30, 2006 are detailed as follows:

<u>Fund</u>	<u>Purpose</u>	<u>Amount</u>
General	Subdivision escrow	\$ 1,159,724
Community development	Community rehabilitation	943,050
Capital projects	General obligation bond	28,594,531
Capital projects	Lease bonds	12,946,791
		<u>\$ 43,644,096</u>

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

June 30, 2006

(4) Receivables and Payables

Amounts due from miscellaneous sources in the General Fund at June 30, 2006 are detailed as follows:

Sales tax	\$ 1,586,165
Charges for services	373,393
Meals tax	590,056
Business license	70,221
Cable franchise fees	185,345
Recordation tax	247,873
Telecommunications	63,531
Deeds of conveyance	53,666
911 Emergency	24,587
Fines and forfeitures	21,768
Utility consumption fee	26,884
Other	368,764
	<u>\$ 3,612,253</u>

Accounts payable and accrued liabilities at June 30, 2006 are comprised of the following:

	<u>Accounts payable</u>	<u>Accrued liabilities</u>	<u>Total</u>
General	\$ 1,068,095	221,670	1,289,765
Capital projects	1,585,636	624,000	2,209,636
Other governmental funds	378,248	22,538	400,786
	<u>3,031,979</u>	<u>868,208</u>	<u>3,900,187</u>
Accrued interest	—	1,519,851	1,519,851
Governmental activities	<u>\$ 3,031,979</u>	<u>2,388,059</u>	<u>5,420,038</u>

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

June 30, 2006

(5) Interfund Receivables, Payables and Transfers

Interfund receivable and payable balances are considered short term in nature. All other balances resulted from the time-lag between the dates that (1) interfund goods and services are provided or reimbursable expenditures occur, (2) transactions are recorded in the accounting system, and (3) payments between funds are made. At June 30, 2006, the balances are as follows:

		Due from other funds	
		Nonmajor governmental funds	
	General		Total
Due to other funds:			
General	\$ —	149,555	149,555
Nonmajor governmental funds	703,422	—	703,422
Service Authority	496,532	—	496,532
Total	\$ 1,199,954	149,555	1,349,509

Interfund transfers for the year ended June 30, 2006, consisted of the following:

		Transfers out	
		Debt service	
	General		Total
Transfers in:			
Capital projects	\$ 9,292,241	—	9,292,241
Debt service	11,449,014	—	11,449,014
Nonmajor governmental funds	2,692,852	125,000	2,817,852
Total	\$ 23,434,107	125,000	23,559,107

Transfers are used to (1) move revenues from the fund that statute or budget requires to collect them to the fund that statute or budget requires to expend them, (2) move receipts restricted to debt service from the funds collecting the receipts to the debt service fund as debt service payments become due, and (3) use unrestricted revenues collected in the General Fund to finance various programs accounted for in other funds in accordance with budgetary authorizations.

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

June 30, 2006

(6) Due from Other Governments

Details of amounts due from other governments as of June 30, 2006 are as follows:

	General Fund	Nonmajor governmental funds	Total governmental activities	Discretely presented component unit – public schools
Local governments:				
City of Williamsburg	\$ 24,990	67,740	92,730	270,716
Other	43,107	—	43,107	—
Commonwealth of Virginia:				
Recordation taxes	130,907	—	130,907	—
Rolling stock tax	30,581	—	30,581	—
State sales taxes	1,463,184	—	1,463,184	—
Personal property tax relief	4,873,333	—	4,873,333	—
Department of Transportation	—	58,458	58,458	—
Virginia Department of Social Services	—	337,502	337,502	—
Other	159,603	—	159,603	109,055
Federal government:				
School funds	—	—	—	899,099
Department of Transportation	—	320,823	320,823	—
Other	12,980	—	12,980	—
Total	\$ <u>6,738,685</u>	<u>784,523</u>	<u>7,523,208</u>	<u>1,278,870</u>

All amounts due from other governments are expected to be collected within one year.

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

June 30, 2006

(7) Capital Assets

The following is a summary of changes in capital assets for the fiscal year ended June 30, 2006:

Governmental Activities

	Balances July 1, 2005	Increases	Decreases	Balances June 30, 2006
Capital assets not being depreciated:				
Land and land improvements	\$ 15,546,775	935,922	—	16,482,697
Construction in progress	6,062,687	33,923,344	6,947,517	33,038,514
Total capital assets not being depreciated	21,609,462	34,859,266	6,947,517	49,521,211
Other capital assets:				
Buildings and improvements	149,245,398	3,137,819	58,815	152,324,402
Improvements other than buildings	6,832,050	1,553,991	8,661	8,377,380
Equipment and vehicles	35,027,776	3,525,570	1,165,726	37,387,620
Infrastructure	4,281,096	75,000	—	4,356,096
Total other capital assets	195,386,320	8,292,380	1,233,202	202,445,498
Less accumulated depreciation for:				
Buildings and improvements	32,492,367	3,217,271	18,204	35,691,434
Improvements other than buildings	1,291,175	244,041	8,661	1,526,555
Equipment and vehicles	11,146,461	3,056,853	1,066,763	13,136,551
Infrastructure	977,696	150,078	—	1,127,774
Total accumulated depreciation	45,907,699	6,668,243	1,093,628	51,482,314
Other capital assets, net	149,478,621	1,624,137	139,574	150,963,184
	\$ 171,088,083	36,483,403	7,087,091	200,484,395

Depreciation was charged to governmental functions as follows:

General government administration	\$ 554,845
Judicial administration	229,567
Public safety	1,481,232
Public works	159,775
Parks, recreation and cultural	576,477
Community development	291,510
Education	2,115,808
Nondepartmental	1,259,029
Total depreciation expense – governmental activities	\$ 6,668,243

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

June 30, 2006

Business-Type Activity – the Authority

	<u>Balances</u> <u>July 1, 2005</u>	<u>Increases</u>	<u>Decreases</u>	<u>Balances</u> <u>June 30, 2006</u>
Capital assets not being depreciated:				
Land	\$ 1,584,998	212,663	11,700	1,785,961
Land and land rights – utility plant	910,138	—	19,700	890,438
Land improvements	13,183	—	—	13,183
Construction in progress	<u>1,632,162</u>	<u>6,143,491</u>	<u>2,677,623</u>	<u>5,098,030</u>
Total capital assets not being depreciated	<u>4,140,481</u>	<u>6,356,154</u>	<u>2,709,023</u>	<u>7,787,612</u>
Other capital assets:				
Water and sewer systems – utility plant	173,024,309	12,285,710	433,390	184,876,629
Buildings and improvements	1,955,674	—	52,532	1,903,142
Office fixtures and equipment	868,535	83,476	26,045	925,966
Automotive equipment	<u>1,881,662</u>	<u>148,956</u>	<u>72,331</u>	<u>1,958,287</u>
Total other capital assets	<u>177,730,180</u>	<u>12,518,142</u>	<u>584,298</u>	<u>189,664,024</u>
Less accumulated depreciation for:				
Water and sewer systems – utility plant	53,207,571	5,058,442	411,533	57,854,480
Buildings and improvements	684,060	55,085	42,660	696,485
Office fixtures and equipment	566,996	55,935	25,120	597,811
Automotive equipment	<u>1,482,816</u>	<u>146,860</u>	<u>72,331</u>	<u>1,557,345</u>
Total accumulated depreciation	<u>55,941,443</u>	<u>5,316,322</u>	<u>551,644</u>	<u>60,706,121</u>
Other capital assets, net	<u>121,788,737</u>	<u>7,201,820</u>	<u>32,654</u>	<u>128,957,903</u>
	<u>\$ 125,929,218</u>	<u>13,557,974</u>	<u>2,741,677</u>	<u>136,745,515</u>

Depreciation was charged to water and sewer operations as follows:

Water	\$ 3,055,882
Sewer	<u>2,260,440</u>
	<u>\$ 5,316,322</u>

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

June 30, 2006

Component Unit – Public Schools

	<u>Balances</u> <u>July 1, 2005</u>	<u>Increases</u>	<u>Decreases</u>	<u>Balances</u> <u>June 30, 2006</u>
Capital assets not being depreciated:				
Land improvements	\$ 8,249,163	—	—	8,249,163
Construction in progress	<u>1,764,772</u>	<u>849,896</u>	<u>146,534</u>	<u>2,468,134</u>
Total capital assets not being depreciated	<u>10,013,935</u>	<u>849,896</u>	<u>146,534</u>	<u>10,717,297</u>
Other capital assets:				
Buildings	15,799,770	146,534	71,081	15,875,223
Equipment	<u>11,902,122</u>	<u>710,987</u>	<u>551,750</u>	<u>12,061,359</u>
Total other capital assets	<u>27,701,892</u>	<u>857,521</u>	<u>622,831</u>	<u>27,936,582</u>
Less accumulated depreciation for:				
Buildings	4,027,362	526,697	—	4,554,059
Equipment	<u>7,060,016</u>	<u>942,619</u>	<u>520,929</u>	<u>7,481,706</u>
Total accumulated depreciation	<u>11,087,378</u>	<u>1,469,316</u>	<u>520,929</u>	<u>12,035,765</u>
Other capital assets, net	<u>16,614,514</u>	<u>(611,795)</u>	<u>101,902</u>	<u>15,900,817</u>
	<u>\$ 26,628,449</u>	<u>238,101</u>	<u>248,436</u>	<u>26,618,114</u>

Depreciation of \$1,469,316 was charged to the Public Schools' governmental functions.

The total construction in progress for the Public Schools is \$21,614,058. Capital outlay expenditures totaling \$19,145,924 are presented in the County's construction in progress balance in order to match the corresponding debt.

Component Unit – Economic Development Authority

	<u>Balance at</u> <u>July 1, 2005</u>	<u>Increases</u>	<u>Decreases</u>	<u>Balance at</u> <u>June 30, 2006</u>
Land	\$ 2,483,106	—	—	2,483,106
Construction in progress	<u>140,975</u>	<u>8,145</u>	—	<u>149,120</u>
	<u>\$ 2,624,081</u>	<u>8,145</u>	<u>—</u>	<u>2,632,226</u>

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

June 30, 2006

(8) Due to Component Units

The County funds its construction costs for new schools through the Capital Projects Fund for the component unit – Public Schools. At June 30, 2006, the County owed a component unit \$2,613,011, which primarily represents construction incurred by the Public Schools. Additionally, the County owed the Development Authority \$559,073, which primarily represents payments for Development Authority grants.

(9) Unearned Revenue

Unearned revenue represents amounts for which asset recognition criteria have been met, but for which revenue recognition criteria have not been met. Under the modified accrual basis of accounting, such amounts are measurable, but not available. Details of unearned revenue as of June 30, 2006 follow:

	General fund	Capital projects	Other governmental funds	Total
Prepaid property taxes	\$ 53,416	—	—	53,416
Unexpended grants	—	1,611	560,063	561,674
Government-wide unearned revenue	53,416	1,611	560,063	615,090
Property taxes not collected within 45 days	15,508,275	—	—	15,508,275
	<u>\$ 15,561,691</u>	<u>1,611</u>	<u>560,063</u>	<u>16,123,365</u>

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

June 30, 2006

(10) Long-Term Debt

Primary Government

A summary of the County's long-term liability activity for governmental activities for the fiscal year ended June 30, 2006 is presented below:

	Amount payable at July 1, 2005	Additions	Retirements and reductions	Amount payable at June 30, 2006	Amounts due within one year
Governmental activities:					
General obligation bonds	\$ 109,407,808	—	6,231,363	103,176,445	6,849,733
Deferred amounts:					
Add bond premium	3,139,527	291,672	215,450	3,215,749	—
Deduct:					
Amount deferred on refunding	(2,514,410)	—	(2,514,410)	—	—
Underwriters discount	(218,854)	(125,640)	(14,619)	(329,875)	—
Total general obligation bonds	109,814,071	166,032	3,917,784	106,062,319	6,849,733
State Literary Fund loan	57,900	—	28,950	28,950	28,950
Capital lease – Radio System	13,816,000	—	716,000	13,100,000	750,000
Other capital lease	—	922,454	114,147	808,307	120,019
Lease revenue bond	—	22,570,000	—	22,570,000	775,000
Loan payable – Virginia Department of Transportation	375,000	—	125,000	250,000	125,000
Compensated absences	2,824,405	2,934,555	2,771,843	2,987,117	2,987,117
Landfill postclosure care cost	591,283	—	37,385	553,898	76,300
Governmental activities long- term liabilities	\$ 127,478,659	26,593,041	7,711,109	146,360,591	11,712,119

The General Fund or the Special Revenue Fund where the employees' salary is charged generally liquidates compensated absences.

The County entered into a capital lease agreement with SunTrust Bank during fiscal year 2004 to lease radio system equipment for the County 911 facility. Included in construction in progress at June 30, 2006 was \$218,799 related to this lease arrangement, there was \$3,655,256 transferred from construction in progress to fixed assets. Depreciation expense incurred on the capital asset totaled \$1,814,252 for fiscal year 2006.

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

June 30, 2006

During fiscal year 2006, the County executed a regional lease purchase agreement with York County to purchase Customer Premise Equipment to provide enhanced 911 service in each respective jurisdiction's Dispatch Center and to be compatible with current technology and telephone systems. The regional purchase of the equipment provides for continued regional cooperation in the operation and maintenance of the joint radio system. York County serves as fiscal agent. This lease agreement qualifies as a capital lease for accounting purposes and has a term of seven years with annual payments of principal and interest of \$155,257. At June 30, 2006, \$922,454 of equipment financed under the capital lease is included in the statement of net assets. A reduction of principal of \$114,147 was recognized during the year ended June 30, 2006.

The present value of future minimum capital lease payments of the County as of June 30, 2006 is as follows:

Fiscal year ending June 30:	
2007	\$ 1,530,127
2008	1,530,352
2009	1,530,860
2010	1,530,555
2011	1,530,390
2012-2016	7,032,323
2017-2019	<u>4,281,830</u>
Total minimum lease payments	18,966,437
Less amount representing interest	<u>(5,058,130)</u>
Present value of minimum capital lease payments	\$ <u><u>13,908,307</u></u>

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

June 30, 2006

(a) *Governmental Activities*

Details of long-term bonded indebtedness:

\$1,980,000 School Bonds, 1997-I, Refunding, issued November 20, 1997, maturing in various annual installments through December 15, 2006, with interest payable semiannually at 6.35%	\$	135,000
\$750,000 School Bonds, 1997-I, Refunding, issued November 20, 1997, maturing in various annual installments through December 15, 2009, with interest payable semiannually at 6.10%		575,000
\$2,350,959 School Bonds, 1992 GO, issued November 12, 1992, maturing in various annual installments through July 15, 2012, with interest payable semiannually at 6%		839,845
\$23,610,000 School Bonds, 1997-I, Refunding, issued November 20, 1997, maturing in various annual installments through December 15, 2011, with interest payable semiannually at 6.69%		5,035,000
\$18,800,000 School Bonds, issued May 1, 1997, maturing in various annual installments through January 15, 2018, with interest payable semiannually at 6.10%		13,625,000
\$19,220,000 School Bonds, Series 1999A, issued May 13, 1999, maturing in various annual installments through July 15, 2019, with interest payable semiannually at 4.10%		15,160,000
\$1,250,000 School Bonds, Series 1999B, issued August 17, 1999, maturing in various annual installments through July 15, 2019, with interest payable semiannually at 5.10%		860,000
\$3,180,200 General Obligation Public Improvement Refunding Bond, Series 2002B, issued December 17, 2002, maturing in various installments through December 15, 2015, with interest payable semiannually at 3.75%		3,120,600
\$4,280,000 General Obligation Public Improvement Refunding Bond, Series 2002, issued November 20, 2002, maturing in various installments through December 15, 2014, with interest payable semiannually at 3.59%		4,056,000
\$21,510,000 General Obligation Public Improvement Refunding Bond, Series 2003, issued June 26, 2003, maturing in various installments through December 15, 2014, with interest payable semiannually at 2.00%		20,450,000
\$39,820,000 General Obligation School Bonds, Series 2005, issued June 8, 2005, maturing in various installments through December 15, 2029, with interest payable semiannually at 3.25%		39,320,000
		<hr/>
		103,176,445

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

June 30, 2006

Add premiums	\$ 3,215,749
Deduct underwriters discounts	<u>(329,875)</u>
Total general obligation bonds	106,062,319
State literary fund loan:	
\$579,000 issued July 1, 1987, due in annual installments of \$28,950 through July 1, 2006, interest paid annually at 4%	28,950
Capital lease obligations:	
\$14,500,000 entered into on November 7, 2003, due in various installments through March 1, 2019, with interest paid semiannually at 4.77%	13,100,000
\$922,454 entered into during fiscal year 2006, due in various annual installments through December 31, 2011, with interest paid semiannually at 4.28%	808,307
Lease revenue bonds:	
\$22,570,000 issued August 24, 2005, due in various installments through July 25, 2025, with interest paid semiannually at 3.25%	22,570,000
Loan payable – Virginia Department of Transportation – \$1,300,000 promissory note entered into June 23, 1999, due in annual installments of \$125,000 through 2008	250,000
Compensated absences	2,987,117
Landfill postclosure care costs	<u>553,898</u>
Total governmental activities	<u>\$ 146,360,591</u>

(b) Business-Type Activity – the Authority

A summary of the County's long-term liability activity for the business-type activity, the Authority, for the fiscal year ended June 30, 2006 is presented below:

	Amount payable at July 1, 2005	Additions	Retirements and reductions	Amount payable at June 30, 2006	Amounts due within one year
Business-type activity:					
Revenue bonds	\$ 13,390,000	—	(840,000)	12,550,000	860,000
Add bond premium	<u>526,041</u>	<u>—</u>	<u>(41,123)</u>	<u>484,918</u>	<u>—</u>
Total	<u>\$ 13,916,041</u>	<u>—</u>	<u>(881,123)</u>	<u>13,034,918</u>	<u>860,000</u>

Details of long-term bonded indebtedness:

\$14,650,000 Revenue Bonds, Series 2003 issued April, 2003, maturing in various annual installments through 2018 with interest payable semiannually at 2.25%	\$ 12,550,000
Add premium	<u>484,918</u>
Total	<u>\$ 13,034,918</u>

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

June 30, 2006

Future maturities of the County's various debt obligations together with scheduled interest payments are as follows:

	Governmental activities							
	General obligation bonds		State literary fund loan		Lease revenue bonds		Business-type activity revenue bonds	
	Principal	Interest	Principal	Interest	Principal	Interest	Principal	Interest
Fiscal year ending								
June 30:								
2007	\$ 6,849,733	4,564,583	28,950	1,158	775,000	925,062	860,000	522,981
2008	6,578,365	4,285,609	—	—	790,000	899,631	880,000	503,631
2009	6,753,170	4,005,074	—	—	815,000	873,550	905,000	479,431
2010	6,772,262	3,717,373	—	—	840,000	845,606	935,000	450,019
2011	6,656,524	3,436,200	—	—	870,000	815,681	965,000	419,631
2012-2016	33,281,391	12,826,468	—	—	4,875,000	3,528,861	5,440,000	1,475,569
2017-2021	16,485,000	6,510,751	—	—	6,070,000	2,291,265	2,565,000	198,850
2022-2026	9,925,000	3,596,562	—	—	7,535,000	815,146	—	—
2027-2030	9,875,000	919,093	—	—	—	—	—	—
	<u>\$ 103,176,445</u>	<u>43,861,713</u>	<u>28,950</u>	<u>1,158</u>	<u>22,570,000</u>	<u>10,994,802</u>	<u>12,550,000</u>	<u>4,050,112</u>

Future maturities of compensated absences and landfill postclosure care costs are not determinable (see note 11). The loan payable to the Virginia Department of Transportation is payable at \$125,000 per year through fiscal year 2008.

(c) Component Unit – Public Schools

	Amount payable at July 1, 2005	Additions	Retirements and reductions	Amount payable at June 30, 2006	Amounts due within one year
Obligations under capital leases \$	237,465	—	(66,213)	171,252	68,884
Compensated absences	<u>659,585</u>	<u>667,474</u>	<u>(656,305)</u>	<u>670,754</u>	<u>301,839</u>
Component Unit – Public Schools					
long-term liabilities \$	<u>897,050</u>	<u>667,474</u>	<u>(722,518)</u>	<u>842,006</u>	<u>370,723</u>

During fiscal year 2005, the Schools executed a lease-purchase agreement to purchase several modular classroom facilities. This lease agreement qualifies as a capital lease for accounting purposes and has a term of four years with annual payments of principal and interest of \$74,426. At June 30, 2006, \$246,610 of equipment financed under capital leases is included in the statement of net assets. A reduction in principal of \$66,213 was recognized during the year ended June 30, 2006, and the amortization charge of \$18,381 is included in depreciation expense.

(d) Component Unit – Economic Development Authority

In August 1999, the Development Authority exercised an option to purchase 217 acres of real property known as the Mainland Farm. The acquisition was partially funded by incurring a \$1,200,000 promissory note pursuant to the option contract from an unrelated third party. Principal and interest are payable annually, and interest accrues at 5.89%. Any outstanding principal or interest

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

June 30, 2006

is due in full in August 2009. Amounts outstanding are secured by a deed of trust conveying the real property.

The following is a summary of the note payable activity for the year ended June 30, 2006.

<u>Amount payable at July 1, 2005</u>	<u>Additions</u>	<u>Reductions</u>	<u>Amount payable at June 30, 2006</u>	<u>Amounts due within one year</u>
\$ 900,000	—	60,000	840,000	60,000

Maturities are as follows:

	<u>Principal</u>	<u>Interest</u>
Fiscal year ending June 30:		
2007	\$ 60,000	49,476
2008	60,000	45,942
2009	60,000	42,408
2010	660,000	38,874
	<u>\$ 840,000</u>	<u>176,700</u>

(11) Landfill Closure and Postclosure Care Cost

The County closed its landfill during fiscal year 1994 and contracted with a third party to provide solid waste disposal services to its residents. This third party operates the site, collects fees based upon the source of the waste, and collects the associated expenditures and revenues accordingly. The County is responsible for construction of the transfer station and all major maintenance and repairs to it.

State and federal laws and regulations require the County to perform certain maintenance and monitoring functions at the site for 10 to 30 years after closure. The \$553,898 reported as landfill postclosure liability at June 30, 2006, represents the liability estimated to monitor the landfill for an average monitoring period of 18 years. This amount is based on what it would cost to perform all closure and postclosure care in 2006. Actual costs may be higher due to inflation, technology changes, or regulation changes. The County intends to fund these costs from the above revenues and from any funds accumulated for this purpose in the County General Fund.

(12) Pension Plan

(a) Plan Description

The County, the Authority and the Public Schools contribute to the Virginia Retirement System (VRS or the System), an agent multiple-employer, defined benefit pension plan administered by the VRS or the System. All full-time, salaried permanent employees of participating employers must participate in the VRS. Benefits vest after five years of service. Employees are eligible for an unreduced retirement benefit at age 65 with five years of service (age 60 for participating law enforcement officers and firefighters) and at age 50 with at least 30 years of service for participating

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

June 30, 2006

employees (age 50 with 25 years for participating law enforcement officers and firefighters) payable monthly for life in an amount equal to 1.7% of their average final compensation (AFC) for each year of credited service. In addition, retirees qualify for annual cost-of-living increases limited to 5% per year beginning in their second year of retirement. AFC is defined as the highest consecutive 36 months of reported compensation. Benefits are actuarially reduced for retirees who retire prior to becoming eligible for full retirement benefits. The VRS also provides death and disability benefits. Participating law enforcement officers and firefighters may receive a monthly benefit supplement if they retire prior to age 65. Title 51.1 of the Code of Virginia (1950), as amended, assigns the authority to establish and amend benefit provisions to the General Assembly of Virginia. The System issues a publicly available comprehensive annual financial report that includes financial statements and required supplementary information for VRS. A copy of that report may be obtained by writing to the System at P.O. Box 2500, Richmond, Virginia 23218-2500.

(b) Funding Policy

Plan members are required by Title 51.1 of the Code of Virginia (1950), as amended, to contribute 5% of their annual salary to the VRS. This 5% member contribution has been assumed by the employers. In addition, the County, the Authority and the Public Schools are required to contribute the remaining amounts necessary to fund their participation in the VRS using the actuarial basis specified by the statute and approved by the VRS board of trustees. The employer contribution rates for the fiscal year ended June 30, 2006 were 12.5%, 6.5% and 8.0% of annual covered payroll for the County, the Authority and the Public Schools, respectively.

(c) Annual Pension Cost

For the fiscal year ended June 30, 2006, the annual pension cost of \$3,779,383, \$213,038 and \$298,065 for the County, Authority and the Public Schools, respectively, was equal to the annual required and actual contributions. The required contribution was determined as part of the June 30, 2005 actuarial valuation using the entry-age-normal-actuarial-cost method. The actuarial assumptions included (a) 7.5% investment rate of return, (b) projected salary increases between 3.5% and 5.73%, and (c) 2.5% per year cost-of-living adjustments. Both (a) and (b) included an inflation component of 2.5%. The actuarial value of the respective entities' assets is equal to the modified market value of assets. This method uses techniques that smooth the effects of short-term volatility in the market value of assets over a 21-year period. The Schools' unfunded actuarial accrued liabilities have been amortized as a level percentage of payroll on an open basis and does not have a remaining amortization period.

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

June 30, 2006

The trend information for each entity's employees is as follows:

Primary Government:

Three-year trend information			
Fiscal year ending	Annual pension cost (APC)	Percentage of APC contributed	Net pension obligation
June 30, 2006	\$ 3,779,383	100%	None
June 30, 2005	3,568,890	100	None
June 30, 2004	2,696,159	100	None

Authority:

Three-year trend information			
Fiscal year ending	Annual pension cost (APC)	Percentage of APC contributed	Net pension obligation
June 30, 2006	\$ 213,038	100%	None
June 30, 2005	199,041	100	None
June 30, 2004	171,692	100	None

Component Unit – Public Schools (non-professional):

Three-year trend information			
Fiscal year ending	Annual pension cost (APC)	Percentage of APC contributed	Net pension obligation
June 30, 2006	\$ 298,065	100%	None
June 30, 2005	277,091	100	None
June 30, 2004	193,043	100	None

Public Schools Required Contribution to the Teacher Cost Sharing Pool:

Three-year trend information			
Fiscal year ending	Annual pension cost (APC)	Percentage of APC contributed	Net pension obligation
June 30, 2006	\$ 6,027,664	100%	None
June 30, 2005	5,293,732	100	None
June 30, 2004	3,858,101	100	None

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

June 30, 2006

(13) Deferred Compensation Plan

The County offers its employees a deferred compensation plan created in accordance with Internal Revenue Code (IRC) Section 457. The plan, available to permanent part-time and full-time County and Authority employees, permits them to defer 25% of their gross income up to the maximum allowable by the IRC (\$15,000 in 2006). The deferred compensation is not available to employees until termination, retirement, death, or an unforeseeable emergency.

All amounts of compensation deferred under the plan, all property and rights purchased with those amounts, and all income attributable to those amounts, property, or rights are held in trust for the participants. The County acts as trustee for the plan with the choice of investment options being made by the participants. The activity of the plan is accounted for in the Deferred Compensation Plan trust fund in the accompanying basic financial statements in accordance with the provisions of GASB Statement No. 32, *Accounting and Financial Reporting for Internal Revenue Code Section 457 Deferred Compensation Plans*.

(14) Related-Party Transactions

Certain financial management, accounting, legal and other services are provided to the Authority by the County. The charge for these services amounted to \$795,231 for the year ended June 30, 2006. In addition, the County rents space in the Authority administration building under a lease agreement. The yearly rate was \$85,716 for fiscal year 2006. The rental charge includes the following: utilities, insurance, maintenance, housekeeping supplies and custodian services.

(15) Surety Bonds of Principal Officials

<u>Name and title</u>	<u>Surety</u>	<u>Amount</u>
Board of Supervisors and County Administrator	Virginia Municipal Liability Pool	\$ 1,000,000
Michael McGinty, Commonwealth's Attorney	Virginia Municipal Liability Pool	1,000,000
Richard E. Bradshaw, Commissioner of Revenue	Virginia Municipal Liability Pool	1,000,000
Betsy B. Woolridge, Clerk of Circuit Court	Virginia Municipal Liability Pool	1,000,000
Robert J. Deeds, Sheriff	Virginia Municipal Liability Pool	1,000,000
M. Ann Davis, Treasurer	Virginia Municipal Liability Pool	1,000,000

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

June 30, 2006

(16) Commitments and Contingencies

Primary Government

Construction in Progress – Governmental Activities

At June 30, 2006, the County had several major projects under construction which are presented in the accompanying financial statements as construction in progress. Presented below is a list of major projects, by budget, expenditures to date, balance of contract and budget balance.

Project	Budget	Expenditures to date	Balance of contract	Budget balance
Public safety	\$ 4,589,440	300,848	185,809	4,102,783
General governmental	24,400,055	11,832,605	9,836,059	2,731,391
Education	46,790,579	19,145,924	27,644,655	—
Community development	1,760,212	803,964	37,414	918,834
Parks and recreation	16,764,049	829,131	1,217,004	14,717,914
Community services	731,979	126,042	225	605,712
	<u>\$ 95,036,314</u>	<u>33,038,514</u>	<u>38,921,166</u>	<u>23,076,634</u>

Construction in Progress – Business-Type Activity

At June 30, 2006, the Authority had several major projects under construction which are presented in the accompanying financial statements as construction in progress. Presented below is a list of major projects, by budget, expenditures to date, balance of contract and budget balance.

Project	Budget	Expenditures to date	Balance of contract	Budget balance
Sewer improvements	\$ 3,957,541	1,592,466	1,406,290	958,785
Water supply	3,347,569	2,031,329	903,769	412,471
Water transmission	131,000	10,621	109,800	10,579
Water distribution	1,788,400	46,510	20,251	1,721,639
Water system acquisition	6,542,624	1,382,159	5,100,467	59,998
Other	1,575,531	34,945	30,238	1,510,348
	<u>\$ 17,342,665</u>	<u>5,098,030</u>	<u>7,570,815</u>	<u>4,673,820</u>

COUNTY OF JAMES CITY, VIRGINIA

Notes to Basic Financial Statements

June 30, 2006

Advances for Construction

Advances for construction consist of two separate agreement types. Funds were advanced by developers for the construction of specific facilities. These agreements call for rebates, up to the amount advanced, and have no expiration date. Developers can also construct a facility, dedicate it to the Authority and receive rebates, up to the cost of the facility, for up to 10 years.

Component Unit – Public Schools

The Public Schools had commitments under operating leases with initial terms in excess of one year as follows:

	<u>Lease payments due</u>
Year ending June 30:	
2007	\$ 361,694
2008	260,130
2009	66,403
2010	5,505
2011	<u>1,088</u>
	<u>\$ 694,820</u>

Other

The County and the Public Schools participate in a number of federal awards. Amounts received or receivable from grantor agencies are subject to audit and adjustment by grantor agencies, principally the federal government. Any disallowed claims, including amounts already collected, may constitute a liability of the applicable funds. The amount, if any, of expenditures which may be disallowed by the grantor cannot be determined at this time although the County expects such amounts, if any, to be immaterial.

The County, the Public Schools and the Development Authority are currently not involved in any litigation, which management feels could have a significant impact on the County's, the Public Schools', or the Development Authority's financial condition.

REQUIRED SUPPLEMENTARY INFORMATION OTHER THAN MD&A

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COUNTY OF JAMES CITY, VIRGINIA

General Fund

The General Fund is the general operating fund of the County, which is used to account for all of the financial resources, except those required to be accounted for in another fund. Revenues are derived primarily from general property taxes, other local taxes, licenses, permits and fees and intergovernmental revenues. Primary expenditures are for public safety, public works, health and welfare, parks, recreation and culture and the general administration of the County.

COUNTY OF JAMES CITY, VIRGINIA

Schedule of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual (Unaudited)

General Fund

Year ended June 30, 2006

Fund, major and minor revenue source	Original budget	Final budget	Actual	Variance positive (negative)
Revenue from local sources:				
General property taxes:				
Real property taxes	\$ 62,922,995	64,835,195	65,571,510	736,315
Real and personal public service corporation property taxes	1,400,000	1,400,000	1,370,816	(29,184)
Personal property taxes	11,064,840	11,064,840	12,802,970	1,738,130
Machinery and tools taxes	5,200,000	5,200,000	4,887,032	(312,968)
Penalties	400,000	400,000	501,232	101,232
Interest	150,000	150,000	145,942	(4,058)
Total general property taxes	81,137,835	83,050,035	85,279,502	2,229,467
Other local taxes:				
Local sales and use taxes	7,350,293	8,350,293	8,322,022	(28,271)
Franchise license taxes	245,000	245,000	253,940	8,940
Taxes on recordation and wills	1,710,000	1,710,000	2,136,781	426,781
Hotel and motel room taxes	2,515,000	2,715,000	2,931,941	216,941
Restaurant food taxes	4,496,500	4,996,500	5,082,826	86,326
Telecommunications taxes	1,227,725	1,227,725	1,112,967	(114,758)
Deeds of conveyance	450,000	450,000	526,204	76,204
Total other local taxes	17,994,518	19,694,518	20,366,681	672,163
Permits, privilege fees and regulatory licenses:				
Animal licenses	11,000	11,000	21,527	10,527
Business licenses	4,760,000	4,760,000	5,518,162	758,162
Motor vehicle licenses	138,000	138,000	129,630	(8,370)
Building permits	1,650,000	1,650,000	1,569,032	(80,968)
Permits and other licenses	1,538,535	1,508,535	1,638,779	130,244
Total permits, privilege fees and regulatory licenses	8,097,535	8,067,535	8,877,130	809,595
Fines and forfeitures	313,000	313,000	290,714	(22,286)
Revenue from use of money and property:				
Revenue from use of money	425,000	425,000	968,902	543,902
Revenue from use of property	39,131	39,131	68,686	29,555
Total revenue from use of money and property	464,131	464,131	1,037,588	573,457
Charges for services:				
Excess fees of the clerk	575,000	575,000	631,537	56,537
Charges for Commonwealth's attorney	2,000	2,000	2,037	37
Charges for law enforcement and traffic control	96,440	96,440	96,764	324
Charges for parks and recreation	2,488,067	2,488,067	2,638,777	150,710
Landfill user fees	—	226,000	239,912	13,912
Other fees	117,500	117,500	132,006	14,506
Total charges for services	3,279,007	3,505,007	3,741,033	236,026
Miscellaneous revenue:				
Sale of property	10,000	10,000	57,053	47,053
Miscellaneous	73,100	113,100	316,961	203,861
Total miscellaneous revenue	83,100	123,100	374,014	250,914
Total revenue from local sources	111,369,126	115,217,326	119,966,662	4,749,336

COUNTY OF JAMES CITY, VIRGINIA

Schedule of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual (Unaudited)

General Fund

Year ended June 30, 2006

Fund, major and minor revenue source	Original budget	Final budget	Actual	Variance positive (negative)
Revenue from the Commonwealth:				
Noncategorical aid:				
ABC profits	\$ 28,199	28,199	28,199	—
Wine taxes	29,558	29,558	29,558	—
Mobile home titling taxes	12,500	12,500	11,585	(915)
Tax on deeds	450,000	450,000	436,365	(13,635)
Railroad rolling stock taxes	31,204	31,204	42,298	11,094
Personal property tax relief	9,557,223	9,557,223	9,812,213	254,990
Car rental tax	15,000	15,000	57,785	42,785
Total noncategorical aid	10,123,684	10,123,684	10,418,003	294,319
Categorical aid:				
Shared expenses:				
Commonwealth's attorney	424,939	424,939	425,308	369
Sheriff	629,215	629,215	637,906	8,691
Commissioner of the revenue	145,999	145,999	146,224	225
Treasurer	161,552	161,552	164,046	2,494
Medical examiner	300	300	320	20
Registrar/electoral board	53,557	53,557	56,273	2,716
Clerk of the circuit court	400,419	400,419	402,098	1,679
Total shared expenses	1,815,981	1,815,981	1,832,175	16,194
Other categorical aid:				
Emergency medical services	30,746	30,746	—	(30,746)
Commission of the arts	5,000	5,000	5,000	—
HB 599 payments	1,379,722	1,379,722	1,379,724	2
Share of state sales tax	7,651,616	8,231,616	8,090,614	(141,002)
Wireless services board	85,379	85,379	86,807	1,428
Other	26,400	46,600	34,672	(11,928)
Total other categorical aid	9,178,863	9,779,063	9,596,817	(182,246)
Total categorical aid	10,994,844	11,595,044	11,428,992	(166,052)
Total revenue from the Commonwealth	21,118,528	21,718,728	21,846,995	128,267
Revenue from the federal government:				
Victim's assistance	107,446	107,446	107,446	—
Payments in lieu of taxes	8,100	8,100	5,534	(2,566)
Total revenue from the federal government	115,546	115,546	112,980	(2,566)
Total revenues	132,603,200	137,051,600	141,926,637	4,875,037

COUNTY OF JAMES CITY, VIRGINIA

Schedule of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual (Unaudited)

General Fund

Year ended June 30, 2006

Fund, major and minor expenditure source	Original budget	Final budget	Actual	Variance positive (negative)
General government administration:				
Legislative:				
Board of supervisors	\$ 219,505	232,505	220,664	11,841
General and financial administration:				
County administrator	360,170	363,175	356,957	6,218
County attorney	371,160	376,363	326,122	50,241
Human resources	487,140	492,170	474,478	17,692
TQP	249,829	250,895	247,895	3,000
Legal services	9,750	9,750	6,733	3,017
Commissioner of the revenue	573,186	583,310	552,896	30,414
Real estate assessments	710,181	725,857	701,998	23,859
Treasurer	882,453	886,957	861,314	25,643
Financial management	908,691	916,607	787,278	129,329
Accounting	136,533	138,170	118,449	19,721
Publications management	188,489	189,425	182,559	6,866
Purchasing	231,320	232,714	222,595	10,119
Records management	208,063	226,490	206,436	20,054
Telecommunications	209,912	201,370	179,528	21,842
Information technology	1,330,255	1,366,251	1,296,782	69,469
Fleet maintenance	639,688	669,590	666,731	2,859
Total general and financial administration	7,496,820	7,629,094	7,188,751	440,343
Board of elections:				
Electoral board and officials	91,612	91,707	84,674	7,033
Registrar	183,358	187,757	187,282	475
Total board of elections	274,970	279,464	271,956	7,508
Total general government administration	7,991,295	8,141,063	7,681,371	459,692
Judicial administration:				
Courts:				
Circuit court and judicial services	266,010	266,010	254,929	11,081
General district court	42,295	45,775	26,056	19,719
Juvenile and domestic relations district court	28,104	28,104	15,965	12,139
Clerk of the circuit court	683,321	708,857	667,621	41,236
Sheriff	1,005,695	1,033,655	994,257	39,398
9th judicial district	7,186	8,536	8,513	23
Court services and juvenile detention	457,155	456,655	281,501	175,154
Courthouse	400,822	447,829	377,533	70,296
Victim and witness assistance	107,446	127,645	123,269	4,376
Total courts	2,998,034	3,123,066	2,749,644	373,422
Commonwealth's attorney	647,437	648,011	622,208	25,803
Total judicial administration	3,645,471	3,771,077	3,371,852	399,225
Public safety:				
Law enforcement and traffic control:				
Police department	5,733,802	5,895,587	5,757,138	138,449
Radio maintenance	548,694	539,006	114,605	424,401
Emergency communications	1,611,179	1,644,281	1,570,869	73,412
Total law enforcement and traffic control	7,893,675	8,078,874	7,442,612	636,262
Fire and rescue services:				
Fire department	5,939,605	6,263,902	6,120,501	143,401
Emergency medical services	1,869,522	1,753,280	1,529,441	223,839
Total fire and rescue services	7,809,127	8,017,182	7,649,942	367,240

COUNTY OF JAMES CITY, VIRGINIA

Schedule of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual (Unaudited)

General Fund

Year ended June 30, 2006

Fund, major and minor expenditure source	Original budget	Final budget	Actual	Variance positive (negative)
Correction and detention:				
Regional jail	\$ 1,627,200	1,627,700	1,627,608	92
Inspections:				
Code compliance	1,096,696	1,113,253	1,092,669	20,584
Other protection:				
Animal control	177,115	178,552	167,051	11,501
Emergency management	146,816	150,507	140,265	10,242
Total other protection	323,931	329,059	307,316	21,743
Total public safety	18,750,629	19,166,068	18,120,147	1,045,921
Public works:				
Sanitation and waste removal:				
Grounds maintenance	770,077	757,766	634,013	123,753
Refuse disposal	1,190,595	1,394,686	1,353,305	41,381
Total sanitation and waste removal	1,960,672	2,152,452	1,987,318	165,134
Maintenance of general buildings and grounds:				
Facilities management	2,345,713	2,543,143	2,494,545	48,598
Total public works	4,306,385	4,695,595	4,481,863	213,732
Health and welfare:				
Local health department	588,922	600,314	600,314	—
Mental health and mental retardation	722,428	722,428	722,428	—
Total health and welfare	1,311,350	1,322,742	1,322,742	—
Education:				
School board administration	60,212,437	60,799,337	60,797,314	2,023
Parks, recreation and cultural:				
Parks and recreation:				
Administration	562,476	625,968	555,421	70,547
Park operations	2,536,740	2,610,004	2,537,390	72,614
Recreation services	1,862,718	1,930,103	1,904,691	25,412
Total parks and recreation	4,961,934	5,166,075	4,997,502	168,573
Library:				
Regional library	3,955,989	3,955,989	3,955,989	—
Total parks, recreation and cultural	8,917,923	9,122,064	8,953,491	168,573
Community development:				
Planning and community development:				
Planning	1,272,301	1,399,878	1,295,784	104,094
Development management	411,510	410,673	398,507	12,166
Communications	440,386	512,681	479,436	33,245
Neighborhood connections	289,780	303,875	252,344	51,531
Community services office	468,291	426,981	425,821	1,160
Economic development	298,172	317,005	303,838	13,167
Satellite office	138,457	139,157	126,643	12,514
Contributions – other	3,299,654	3,649,654	3,265,477	384,177
Total planning and community development	6,618,551	7,159,904	6,547,850	612,054
Environmental management:				
Environmental services	891,357	1,008,561	952,220	56,341
Mosquito control	79,128	44,578	17,443	27,135
Total environmental management	970,485	1,053,139	969,663	83,476

COUNTY OF JAMES CITY, VIRGINIA

Schedule of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual (Unaudited)

General Fund

Year ended June 30, 2006

<u>Fund, major and minor expenditure source</u>	<u>Original budget</u>	<u>Final budget</u>	<u>Actual</u>	<u>Variance positive (negative)</u>
Cooperative extension program:				
Community development	\$ 84,132	84,199	63,009	21,190
Total community development	7,673,168	8,297,242	7,580,522	716,720
Nondepartmental:				
Miscellaneous	905,000	1,513,992	996,756	517,236
Total expenditures	113,713,658	116,829,180	113,306,058	3,523,122
Excess of revenues over expenditures	18,889,542	20,222,420	28,620,579	8,398,159
Other financing uses:				
Operating transfers out	(18,889,542)	(26,330,707)	(23,434,107)	2,896,600
Excess (deficiency) of revenues over expenditures and other uses	—	(6,108,287)	5,186,472	11,294,759
Fund balance at beginning of year	—	6,108,287	30,979,685	24,871,398
Fund balance at end of year	\$ —	—	36,166,157	36,166,157

Unaudited – see accompanying independent auditors' report.

See accompanying note to required supplementary information.

COUNTY OF JAMES CITY, VIRGINIA

Schedules of Funding Progress – VRS

Required Supplementary Information (Unaudited)

June 30, 2006

County employees:

Actuarial valuation date	Actuarial value of assets	Actuarial accrued liability (AAL)	Unfunded actuarial accrued liability (UAAL)	Funded ratio	Covered payroll	UAAL as a percentage of covered payroll
June 30, 2003	\$ 56,897,641	58,871,363	1,973,722	96.65%	23,771,204	8.30%
June 30, 2004	59,998,853	66,571,496	6,572,643	90.13	26,784,533	24.54
June 30, 2005	64,064,815	75,431,060	11,366,245	84.93	28,121,125	40.42

James City Service Authority employees:

Actuarial valuation date	Actuarial value of assets	Actuarial accrued liability (AAL)	Unfunded actuarial accrued liability / (funding excess) (UAAL)	Funded ratio	Covered payroll	UAAL / excess funding as a percentage of covered payroll
June 30, 2003	\$ 5,221,342	4,369,062	(852,280)	119.51%	2,379,198	(35.82)%
June 30, 2004	5,490,408	4,960,075	(530,333)	110.69	2,848,431	(18.62)
June 30, 2005	5,799,844	6,394,435	594,591	90.70	3,005,418	19.78

Public Schools' – nonteachers:

Actuarial valuation date	Actuarial value of assets	Actuarial accrued liability (AAL)	Unfunded actuarial accrued liability / (funding excess) (UAAL)	Funded ratio	Covered payroll	UAAL / excess funding as a percentage of covered payroll
June 30, 2003	\$ 7,552,928	7,229,043	(323,885)	104.48%	2,951,958	(10.97)%
June 30, 2004	7,729,691	7,821,620	91,929	98.82	3,257,324	2.82
June 30, 2005	8,010,605	9,429,289	1,418,684	84.95	3,427,652	41.39

Unaudited – see accompanying independent auditors' report.

COUNTY OF JAMES CITY, VIRGINIA

Note to Required Supplementary Information (Unaudited)

June 30, 2006

(1) Budgeting and Budgetary Accounting

The following procedures are used by the County in establishing the budgetary data reflected in the financial statements:

Prior to April 1, the County Administrator submits to the board of supervisors a proposed operating and capital budget for the fiscal year commencing the following July 1. The operating budget and capital budget include proposed expenditures and the means of financing them. Public hearings are then conducted to obtain citizen comments.

Prior to June 30, the budget is legally enacted through passage of an Appropriations Resolution. The Appropriations Resolution places legal restrictions on expenditures at the fund and function level. The appropriation for each fund and function can be revised only by the board of supervisors; however, the County Administrator may amend the budget within functions. Supplemental appropriations in addition to the appropriated budget were necessary during the year.

Formal budgetary integration is employed as a management control device during the year for those funds with legally adopted annual budgets which are the General Fund, Special Revenue Fund – Virginia Public Assistance, and Debt Service Fund, and these funds are integrated only at the level of legal adoption. Program and project budgets are utilized in the Capital Projects; Colonial Community Corrections; Williamsburg Area Transport Company; Community Development; Route 5, Phase II; Transportation District and Revolving Loan Funds where appropriations remain open and carry over to the succeeding year.

All budgets are adopted on a basis consistent with GAAP. There were approximately \$1,488,000 of supplemental appropriations relating to prior year encumbrances during the fiscal year ended June 30, 2006. All appropriations lapse on June 30 for all County funds, except the funds referenced above. All budget data presented in the accompanying basic financial statements represents the appropriated budget as of June 30, 2006, as adopted and amended by supplemental appropriations.

Unaudited – see accompanying auditors' report.

**SUPPLEMENTARY INFORMATION –
COMBINING AND INDIVIDUAL FUND STATEMENTS
AND SCHEDULES – BY FUND TYPE**

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COUNTY OF JAMES CITY, VIRGINIA

Nonmajor Governmental Funds

The County reports the following nonmajor governmental funds:

Virginia Public Assistance Fund – accounts for funds received from the federal and state governments and transfers from the General Fund that are utilized for Social Service programs.

Colonial Community Corrections Fund – accounts for the revenues and expenditures, under the Virginia Community Corrections Act, for providing the judicial system with sentencing alternatives for certain nonviolent offenders requiring less than institutional custody, but more than probation supervision.

Williamsburg Area Transport Company Fund – provides public transportation for residents in the Greater Williamsburg area.

Community Development Fund – accounts for the revenues that are utilized to improve targeted areas within the County.

Route 5, Phase II Fund – accounts for developer proffers received to be utilized for the expansion of alternative Route 5.

Transportation District Fund – accounts for the special assessments to be used for construction of Monticello Avenue – Extended.

Revolving Loan Fund – accounts for revenues and expenditures that provide housing rehabilitation to qualified recipients.

Trust Fund – accounts for monies and donations held to celebrate historical events and various special purposes.

Grants and Special Projects Fund – accounts for monies held for use for grants and special projects.

COUNTY OF JAMES CITY, VIRGINIA
Combining Balance Sheet
Nonmajor Governmental Funds
June 30, 2006

Assets	Virginia Public Assistance Fund	Colonial Community Corrections Fund	Williamsburg Area Transport Company	Community Development Fund	Route 5, Phase II Fund	Transportation District Fund	Revolving Loan Fund	Trust Fund	Grants and Special Projects Fund	Total
Cash and cash equivalents	\$ 563,192	58,207	—	43,742	23,006	38,012	352,731	452,088	298,860	1,829,838
Cash and cash equivalents, restricted	—	—	—	943,050	—	—	—	—	—	943,050
Investments	—	—	—	—	—	—	—	1,537,443	—	1,537,443
Accounts receivable	—	—	59,587	—	—	—	—	—	101,538	161,125
Loans receivable	—	—	—	147,168	—	—	—	—	—	147,168
Prepaid and other assets	25,362	—	—	—	—	—	—	—	—	25,362
Due from other funds	—	—	38,044	—	—	—	—	516	—	149,555
Due from other governments	337,502	—	447,021	—	—	—	—	—	—	784,523
Total assets	\$ 926,056	58,207	544,652	1,133,960	23,006	38,012	352,731	1,990,047	511,393	5,578,064
Liabilities and Fund Balances										
Liabilities:										
Accounts payable	\$ 96,053	13,477	47,908	106,262	—	—	—	80,120	34,428	378,248
Accrued liabilities	2,753	1,723	16,834	1,228	—	—	—	—	—	22,538
Liabilities payable from restricted assets	—	—	—	93,820	—	—	—	—	—	93,820
Due to other funds	1,189	8,257	479,792	188,743	—	—	—	25,441	—	703,422
Due to component unit	10,435	—	—	—	—	—	—	—	—	10,435
Deferred revenue	—	—	—	133,593	—	—	—	—	426,470	560,063
Total liabilities	110,430	23,457	544,534	523,646	—	—	—	105,561	460,898	1,768,526
Fund balances:										
Reserved:										
Loans	—	—	—	147,168	—	—	—	—	—	147,168
Other purposes	25,362	—	—	—	—	—	—	—	—	25,362
Unreserved:										
Designated for subsequent years' expenditures	339,377	—	118	—	23,006	—	—	1,884,486	50,495	2,297,482
Undesignated	450,887	34,750	—	463,146	—	38,012	352,731	—	—	1,339,526
Total fund balances	815,626	34,750	118	610,314	23,006	38,012	352,731	1,884,486	50,495	3,809,538
Total liabilities and fund balances	\$ 926,056	58,207	544,652	1,133,960	23,006	38,012	352,731	1,990,047	511,393	5,578,064

See accompanying independent auditors' report.

COUNTY OF JAMES CITY, VIRGINIA
Combining Statement of Revenues, Expenditures and Changes in Fund Balances
Nonmajor Governmental Funds
Year ended June 30, 2006

	Virginia Public Assistance Fund	Colonial Community Corrections Fund	Williamsburg Area Transport Company	Community Development Fund	Route 5, Phase II Fund	Transportation District Fund	Revolving Loan Fund	Trust Fund	Grants and Special Projects Fund	Total
Revenues:										
Revenue from use of money and property	\$ —	—	—	46,000	877	1,450	13,418	76,235	—	137,980
Charges for services	—	—	594,472	—	—	—	—	—	—	594,472
Miscellaneous	—	88,408	13,962	120,177	—	—	2,368	210,512	29,106	464,533
Intergovernmental:										
Local	—	72,851	343,440	—	—	—	—	—	7,628	423,919
Commonwealth	1,002,776	555,472	386,446	343,827	—	—	—	148,682	405,790	2,842,993
Federal	2,677,437	21,646	788,766	1,074,207	—	—	—	1,107	43,273	4,606,436
Total revenues	3,680,213	738,377	2,127,086	1,584,211	877	1,450	15,786	436,536	485,797	9,070,333
Expenditures:										
Current:										
Judicial administration	—	739,393	—	—	—	—	—	1,266	75,669	816,328
Parks, recreation, and cultural	—	—	—	—	—	—	—	1,124	56,232	57,356
Health and welfare	5,517,594	—	—	—	—	—	—	—	—	5,517,594
Public safety	—	—	—	—	—	—	—	198,606	473,212	671,818
Public works	—	—	—	—	—	—	—	—	13,110	13,110
Community development	—	—	2,437,862	2,639,077	—	—	—	183,493	94,686	5,355,118
Principal payments	—	—	—	—	—	125,000	—	—	—	125,000
Total expenditures	5,517,594	739,393	2,437,862	2,639,077	—	125,000	—	384,489	712,909	12,556,324
Excess (deficiency) of revenues over (under) expenditures	(1,837,381)	(1,016)	(310,776)	(1,054,866)	877	(123,550)	15,786	52,047	(227,112)	(3,485,991)
Other financing sources -										
Transfers in	1,365,296	34,284	310,776	514,910	—	125,000	—	210,000	257,586	2,817,852
Total other financing sources	1,365,296	34,284	310,776	514,910	—	125,000	—	210,000	257,586	2,817,852
Net change in fund balances	(472,085)	33,268	—	(539,956)	877	1,450	15,786	262,047	30,474	(668,139)
Fund balances at beginning of year	1,287,711	1,482	118	1,150,270	22,129	36,562	336,945	1,622,439	20,021	4,477,677
Fund balances at end of year	\$ 815,626	34,750	118	610,314	23,006	38,012	352,731	1,884,486	50,495	3,809,538

See accompanying independent auditors' report.

COUNTY OF JAMES CITY, VIRGINIA

Schedule of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual

Virginia Public Assistance Fund

Year ended June 30, 2006

	<u>Budget</u>	<u>Actual</u>	<u>Variance favorable (unfavorable)</u>
Revenues:			
Intergovernmental:			
Commonwealth	\$ 447,202	1,002,776	555,574
Federal	4,236,487	2,677,437	(1,559,050)
Total intergovernmental revenues	4,683,689	3,680,213	(1,003,476)
Expenditures:			
Current:			
Health and welfare	6,663,735	5,517,594	1,146,141
Deficiency of revenues over expenditures	(1,980,046)	(1,837,381)	142,665
Other financing sources:			
Operating transfers in	1,365,296	1,365,296	—
Deficiency of revenues and other sources over expenditures	(614,750)	(472,085)	142,665
Fund balance at beginning of year	614,750	1,287,711	672,961
Fund balance at end of year	\$ —	815,626	815,626

See accompanying independent auditors' report.

COUNTY OF JAMES CITY, VIRGINIA

Agency Funds

Trust and Agency funds account for money received and held by the County in the capacity of trustee, custodian, or agent for individuals, other governmental agencies and private organizations. The County reports the following Trust and Agency funds:

Pension Trust Fund

Deferred Compensation Plan – accounts for wages of employees participating in the deferred compensation plan created in accordance with Internal Revenue Code Section 457.

Agency Funds

Special Welfare – accounts for the transfer of funds provided by the Virginia Public Assistance Fund for aid to dependent children.

WAMAC – accounts for the fiscal agent funds held for the Williamsburg Area Medical Assistance Corporation.

Regional Jail – accounts for the fiscal agency funds held for the Virginia Peninsula Regional Jail Authority.

Juvenile Detention – accounts for fiscal agency funds held for the Middle Peninsula Juvenile Detention Commission.

Regional Bikeways – accounts for federal and state revenues received related to a regional bikeway program for the Counties of York and James City and the City of Williamsburg. The County of James City is a fiscal agent of this program.

2007 Host Committee – accounts for fiscal agency funds to be used for Jamestown 2007 celebratory events.

School Activity Fund – accounts for fiscal agency funds held for the Public Schools.

COUNTY OF JAMES CITY, VIRGINIA

Combining Statement of Fiduciary Net Assets

Agency Funds

June 30, 2006

	Special Welfare	WAMAC	Regional Jail	Juvenile Detention	Regional Bikeways	2007 Host Committee	Totals - Primary Government	Discretely Presented Component Unit - Public Schools - School Activity Fund
Assets								
Cash and cash equivalents	\$ 8,032	446,144	734,299	633,043	—	94,274	1,915,792	830,616
Restricted cash and cash equivalents and investments with fiscal agent/trustee	—	2,489,180	4,118,843	—	—	—	6,608,023	—
Due from Commonwealth of Virginia	—	—	—	—	—	—	—	838
Total assets	<u>\$ 8,032</u>	<u>2,935,324</u>	<u>4,853,142</u>	<u>633,043</u>	<u>—</u>	<u>94,274</u>	<u>8,523,815</u>	<u>831,474</u>
Liabilities								
Due to other funds	\$ —	—	—	26	—	596	622	—
Advance deposits	—	—	—	123,521	—	—	123,521	—
Accounts payable and accrued liabilities	—	—	—	—	—	2,744	2,744	43,548
Amounts held for others	8,032	2,935,324	4,853,142	509,496	—	90,934	8,396,928	787,926
Total liabilities	<u>\$ 8,032</u>	<u>2,935,324</u>	<u>4,853,142</u>	<u>633,043</u>	<u>—</u>	<u>94,274</u>	<u>8,523,815</u>	<u>831,474</u>

See accompanying independent auditors' report.

COUNTY OF JAMES CITY, VIRGINIA
Combining Statement of Changes in Assets and Liabilities
Agency Funds
Year ended June 30, 2006

	Balances beginning of year	Additions	Reductions	Balances end of year
Special Welfare Fund:				
Assets:				
Cash	\$ 6,531	40,099	38,598	8,032
Liabilities:				
Amounts held for others	\$ 6,531	40,099	38,598	8,032
WAMAC Fund:				
Assets:				
Cash	\$ 583,727	2,672,527	2,810,110	446,144
Restricted cash	1,933,052	856,077	299,949	2,489,180
Total assets	\$ 2,516,779	3,528,604	3,110,059	2,935,324
Liabilities:				
Due to other funds	\$ 281	—	281	—
Amounts held for others	2,516,498	3,528,604	3,109,778	2,935,324
Total liabilities	\$ 2,516,779	3,528,604	3,110,059	2,935,324
Regional Jail Fund:				
Assets:				
Cash and cash equivalents	\$ 735,853	11,054,604	11,056,158	734,299
Restricted cash and cash equivalents and investments with fiscal agent/trustee	4,195,147	4,183,812	4,260,116	4,118,843
Total assets	\$ 4,931,000	15,238,416	15,316,274	4,853,142
Liabilities:				
Amounts held for others	\$ 4,931,000	15,238,416	15,316,274	4,853,142
Juvenile Detention Fund:				
Assets:				
Cash and cash equivalents and investments	\$ 902,812	3,383,626	3,653,395	633,043
Liabilities:				
Due to General Fund	\$ 66	2,427,870	2,427,910	26
Advance deposits	126,600	123,521	126,600	123,521
Amounts held for others	776,146	832,235	1,098,885	509,496
Total liabilities	\$ 902,812	3,383,626	3,653,395	633,043
Regional Bikeways Fund:				
Assets:				
Due from Commonwealth of Virginia	\$ 23,935	—	23,935	—
Liabilities:				
Due to other funds	\$ 23,935	—	23,935	—
2007 Host Committee:				
Assets:				
Cash	\$ 75,832	96,011	77,569	94,274
Liabilities:				
Due to other funds	\$ 513	6,199	6,116	596
Accounts payable and accrued liabilities	—	74,197	71,453	2,744
Amounts held for others	75,319	96,284	80,669	90,934
Total liabilities	\$ 75,832	176,680	158,238	94,274

COUNTY OF JAMES CITY, VIRGINIA

Combining Statement of Changes in Assets and Liabilities

Agency Funds

Year ended June 30, 2006

	Balances beginning of year	Additions	Reductions	Balances end of year
Totals – primary government:				
Assets:				
Cash and cash equivalents and investments	\$ 2,304,755	17,246,867	17,635,830	1,915,792
Restricted cash and cash equivalents and investments with fiscal agent/trustee	6,128,199	5,039,889	4,560,065	6,608,023
Due from Commonwealth of Virginia	23,935	—	23,935	—
Total assets	<u>\$ 8,456,889</u>	<u>22,286,756</u>	<u>22,219,830</u>	<u>8,523,815</u>
Liabilities:				
Due to other funds	\$ 24,795	2,434,069	2,458,242	622
Advance deposits	126,600	123,521	126,600	123,521
Accounts payable	—	74,197	71,453	2,744
Amounts held for others	8,305,494	19,735,638	19,644,204	8,396,928
Total liabilities	<u>\$ 8,456,889</u>	<u>22,367,425</u>	<u>22,300,499</u>	<u>8,523,815</u>
Discretely Presented Component Unit – Public Schools – School Activity Fund:				
Assets:				
Cash and cash equivalents	\$ 778,291	3,168,132	3,115,807	830,616
Due from Commonwealth of Virginia	858	—	—	858
Total assets	<u>\$ 779,149</u>	<u>3,168,132</u>	<u>3,115,807</u>	<u>831,474</u>
Liabilities:				
Accounts payable and accrued liabilities	\$ 50,444	1,179,466	1,186,362	43,548
Amounts held for others	728,705	2,026,370	1,967,149	787,926
Total liabilities	<u>\$ 779,149</u>	<u>3,205,836</u>	<u>3,153,511</u>	<u>831,474</u>

See accompanying independent auditors' report.

COUNTY OF JAMES CITY, VIRGINIA

Discretely Presented Component Units

The County reports the following discretely presented component units:

Public Schools – responsible for educating the school-age population of the City of Williamsburg, Virginia and the County.

Economic Development Authority – responsible for industrial and commercial development in the County.

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STATISTICAL SECTION (UNAUDITED)

COUNTY OF JAMES CITY, VIRGINIA

Balance Sheet

Discretely Presented Component Unit – Public Schools – Governmental Funds

June 30, 2006

Assets	General	Schools' food services	Capital projects	Total governmental funds
Cash and temporary investments (note 2)	\$ 9,283,882	490,566	1,055,884	10,830,332
Receivables	229,586	13,644	—	243,230
Due from federal government (note 6)	852,879	46,220	—	899,099
Due from Commonwealth of Virginia	109,055	—	—	109,055
Due from the City of Williamsburg and James City County (note 6)	71,513	—	2,812,214	2,883,727
Inventory	—	36,758	—	36,758
Total assets	\$ 10,546,915	587,188	3,868,098	15,002,201
Liabilities and Fund Balances				
Liabilities:				
Accounts payable	\$ 517,423	10,787	3,353,652	3,881,862
Accrued payroll	5,408,406	80,064	—	5,488,470
Accrued benefits	2,596,909	24,848	—	2,621,757
Total liabilities	8,522,738	115,699	3,353,652	11,992,089
Fund balances:				
Reserved for:				
Inventory	—	36,758	—	36,758
Encumbrances	795,275	—	—	795,275
Student and MIS data management systems project	100,000	—	—	100,000
Matoaka Elementary School	200,000	—	—	200,000
School health initiative project	657,867	—	—	657,867
Capital projects	—	—	514,446	514,446
Unreserved:				
Undesignated	271,035	434,731	—	705,766
Total fund balances	2,024,177	471,489	514,446	3,010,112
Total liabilities and fund balances	\$ 10,546,915	587,188	3,868,098	
Adjustments for the statement of net assets:				
Capital assets used in governmental activities are not current financial resources and therefore are not reported in the governmental funds.				26,618,114
Unearned revenue is not reported as a liability in the governmental funds.				(842,006)
Long-term liabilities are not reported as liabilities in the governmental funds.				(657,867)
Net assets of governmental activities				\$ 28,128,353

See accompanying independent auditors' report.

COUNTY OF JAMES CITY, VIRGINIA

Statement of Revenues, Expenditures and Changes in Fund Balances

Discretely Presented Component Unit – Public Schools – Governmental Funds

Year ended June 30, 2006

	General	Schools' food services	Capital projects	Total governmental funds
Revenues:				
Intergovernmental:				
From City of Williamsburg and James City County	\$ 67,201,286	—	336,100	67,537,386
From Commonwealth of Virginia	22,069,108	30,280	—	22,099,388
From federal government	3,220,326	1,097,792	—	4,318,118
Total intergovernmental	92,490,720	1,128,072	336,100	93,954,892
Charges for services	297,872	1,984,442	—	2,282,314
Interest	146,030	32,291	—	178,321
Miscellaneous	1,132,944	—	—	1,132,944
Total revenues	94,067,566	3,144,805	336,100	97,548,471
Expenditures:				
General and administrative	2,466,774	—	—	2,466,774
Instruction	66,555,831	—	—	66,555,831
Attendance and health services	2,956,395	—	—	2,956,395
Improvement of instruction	2,274,605	—	—	2,274,605
Pupil transportation	4,927,245	—	—	4,927,245
Operations and maintenance	9,094,008	—	—	9,094,008
Technology	4,111,584	—	—	4,111,584
Food services	—	2,953,944	—	2,953,944
Debt service:				
Principal	66,213	—	—	66,213
Interest	8,213	—	—	8,213
Capital outlay	677,312	33,675	849,896	1,560,883
Total expenditures	93,138,180	2,987,619	849,896	96,975,695
Excess (deficiency) of revenues over (under) expenditures	929,386	157,186	(513,796)	572,776
Other financing sources (uses):				
Transfers in	—	—	600,000	600,000
Transfers out	(600,000)	—	—	(600,000)
Total other financing sources and uses	(600,000)	—	600,000	—
Net change in fund balances	329,386	157,186	86,204	572,776
Fund balances at beginning of year	1,694,791	314,303	428,242	2,437,336
Fund balances at end of year	\$ 2,024,177	471,489	514,446	3,010,112

COUNTY OF JAMES CITY, VIRGINIA

Statement of Revenues, Expenditures and Changes in Fund Balances

Discretely Presented Component Unit – Public Schools – Governmental Funds

Year ended June 30, 2006

Net change in fund balances	\$ 572,776
Adjustments for the statement of activities:	
Governmental funds report capital outlays as expenditures while governmental activities report depreciation expense to allocate those expenditures over the life of the assets. This is the amount by which new capital assets exceeded capital expenditures in the current period:	
Capital outlay	1,560,883
Depreciation expense	<u>(1,469,316)</u>
	91,567
In the statement of activities, the loss on the sale of equipment is reported, whereas in the governmental funds, only the proceeds from the sale increase financial resources. Thus the change in net assets differs from the change in fund balances by the cost of the equipment sold.	(101,902)
Repayment of debt principal is an expenditure in the governmental funds, but does not affect the statement of activities.	66,213
In the statement of activities, certain operating expenses are measured by the amounts earned during the year. In the governmental funds, expenditures for these items are measured by the amount of financial resources used. This year, compensated absences earned exceeded the amount used by \$11,169.	(11,169)
Governmental funds recognize revenues when they are both measurable and available, that is collected during the period or within two months after year end. However, they are recognized in full for the period they are earned in the statement of activities.	<u>(657,867)</u>
Change in net assets of governmental activities	\$ <u><u>(40,382)</u></u>

See accompanying independent auditors' report.

COUNTY OF JAMES CITY, VIRGINIA

Balance Sheet

Discretely Presented Component Unit – Economic Development Authority

June 30, 2006

Assets

Current assets:	
Cash (note 2)	\$ 2,597,216
Restricted cash	700,000
Due from James City County	559,073
Total current assets	<u>3,856,289</u>
Notes receivable	<u>78,914</u>
Capital assets (note 7):	
Land	2,483,106
Construction in progress	149,120
Total capital assets	<u>2,632,226</u>
Total assets	<u>\$ 6,567,429</u>

Liabilities and Net Assets

Liabilities:	
Current liabilities:	
Accounts payable	\$ 566,439
Current portion of note payable (note 10)	60,000
Total current liabilities	626,439
Note payable, less current portion (note 10)	780,000
Escrow liability	700,000
Total liabilities	<u>2,106,439</u>
Net assets:	
Invested in capital assets, net of related debt	1,792,226
Unrestricted	2,668,764
Total net assets	<u>4,460,990</u>
Total liabilities and net assets	<u>\$ 6,567,429</u>

See accompanying independent auditors' report.

COUNTY OF JAMES CITY, VIRGINIA

Statement of Revenues, Expenses and Changes in Fund Net Assets

Discretely Presented Component Unit – Economic Development Authority

Year ended June 30, 2006

Operating revenues:	
County contribution	\$ 352,379
Bond fees	10,400
Lease income	66,010
Miscellaneous income	1,429
Total operating revenues	<u>430,218</u>
Operating expenses:	
Community development	304,098
Advertising	22,063
Professional fees	6,100
Note forgiveness	9,619
Travel and training	3,633
Other expenses	1,118
Total operating expenses	<u>346,631</u>
Operating income	<u>83,587</u>
Nonoperating revenue (expense):	
Interest income	128,623
Interest expense	(53,010)
Net nonoperating revenue	<u>75,613</u>
Change in net assets	159,200
Net assets at beginning of year	<u>4,301,790</u>
Net assets at end of year	<u>\$ 4,460,990</u>

See accompanying independent auditors' report.

COUNTY OF JAMES CITY, VIRGINIA

Statement of Cash Flows

Discretely Presented Component Unit – Economic Development Authority

Year ended June 30, 2006

Cash flows from operating activities:	
Receipts from customers	\$ 430,218
Payments to suppliers	<u>(331,012)</u>
Net cash provided by operating activities	<u>99,206</u>
Cash flows from capital and capital related financing activities:	
Construction of capital assets	(8,145)
Principal payments of note payable	(60,000)
Interest paid on note payable	<u>(53,010)</u>
Net cash used in capital and capital related financing activities	<u>(121,155)</u>
Cash flows from investing activities:	
Interest received	<u>128,623</u>
Net increase in cash and short-term investments	106,674
Cash and short-term investments at beginning of year	<u>3,190,542</u>
Cash and short-term investments at end of year	<u><u>\$ 3,297,216</u></u>
Reconciliation of operating income to net cash provided operating activities:	
Operating income	\$ 83,587
Adjustments to reconcile operating income to cash provided by operating activities:	
Note forgiveness	9,619
Changes in assets and liabilities:	
Due from James City County	(136,409)
Accounts payable	<u>142,409</u>
Net cash provided by operating activities	<u><u>\$ 99,206</u></u>
Cash and short term investments at June 30, 2006 are comprised of the following amounts:	
Cash and short-term investments	\$ 2,597,216
Restricted short-term investments	<u>700,000</u>
	<u><u>\$ 3,297,216</u></u>

See accompanying independent auditors' report.

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Table I

COUNTY OF JAMES CITY, VIRGINIA

Net Assets by Component (1)

Last Four Fiscal Years

	Fiscal year			
	2003	2004	2005	2006
Governmental activities:				
Invested in capital assets, net of related debt	\$ 66,576,674	72,906,650	47,458,012	57,943,767
Restricted:				
Capital projects	—	—	43,794,137	41,541,322
Debt service	107,703	96,590	85,774	—
Other purposes	1,350,042	1,587,781	1,741,595	14,148,422
Unrestricted	57,788,196	58,697,908	55,102,486	47,114,240
Total governmental activities net assets	\$ 125,822,615	133,288,929	148,182,004	160,747,751
Business-type activities:				
Invested in capital assets, net of related debt	\$ 88,966,049	104,781,826	112,013,177	123,710,597
Restricted:				
Capital projects	15,048,381	3,155,428	696,483	703,494
Unrestricted	19,899,685	23,422,019	27,135,809	29,627,748
Total business-type activities net assets	\$ 123,914,115	131,359,273	139,845,469	154,041,839
Primary government:				
Invested in capital assets, net of related debt	\$ 155,542,723	177,688,476	159,471,189	181,654,364
Restricted:				
Capital projects	15,048,381	3,155,428	44,490,620	42,244,816
Debt service	107,703	96,590	85,774	—
Other purposes	1,350,042	1,587,781	1,741,595	14,148,422
Unrestricted	77,687,881	82,119,927	82,238,295	76,741,988
Total primary government net assets	\$ 249,736,730	264,648,202	288,027,473	314,789,590

(1) Governmental Accounting Standards Board (GASB) Statement No. 34, *Basic Financial Statements – and Management's Discussion and Analysis – for State and Local Governments*, which requires government-wide financial statements that provide the above financial information was adopted by the County as of July 1, 2002. Hence, the financial information for fiscal years prior to 2003 is not available.

Table II

COUNTY OF JAMES CITY, VIRGINIA

Government-Wide Expenses and Program Revenues by Function (1)(2)

Last Four Fiscal Years

	Fiscal year			
	2003	2004	2005	2006
Expenses:				
Governmental activities:				
General government administration	\$ 7,197,198	7,421,564	7,715,060	5,790,007
Judicial administration	4,117,622	4,006,887	4,212,935	4,374,852
Public safety	14,199,802	14,856,391	16,742,887	13,599,920
Public works	3,295,519	3,487,207	4,390,347	2,674,311
Health and welfare	5,774,531	6,141,730	6,555,435	7,043,503
Education	52,526,017	55,189,245	58,841,825	77,265,247
Parks, recreation, and cultural	8,090,348	8,304,480	8,893,143	8,720,218
Community development	10,129,125	9,811,644	11,835,533	12,662,469
Storm costs	—	8,239,127	30,124	—
Interest on long-term debt	4,179,994	4,197,067	4,328,942	5,962,561
Non-departmental	829,715	1,643,125	1,975,709	5,161,844
Total governmental activities expenses	110,339,871	123,298,467	125,521,940	143,254,932
Business-type activity – service authority	10,505,144	11,731,280	12,804,913	14,149,218
Total business-type expenses	10,505,144	11,731,280	12,804,913	14,149,218
Total primary government expenses	\$ 120,845,015	135,029,747	138,326,853	157,404,150
Program revenues:				
Governmental activities:				
Charges for services	\$ 11,630,870	13,049,029	13,819,822	15,335,524
Operating grants and contributions	6,081,590	14,130,212	18,964,343	18,790,084
Capital grants and contributions	—	317,414	3,057,457	785,786
Total governmental activities program revenues	17,712,460	27,496,655	35,841,622	34,911,394
Business-type activity:				
Charges for services	11,801,581	12,942,503	15,149,124	16,805,640
Operating grants and contributions	—	371,538	—	—
Capital grants and contributions	5,696,575	5,233,761	4,983,390	10,077,376
Total business-type activities program revenues	17,498,156	18,547,802	20,132,514	26,883,016
Total primary government program revenues	\$ 35,210,616	46,044,457	55,974,136	61,794,410
Net (expense)/revenue:				
Governmental activities	\$ (92,627,411)	(95,801,812)	(89,680,318)	(108,343,538)
Business-type activities	6,993,012	6,816,522	7,327,601	12,733,798
Total primary government net expense	\$ (85,634,399)	(88,985,290)	(82,352,717)	(95,609,740)
General revenues and other changes in net assets:				
Governmental activities:				
Taxes:				
Property taxes, levied for general purposes	\$ 65,470,090	68,374,743	74,480,869	86,204,347
Other local taxes	14,948,074	15,297,039	17,955,400	20,366,681
Other taxes	6,481,619	15,463,455	7,746,142	8,877,130
Interest on investment earnings	880,626	563,216	849,860	3,407,722
Grants and contributions not restricted to specific programs	11,696,289	2,947,631	2,520,331	—
Gain (loss) on sale of capital assets	23,809	(93,129)	(53,727)	—
Miscellaneous	—	715,171	1,074,518	2,053,405
Total governmental activities	99,500,507	103,268,126	104,573,393	120,909,285
Business-type activity:				
Interest on investment earnings	302,872	184,213	506,939	935,971
Gain (loss) on sale of capital assets	(117,874)	1,869	24,124	—
Miscellaneous	286,296	442,554	627,532	526,601
Total business-type activities	471,294	628,636	1,158,595	1,462,572
Total primary government	\$ 99,971,801	103,896,762	105,731,988	122,371,857
Change in net assets:				
Governmental activities	\$ 6,873,096	7,466,314	14,893,075	12,565,747
Business-type activities	7,464,306	7,445,158	8,486,196	14,196,370
Total primary government	\$ 14,337,402	14,911,472	23,379,271	26,762,117

(1) Reflects expenses from Exhibit 2.

(2) Governmental Accounting Standards Board (GASB) Statement No. 34, *Basic Financial Statements – and Management's Discussion and Analysis – for State and Local Governments*, which requires government-wide financial statements that provide the above financial information was adopted by the County as of July 1, 2002. Hence, the financial information for fiscal years prior to 2003 is not available.

Table III

COUNTY OF JAMES CITY, VIRGINIA
Fund Balances, Governmental Funds
Last Ten Fiscal Years

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
General fund:										
Reserved for:										
Encumbrances	\$ 823,535	607,830	617,883	480,076	305,056	1,107,476	742,722	1,209,242	1,488,484	2,454,283
Inventory	189,587	212,432	204,240	248,917	232,432	254,027	233,165	234,894	253,111	245,959
Unreserved for:										
Designated:										
Potential insurance losses	200,000	200,000	200,000	200,000	300,000	300,000	300,000	300,000	300,000	300,000
Capital projects	1,487,088	3,373,755	3,092,000	1,910,000	4,004,000	3,988,000	1,178,076	1,465,000	2,165,522	2,000,000
Fiscal liquidity	3,417,940	3,809,341	4,721,981	8,824,904	11,318,281	12,267,484	13,127,031	13,864,878	14,879,793	17,485,691
Health insurance	51,300	67,524	67,524	67,524	117,524	145,917	155,557	182,971	165,203	157,287
Capital reserve fund	8,817,181	8,158,578	6,820,163	6,748,286	6,105,182	5,551,321	5,977,368	7,438,531	9,273,289	12,056,476
Undesignated – General Fund	—	750,506	382,150	400,000	2,886,828	—	—	—	2,454,283	1,466,461
Total General Fund	\$ 14,986,631	17,179,966	16,105,941	18,879,707	25,269,303	23,614,225	21,713,919	24,695,516	30,979,685	36,166,157
All other government funds:										
Reserved for:										
Loans	\$ —	75,861	81,278	107,337	123,636	133,646	150,142	143,645	158,438	147,168
Other purposes	78,893	—	—	—	—	—	—	—	—	25,362
Encumbrances	—	—	—	—	—	—	—	—	—	11,448,180
Unreserved, reported in:										
Subsequent years' expenditures	17,599,437	27,086,079	29,517,716	22,371,723	19,510,819	20,896,829	2,303,451	2,672,797	2,580,531	2,297,482
Capital projects funds	—	—	—	—	—	—	15,578,329	20,826,056	54,962,288	40,359,822
Debt service	224,993	424,845	161,237	143,426	130,628	120,254	107,703	96,590	6,134	—
Undesignated special revenue funds	758,074	1,070,701	1,078,909	1,149,057	1,375,680	1,953,719	2,625,949	2,647,236	1,738,708	1,339,526
Total all other governmental funds	\$ 18,661,397	28,657,486	30,839,140	23,771,543	21,140,763	23,104,448	20,765,574	26,386,324	59,446,099	55,617,540

Table IV

COUNTY OF JAMES CITY, VIRGINIA
Changes in Fund Balances, Governmental Funds
Last Four Fiscal Years

	Fiscal year			
	2003	2004	2005	2006
Revenues:				
General property taxes	\$ 64,994,207	68,756,419	73,733,187	85,280,660
Other local taxes	14,948,074	15,297,039	17,955,400	20,366,681
Licenses, permits, and fees	6,241,266	7,233,545	7,746,142	8,877,130
Fines and forfeitures	240,353	288,221	301,204	290,714
Use of money and property	880,626	563,216	849,860	3,407,723
Charges for services	3,471,380	3,846,636	4,007,722	4,335,505
Intergovernmental	24,804,534	34,539,339	31,833,900	30,285,175
Miscellaneous	1,132,835	715,171	3,293,645	2,053,402
Total revenues	116,713,275	131,239,586	139,721,060	154,896,990
Expenditures:				
Storm costs	—	8,239,127	30,124	—
General government	6,833,152	7,202,889	7,101,022	7,681,371
Judicial administration	3,795,286	3,747,921	3,923,755	4,188,180
Public works	3,437,085	3,341,281	4,218,631	4,494,973
Health and welfare	5,814,844	6,161,651	6,314,548	6,840,336
Education (1)	49,505,679	52,556,412	55,459,098	60,797,314
Parks, recreation, and culture	7,667,379	7,886,872	8,338,914	9,010,847
Public safety	14,939,911	15,176,064	17,526,762	18,791,965
Community development	9,377,193	9,333,332	14,770,525	13,048,650
Nondepartmental	1,105,541	720,813	997,581	1,267,388
Debt service (3):				
Principal	5,859,041	5,414,782	6,411,051	7,215,460
Interest	4,256,959	3,886,121	4,275,082	5,962,561
Debt issuance cost	171,502	—	—	—
Additional payments made to bond escrow agent	3,067,636	—	—	—
Underwriters discount	96,795	—	139,659	125,640
Capital outlay (2)	9,619,982	13,469,974	12,611,144	37,898,518
Total expenditures	125,547,985	137,137,239	142,117,896	177,323,203
Excess (deficiency) of revenues over (under) expenditures	(8,834,710)	(5,897,653)	(2,396,836)	(22,426,213)
Other financing sources:				
Transfers in	18,612,049	15,023,528	15,338,857	23,559,107
Issuance of debt	—	—	39,820,000	23,492,454
Proceeds from bond issuance	28,970,200	—	—	—
Proceeds from capital lease	—	14,500,000	—	—
Payment to refunded bond escrow agent	(27,135,000)	—	—	—
Premiums on bonds issued	1,489,579	—	1,920,780	291,672
Operating transfers out	(18,612,049)	(15,023,528)	(15,338,857)	(23,559,107)
Transfers (to) from primary government	—	—	—	—
Total other financing sources	3,324,779	14,500,000	41,740,780	23,784,126
Net change in fund balances	\$ (5,509,931)	8,602,347	39,343,944	1,357,913
Debt service as a percentage of noncapital expenditures	8.06%	6.78%	7.52%	7.43%

(1) Includes County percentage of discretely presented Component Unit – Public Schools Operating fund.

(2) Including operating transfers to capital projects.

(3) Excludes costs associated with refunding of debt in 2003 of \$3,115,526.

Table V

COUNTY OF JAMES CITY, VIRGINIA
Assessed Value and Actual Value of Taxable Property
Last Ten Fiscal Years

Fiscal year	Residential property	Commercial and industrial property	Less: tax exempt property	Total real property	Personal property	Public service	Total assessed value	Total direct tax rate
1997	\$ 2,810,526,510	632,632,800	263,630,900	3,443,159,310	391,877,787	132,276,794	3,967,313,891	0.87
1998	3,000,404,819	649,613,300	319,955,700	3,650,018,119	399,249,984	140,757,498	4,190,025,601	0.87
1999	3,087,146,600	823,376,900	330,556,500	3,901,523,500	422,071,919	140,747,498	4,464,342,917	0.87
2000	3,333,447,100	851,992,900	332,009,200	4,185,440,000	500,618,775	145,841,491	4,831,900,266	0.87
2001	3,626,362,700	959,520,000	348,047,600	4,585,882,700	583,751,601	150,801,630	5,320,435,931	0.87
2002	3,963,431,400	1,019,848,000	338,307,900	4,983,279,400	599,119,465	163,054,266	5,745,453,131	0.87
2003	4,384,126,000	1,073,434,000	351,618,700	5,457,560,000	602,841,268	165,415,976	6,225,817,244	0.87
2004	4,962,091,900	1,091,064,900	366,046,700	5,953,156,800	614,647,310	163,577,218	6,731,381,328	0.86
2005	5,546,378,200	1,148,764,700	418,262,300	6,695,142,900	639,376,935	154,833,875	7,489,353,710	0.825
2006	7,003,873,400	1,186,055,500	470,100,700	8,189,928,900	693,850,170	165,476,326	9,049,255,396	0.785

Source: Real Estate Assessments and Commissioner of the Revenue, James City County.

Note: Tax Rates are per \$100 of Assessed Value.

Table VI

COUNTY OF JAMES CITY, VIRGINIA

Principal Property Tax Payers

Current Year and Nine Years Ago

	2006			1997		
	Property taxes assessed	Rank	Percentage of County total	Property taxes assessed	Rank	Percentage of County total
Anheuser-Busch, Inc.	\$ 4,632,950	1	4.98%	\$ 3,817,603	1	8.43%
Busch Entertainment Corp	1,370,299	2	1.47	1,055,661	2	2.33
Wal-Mart, Inc.	980,477	3	1.05	—	—	—
Powhatan Plantation Owners Association	798,915	4	0.86	499,463	6	1.10
Busch Properties, Inc.	723,669	5	0.78	626,758	3	1.38
Ball Metal Container	613,747	6	0.66	593,534	4	1.31
Virginia Electric and Power Company	611,378	7	0.66	540,584	5	1.19
Williamsburg Landing, Inc.	555,316	8	0.60	336,091	8	0.74
Williamsburg Outlets, LLC	546,993	9	0.59	—	—	—
Manor Houses Association	486,331	10	0.52	—	—	—
Owen-Brockway	—	—	—	438,143	7	0.97
Bell Atlantic	—	—	—	283,582	9	0.63
Riverside Healthcare Associates	—	—	—	268,092	10	0.59
Total	\$ 11,320,075		12.17%	\$ 8,459,511		18.67%

Source: Commissioner of the Revenue

Table VII

COUNTY OF JAMES CITY, VIRGINIA

Property Tax Levies and Collections

Last Ten Fiscal Years

Fiscal year	(1) Total tax levy	Current tax collections	Percentage of levy collected	(1) (2) Delinquent tax collections	Total tax collections	Percentage of total tax collections to tax levy	Outstanding delinquent taxes	Percentage of delinquent taxes to tax levy
1997	\$ 41,352,732	40,582,157	98.14%	966,829	41,548,986	100.47%	2,283,385	5.52%
1998	81,439,140	68,714,888	84.38	1,013,929	69,728,817	85.62	4,398,819	5.40
1999	50,734,620	48,930,720	96.44	2,506,269	51,436,989	101.38	1,878,577	3.70
2000	59,403,454	56,096,069	94.43	1,765,480	57,861,549	97.40	2,295,231	3.86
2001	64,782,011	61,581,853	95.06	1,913,905	63,495,758	98.01	1,743,337	2.69
2002	66,574,122	65,456,146	98.32	1,916,554	67,372,700	101.20	2,249,006	3.38
2003	72,770,254	71,037,857	97.62	2,563,632	73,601,489	101.14	1,830,312	2.52
2004	77,632,358	75,152,542	96.81	2,403,245	77,555,787	99.90	3,008,851	3.88
2005	82,556,220	79,820,882	96.69	2,366,403	82,187,285	99.55	2,899,317	3.51
2006(3)	95,154,222	94,002,341	98.79	2,356,361	96,358,702	101.27	1,521,274	1.60

(1) Exclusive of penalties and interest

(2) Does not include land redemptions

(3) 2006 Levy and collection includes 45-day accruals

Source: Treasurer, James City County

COUNTY OF JAMES CITY, VIRGINIA

Property Tax Levies and Collections (2)

Last Fiscal Year

Fiscal year	Taxes levied for the fiscal year	Collected within the fiscal year of the levy (1)		Collections in subsequent years	Total collections to date	
		Amount	Percentage of levy		Amount	Percentage of levy
2006	\$ 95,154,222	72,091,634	75.76%	—	96,358,702	101.27%

(1) Current second half personal property taxes not collectable in year of levy.

(2) Governmental Accounting Standards Board (GASB) Statement No. 44, *Economic Condition Reporting: The Statistical Section*, was adopted by the County as of July 1, 2005. Hence, the information for fiscal years prior to 2006 is not available.

Source: Treasurer, James City County

COUNTY OF JAMES CITY, VIRGINIA

Ratios of Outstanding Debt by Type

Last Ten Fiscal Years

Governmental activities									
Fiscal year	General Obligation Bonds	State Literary Fund Loan	Appropriation Note	Loan Payable Governor's Land	Obligations Under Capital Leases	Capital Lease – Radio System	Loan Payable Virginia Department of Transportation	Lease Revenue Bond	Total
1997	\$ 84,531,114	289,500	1,741,554	—	1,743,333	—	—	—	88,305,501
1998	80,994,217	260,550	1,198,874	—	1,658,227	—	—	—	84,111,868
1999	96,122,855	231,600	620,417	1,300,000	—	—	942,089	—	99,216,961
2000	93,312,056	202,650	—	1,114,827	—	—	942,089	—	95,571,622
2001	88,511,729	173,700	—	914,827	—	—	875,000	—	90,475,256
2002	83,636,632	144,750	—	259,827	—	—	750,000	—	84,791,209
2003	78,746,889	115,800	—	—	—	—	625,000	—	79,487,689
2004	73,636,054	86,850	—	—	—	14,500,000	500,000	—	88,722,904
2005	109,814,071	57,900	—	—	—	13,816,000	375,000	—	124,062,971
2006	106,062,319	28,950	—	—	808,307	13,100,000	250,000	22,570,000	142,819,576

Business-type activity		
Fiscal year	Revenue	bonds
1997	\$ —	\$ 88,305,501
1998	—	84,111,868
1999	—	99,216,961
2000	—	95,571,622
2001	—	90,475,256
2002	—	84,791,209
2003	15,258,289	94,745,978
2004	14,782,165	103,505,069
2005	13,961,041	138,024,012
2006	13,034,918	155,854,494

Source: U.S. Census Bureau

Notes:

(1) Statistics based on combination of James City County and the City of Williamsburg for population and income

(2) Calendar year basis

** Population and income statistics not presented for 2005 and 2006

Table IX

COUNTY OF JAMES CITY, VIRGINIA
Ratio of Net General Bonded Debt to Assessed Value and Net Bonded Debt Per Capita
Last Ten Fiscal Years

Fiscal year	(1) Population	(2) Assessed value	(3) (4) Gross bonded debt	(5) Less debt service monies available	Net bonded debt	Ratio of net general obligation debt to assessed value	Net bonded debt per capita
1997	44,019	\$ 3,967,265,891	86,562,168	9,042,174	77,519,994	0.0195	\$ 1,761
1998	45,998	4,190,025,601	82,453,641	8,845,164	73,608,477	0.0176	1,600
1999	47,451	4,464,342,917	96,974,872	9,274,567	87,700,305	0.0196	1,848
2000	47,445	(6) 4,831,900,266	93,514,706	9,562,069	83,952,637	0.0174	1,769
2001	49,256	5,320,435,931	88,685,429	9,791,477	78,893,952	0.0148	1,602
2002	50,858	5,745,453,131	83,781,382	9,573,068	74,208,314	0.0129	1,459
2003	52,303	6,225,817,244	80,537,541	9,686,080	70,851,461	0.0114	1,355
2004	53,952	6,802,790,128	75,247,759	9,300,903	65,946,856	0.0097	1,222
2005	56,463	7,575,410,210	109,465,708	10,686,133	98,779,575	0.0130	1,749
2006	58,893	9,049,255,396	106,091,269	13,178,021	92,913,248	0.0103	1,578

(1) Center for Public Service at the University of Virginia and Planning Department

(2) From Table VII

(3) Includes all long-term general obligation bonded debt, Bond Anticipation notes, and Literary Fund loans

(4) Includes General Obligation Debt payable from enterprise revenues

(5) From Table IXA

(6) The population estimate formula was revised in 2000 to reflect information from the 2000 census.

Average household size decreased from 2.6 people per household to 2.47 and the vacancy rate decreased from 9.5% to 8.5%.

Table IXA

COUNTY OF JAMES CITY, VIRGINIA

Ratio of Annual Debt Service Expenditures for General Bonded Debt (1) to
Total General Government Expenditures (5)

Last Ten Fiscal Years

Fiscal year	Principal	(2) Interest	(4) Total debt service	(3) Total general governmental expenditures	Ratio of debt service to general total governmental expenditures
1997	\$ 4,075,636	4,188,639	8,264,275	80,469,144	0.1027
1998	4,189,360	4,655,804	8,845,164	85,269,633	0.1037
1999	4,698,769	4,575,798	9,274,567	96,073,705	0.0965
2000	4,679,232	4,882,837	9,562,069	103,640,879	0.0923
2001	4,829,277	4,962,200	9,791,477	110,168,556	0.0889
2002	4,904,047	4,669,021	9,573,068	126,110,078	0.0759
2003	5,442,903	4,243,177	9,686,080	133,771,807	0.0724
2004	5,414,782	3,886,121	9,300,903	142,379,879	0.0653
2005	6,411,051	4,275,082	10,686,133	154,634,945	0.0691
2006	7,215,460	5,962,561	13,178,021	171,917,860	0.0767

(1) General obligation bonds reported in the enterprise funds and special assessment debt with government commitment have been excluded.

(2) Excludes bond issuance and other costs.

(3) Reflects recurring expenditures included in the General Fund, Debt Service Fund, all Special Revenue funds, excluding Route 5 and Transportation District Funds, operating transfers to Capital Projects and the County's percentage of discretely presented Component Unit – Public Schools Operating Fund.

(4) The County has no overlapping debt.

(5) Restated for 1997.

Table X

COUNTY OF JAMES CITY, VIRGINIA

Pledged Revenue Coverage

James City Service Authority

Last Ten Fiscal Years

Fiscal year	(1) Gross revenue	(2) Operating expenses	Net revenue available for debt service	(3) Debt service requirements			Coverage
				Principal	Interest	Total	
1997	\$ 6,144,475	4,255,789	1,888,686	—	—	—	—%
1998	6,894,579	5,192,324	1,702,255	—	—	—	—
1999	7,518,100	4,928,559	2,589,541	—	—	—	—
2000	8,489,573	6,018,181	2,471,392	—	—	—	—
2001	12,047,519	5,679,512	6,368,007	—	—	—	—
2002	12,390,547	7,394,450	4,996,097	—	—	—	—
2003	12,390,749	6,587,651	5,803,098	435,000	60,969	495,969	8.55
2004	13,942,677	7,128,622	6,814,055	825,000	482,695	1,307,695	19.19
2005	16,307,719	7,743,365	8,564,354	840,000	541,881	1,381,881	16.14
2006	18,268,212	8,283,711	9,984,501	860,000	522,981	1,382,981	13.85

(1) Total revenues (including interest) exclusive of water and sewer facility fees for years 1993 through 2000. Upon implementation of GASB Statement No. 33 at July 1, 2000, the Authority began recording water and sewer facility fees as nonoperating revenues.

(2) Total operating expenses exclusive of depreciation.

(3) The Authority has no debt margin nor overlapping debt.

Table XI

COUNTY OF JAMES CITY, VIRGINIA

Principal Employers in James City County

Current Year and Nine Years Ago

	2006			1997		
	Employees	Rank	Percentage of total county employment	Employees	Rank	Percentage of total county employment
Employment:						
Principal Public/Private Employers:						
1. Busch Gardens*	5,937	1	25.64%	4,500	1	20.16%
2. Williamsburg-James City County Public Schools	1,443	2	6.23	1,042	5	4.67
3. Eastern State Hospital	1,033	3	4.46	1,200	3	5.38
4. Anheuser-Busch, Inc.	869	4	3.75	1,100	4	4.93
5. James City County	860	5	3.71	615	7	2.76
6. Wal-Mart Distribution Center	786	6	3.39	—	—	—
7. Busch Properties, Inc.	752	7	3.25	650	6	2.91
8. Jamestown-Yorktown Foundation	495	8	2.14	—	—	—
9. Avid Medical	370	9	1.60	—	—	—
10. Williamsburg Landings, Inc.	275	10	1.19	—	—	—
11. Colonial Williamsburg**	—		—	3,500	2	15.68
12. Ball Metal	—		—	220	9	0.99
13. Owens-Brockway	—		—	200	10	0.90
14. Williamsburg Pottery Factory	—		—	430	8	1.93
Total	12,820		55.36%	13,457		60.31%

Source: Economic Development, James City County and Virginia Employment Commission

* Seasonal Employer

** Located in City of Williamsburg and employs a large number of County residents

Table XII

COUNTY OF JAMES CITY, VIRGINIA
Full-time County Government Employees by Function/Program
Last Ten Fiscal Years

Function/program	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Administrative:										
Board of Supervisors	1	1	1	1	1	1	1	1	1	1
County Administration	4	4	4	4.5	4.5	3.5	3.5	3.5	2.5	2.5
Satellite Services Office	2	2	2	2	2	2	2	2	2	2
County Attorney	3	3	4	4.5	4.5	4.5	4.5	4.5	4.5	4.5
Elections:										
General Registrar	3	3	3	3	3	3	3	3	3	3
Human resources:										
Human Resources	4	4	4	5	5	5	5	5	5	5
Communications	5	6	6	3.5	3.5	3.5	4.5	5	5	6
Training and Quality Performance	3.5	3.5	3.5	3.5	3.5	4	2	2	2	3
Financial administration:										
Accounting	7	9	9	9	9	8	8	8	8	8
Commissioner of Revenue	10	10	10	10	11	11	11	11	11	11
Financial and Management Services	5	5	5	5	5	6	7	7	7	7
Purchasing	3	3	3	3	3	3	3	3	3	3
Real Estate Assessments	9	9	9	9	9	10	11	11	11	11
Treasurer	9	11	11	11	12	12	13	13	13	13
General services:										
Facilities Maintenance	14	14	16	17	19	20	20	20	20	19
Fleet Maintenance	7	7	7	7	7	7	6	6	6	8
General Services	8	8	8	8	8	9	11	11	15	4
Grounds Maintenance	5	6	6	6	6	6	6	6	6	6
Solid Waste Management										
Information resources management:										
Information Resources Management	15	15	15	16	18	18	19	19	19	20
Development management:										
Code Compliance	20	14	14	14	16	15	15	16	17	18
Development Management	5	5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5
Economic Development	3	3	3	3	3	3	3	3	3	3
Environmental Services	—	6	6	7	7	9	9	10	11	12
Mosquito Control	—	—	—	—	—	1	1	1	1	1
Planning and Development	10.5	10.5	13.0	13.5	14.5	14.5	14.5	15.5	16.5	18.5
Judicial:										
Courts/Judicial	2	2	2	2	2	2	2	2	2	2
Courthouse	—	—	—	2	2	2	2	2	2	2
Clerk of the Circuit Court	11	11	11	11	12	12	12	12	12	12
Commonwealth's Attorney	7	7	7	8	8	8	8	8	8	8
Public safety:										
Animal Control	2	2	2	2	2	3	3	3	3	3
Emergency Communications	11	11	12	15	19	19	22	24	25	25
Emergency Management	1	1	1	1	1	1	1	1	1	1
Emergency Medical Services	17	17	17	18	18	18	18	18	18	18
Fire	54	54	66	66	70	70	71	74	77	77
Police	59	60	61	64	68	69	72	73	74	78
Radio Maintenance	1	1	1	1	1	1	1	1	1	1
Sheriff	7	15	15	18	18	18	18	18	18	18

(Continued)

Table XII

COUNTY OF JAMES CITY, VIRGINIA

Full-time County Government Employees by Function/Program

Last Ten Fiscal Years

Function/program	Full-time equivalent employees as of June 30									
	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Community services:										
Community Services	5	5	5	5	5	6	8	5	5	5
Cooperative Extension Service	3	3	3	3	3	3	3	2	2	2
Parks and Recreation	27.5	28.5	26.5	27	29	33	42	43	43	45
Neighborhood Connections	—	—	—	—	—	2.5	3.5	3	3	3
Total General Fund	35.5	36.5	34.5	35.0	37	45	57	53	53.0	55.0
Other services:										
Volunteer Services	1.5	1.5	1.5	1.5	1.5	1.5	—	—	—	—
Community Development	7	7	7	7.5	8.5	8.5	8.5	8.5	8.5	8.5
JCSA	61	63	66	67	71	74	76	78	81	85
Social Services	42	42	42	45.5	46.5	46.5	50.5	52.5	52.5	53.5
Transit	6	6	5	5	6	7	18	19	19	20
Special Projects/Grants	—	—	—	—	—	—	—	—	—	3
Grand Total All Funds	118	120	122	127	133.5	137.5	153	158	164.0	170.0

Source: Financial and Management Services

Table XIII

COUNTY OF JAMES CITY, VIRGINIA

Operating Indicators by Function/Program

Last Ten Fiscal Years

Function/program	Fiscal year									
	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Police:										
Calls for Service	15,565	15,570	16,053	15,895	15,970	17,678	17,574	18,433	18,574	20,615
Major Crimes Reported (3)	1,264	1,604	1,542	1,584	1,624	1,642	1,600	992	889	1,049
Major Crimes Cleared (4)	529	704	473	487	642	845	651	320	306	331
Fire:										
Fire Responses	1,277	1,713	1,909	1,832	1,972	2,389	6,696	7,708	7,249	7,605
Inspections	424	534	1,429	863	793	673	769	894	1,574	1,798
EMS Responses	2,570	3,447	3,518	3,827	3,971	4,158	4,213	4,467	5,349	4,410
Refuse Collection:										
Refuse Collected (tons per day)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	8.95	10.76
Recyclables Collected (tons per day)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1.11	1.08
Parks and Recreation:										
Community Center Admissions	95,448	179,873	192,129	234,735	241,048	283,457	284,448	321,656	349,107	333,299
Park Attendance	N/A	N/A	N/A	N/A	N/A	N/A	N/A	848,750	1,021,620	1,100,051
Water:										
New Connections	412	567	836	555	718	683	785	909	1,068	880
Water mains breaks	N/A	N/A	N/A	39	80	62	85	62	59	51
Wastewater:										
New Connections	317	501	777	478	655	553	603	770	930	884
Transit:										
Total Route Miles (1)	233,761	211,107	247,025	276,978	281,280	301,020	555,766	602,549	619,658	690,675
Passengers(2)	77,952	126,220	196,222	177,730	178,409	137,212	360,707	517,935	527,427	610,360

(1) Total Actual Miles includes Demand Response (Americans with Disability) and Motor Bus (Fixed routes). Includes Revenue and Nonrevenue Miles.

(2) Ridership includes Demand Response, Motor Bus, and Visitors Shuttle (summer service provided by HRT from FY98-02)

(3) Starting FY04 – Major Crimes and Major Crimes Reported no longer included Simple Assaults, which were counted in previous years.

(4) Major Crimes Cleared includes administrative and pending warrant clearances.

N/A : This information is not available.

COUNTY OF JAMES CITY, VIRGINIA
Capital Asset Statistics by Function/Program
Last Ten Fiscal Years

Function/program	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Police Stations	1	1	1	1	1	1	1	1	1	1
Fire Stations	4	4	4	4	4	5	5	5	5	5
Parks and Recreation:										
Acreage	145	145	245	245	245	245	245	181	333	1,527
Playgrounds	2	2	2	3	3	4	4	5	6	7
Ball Fields Maintained	34	33	40	43	43	43	43	54	58	17
Tennis Courts Maintained	9	12	12	12	12	12	12	19	19	3
Community Centers	2	2	2	2	2	2	2	2	2	2
Water:										
Water Lines (miles)	226	240	253	260	265	274	282	294	305	319
Water Customers	9,518	10,025	10,974	12,504	13,460	14,158	14,761	15,657	16,531	17,552
Storage Tanks (Greater than 250,000 gallons)	5	5	5	5	6	6	8	8	8	7
Wastewater:										
Sewer Lines (miles)	290	295	307	315	322	329	339	346	352	360
Gallons Collected (millions)	1,214	1,327	1,629	1,429	1,466	1,639	1,509	1,471	1,469	1,606
Sewer Customers	11,041	11,440	12,008	13,985	14,538	15,249	15,902	16,605	17,357	17,982
Transit-minibuses (1)	8	8	8	8	10	10	15	15	17	26

(1) Number of buses includes total fleet.

Table XV

COUNTY OF JAMES CITY, VIRGINIA

Demographic and Economic Statistics

Last Ten Calendar Years (1)

Fiscal year	Population	Personal income	Per capita personal income	Unemployment percentage
1997	54,665	1,462,895,000	26,761	2.9
1998	55,891	1,644,516,000	29,424	2.3
1999	57,414	1,808,310,000	31,496	1.8
2000	58,928	1,924,796,000	32,664	2.0
2001	60,469	2,107,283,000	34,849	1.2
2002	61,471	2,290,040,000	37,254	2.1
2003	62,912	2,392,093,000	38,023	2.4
2004	64,714	2,520,635,000	38,950	2.5
2005	66,986	2,716,355,000	40,551	3.2
2006	**	**	**	2.9

Source: Bureau of Economic Analysis and the Planning Department Supplemented by Data from the U.S. Census.

Notes: (1) Statistics based on combination of James City County and the City of Williamsburg for population and income.

** Population and Income statistics not yet available for 2006.

Table XVI

COUNTY OF JAMES CITY, VIRGINIA

Demographic Statistics

Households and Population

(Sources: Social Services Department and Planning Department)

Year:	Food stamp households	Total households	Percentage of food stamp households
1997	913	16,676	5.5%
1998	717	17,275	4.2
1999	624	18,154	3.4
2000	614	18,834	3.3
2001	650	19,563	3.3
2002	666	20,224	3.3
2003	696	20,796	3.3
2004	773	21,500	3.6
2005	881	22,531	3.9
2006	974	25,659	3.8

Population

(Source: U.S. Census)

	Population number	Percentage increase
1940	4,907	26.5%
1950	6,317	28.7
1960	11,539	82.7
1970	17,853	54.7
1980	22,763	27.5
1990	34,859	53.1
2000	48,102	38.0

Age Distribution

	1960	%	1970	%	1980	%	1990	%	2000	%
Age:										
0-14	3,594	31.1	5,226	29.3	5,008	22.0	7,211	20.7	9,254	19.2
15-19	897	7.8	1,448	8.1	2,276	10.0	2,147	6.2	2,838	5.9
20-29	1,496	13.0	2,915	16.3	3,870	17.0	5,330	15.3	—	—
20-34 *	—	—	—	—	—	—	—	—	7,484	15.6
30-44	2,559	22.2	3,172	17.8	4,780	21.0	8,901	25.5	—	—
35-44 *	—	—	—	—	—	—	—	—	7,866	16.4
45-64	2,263	19.6	3,531	19.8	5,235	23.0	7,255	20.8	12,563	26.1
65+	730	6.3	1,561	8.7	1,594	7.0	4,015	11.5	8,097	16.8
	<u>11,539</u>	<u>100.0</u>	<u>17,853</u>	<u>100.0</u>	<u>22,763</u>	<u>100.0</u>	<u>34,859</u>	<u>100.0</u>	<u>48,102</u>	<u>100.0</u>

* New categories, as defined by U.S. Census

Source: U.S. Census

COUNTY OF JAMES CITY, VIRGINIA
Demographic Statistics

Table XVI

Households and Population

(Sources: Planning Department Supplemented by Data from U.S. Census)

Year:	<u>Number of households</u>	<u>Total households population*</u>	<u>Persons per household</u>
1996	16,163	40,025	2.60
1997	16,674	43,352	2.60
1998	17,370	45,161	2.60
1999	17,926	46,608	2.60
2000	18,834	46,521	2.47
2001	19,495	48,153	2.47
2002	20,553	50,716	2.47
2003	21,160	52,266	2.47
2004	22,095	54,573	2.47
2005	24,624	56,463	2.47

Unemployment Rate and Labor Force

Year:	<u>Labor force</u>	<u>Employed</u>	<u>Unemployed</u>	<u>Unemployment percentage</u>
1996	21,397	20,781	616	2.9%
1997	22,843	22,319	524	2.3
1998	24,387	23,960	427	1.8
1999	24,330	23,844	486	2.0
2000	25,410	25,103	307	1.2
2001	25,562	25,015	547	2.1
2002	28,453	27,759	694	2.4
2003	29,189	28,462	727	2.5
2004	26,419	25,580	839	3.2
2005	28,056	27,248	808	2.9

* Household population is total population less population of institutions, such as Eastern State Hospital, a state mental facility.

Table XVI

COUNTY OF JAMES CITY, VIRGINIA

Demographic Statistics

Married Couple Returns*

(% Distribution of Returns by AGI)

Virginia

(2003 Total number of returns equals 1,352,508)

AGI in \$000's

	<u>Median</u>	<u>0-9.9</u>	<u>10-19.9</u>	<u>20-29.9</u>	<u>30-39.9</u>	<u>40+</u>	<u>Total</u>
Year:							
1994	42,577	9.9%	11.9%	12.4%	12.8%	53.0%	100%
1995	43,869	11.2	10.8	11.5	12.1	54.4	100
1996	45,482	11.6	10.1	10.8	11.4	56.1	100
1997	48,078	10.8	9.4	10.2	10.8	58.8	100
1998	50,849	10.1	8.7	9.7	10.3	61.2	100
1999	53,745	9.6	8.2	9.1	9.7	63.4	100
2000	56,530	9.4	7.7	8.6	9.2	65.1	100
2001	57,619	9.4	7.5	8.4	8.9	65.8	100
2002	57,924	9.8	7.5	8.3	8.8	65.6	100
2003	59,250	9.9	7.3	8.1	8.5	66.2	100

James City County

(2002 Total number of returns equals 12,601)

AGI in \$000's

	<u>Median</u>	<u>0-9.9</u>	<u>10-19.9</u>	<u>20-29.9</u>	<u>30-39.9</u>	<u>40+</u>	<u>Total</u>
Year:							
1994	48,034	7.8%	9.3%	11.1%	11.9%	59.9%	100%
1995	49,177	9.9	9.0	9.8	10.8	60.5	100
1996	50,459	10.4	8.4	9.2	10.7	61.3	100
1997	55,547	9.3	7.6	8.2	9.2	65.7	100
1998	58,273	8.5	7.1	7.8	8.8	67.8	100
1999	61,315	7.8	6.4	7.4	8.6	69.8	100
2000	63,945	7.6	6.2	6.9	8.2	71.1	100
2001	63,491	8.3	6.2	6.8	8.3	70.4	100
2002	61,999	9.1	6.6	7.2	8.5	68.6	100
2003	63,572	9.1	6.5	7.0	7.9	69.5	100

* Number of returns adjusted by counting two married separate returns as equivalent to one married return.
(Source: Weldon Cooper Center for Public Service, University of Virginia)

COUNTY OF JAMES CITY, VIRGINIA

Miscellaneous Statistics

Table XVII

Retail Sales

Last 10 Years

(Source: Treasurer, James City County)

	<u>Taxable retail sales</u>	<u>Percentage change</u>
Year:		
1997	\$ 496,150,800	0.5%
1998	567,112,700	14.3
1999	606,084,800	6.9
2000	644,192,700	6.3
2001	673,000,700	4.5
2002	660,603,800	(1.8)
2003	678,016,200	2.6
2004	679,508,600	0.2
2005	763,697,400	12.4
2006	832,202,000	9.0

Business Licenses Issued

Last 10 Years

(Source: Commissioner of the Revenue, James City County)

	<u>Business licenses issued</u>	<u>Percentage change</u>
Year:		
1997	2,488	1.2%
1998	2,868	15.3
1999	3,387	18.1
2000	3,573	5.5
2001	3,783	5.9
2002	3,954	4.5
2003	4,099	3.7
2004	4,696	14.5
2005	4,967	5.8
2006	5,088	2.4

Table XVII

COUNTY OF JAMES CITY, VIRGINIA

Miscellaneous Statistics

Construction Information

Last Ten Fiscal Years

Fiscal year	Construction					
	Commercial/Industrial		Residential		Total	
	Number of permits	Value	Number of permits	Value	Number of permits	Value
1997	43	\$ 24,834,022	623	\$ 91,781,145	666	\$ 116,615,167
1998	65	31,524,996	797	126,044,546	862	157,569,542
1999	73	33,240,109	902	153,334,300	975	186,574,409
2000	70	50,295,305	1,099	187,869,190	1,169	238,164,495
2001	121	53,119,323	911	135,265,141	1,032	188,384,464
2002	154	29,544,103	1,095	170,128,299	1,249	199,672,402
2003	71	38,817,788	898	180,586,390	969	219,404,178
2004	81	29,478,502	1,012	215,960,174	1,093	245,438,676
2005	84	104,058,153	1,177	144,545,638	1,261	248,603,791
2006	113	89,576,187	1,249	188,993,942	1,362	278,570,129

Source: Code Compliance Department

COUNTY OF JAMES CITY, VIRGINIA

Miscellaneous Statistics

Table XVII

Williamsburg-James City County Public Schools

Staffing Analysis

	<u>Classroom teachers</u>	<u>Pupils</u>	<u>Pupil-teacher ratio</u>
School year:			
2005-06	598.68	9,820	16.4
2004-05	576.68	9,402	16.3
2003-04	552.50	8,959	16.2
2002-03	548.46	8,553	15.6
2001-02	544.21	8,407	15.4

Projected Enrollment

2007	10,172
2008	10,773
2009	11,331
2010	11,847
2011	12,335

Source: Williamsburg-James City County Public Schools.