

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

August 12, 2014

7:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Ian Howard, Connor Loy, Daniel Robles, and Alexander Seymour; Cub Scouts, Pack 103, Den 4

E. PRESENTATION

1. VDOT Quarterly Update – pg. 1

F. PUBLIC COMMENT

G. BOARD REQUESTS AND DIRECTIVES

H. CONSENT CALENDAR

1. Minutes –
 - a. July 22, 2014, Regular Meeting – pg. 3
 - b. July 28, 2014, Continuation of Meeting – pg. 13
 - c. July 29, 2014, Continuation of Meeting – pg. 15
2. Grant Award – Victim's Witness Program – \$120,348 – pg. 17
3. Virginia Housing Development Authority Housing Counseling Grant acceptance - \$10,000 – pg. 19
4. Building E and JCSA Operations Building Lease Agreements with James City Service Authority (JCSA) – pg. 21
5. Land and Water Conservation Fund Grant Amendment - \$147,499.50 – pg. 23

I. PUBLIC HEARING

1. Case No. ZO-0008-2013. Accessory Apartments – pg. 27

J. BOARD CONSIDERATIONS

1. Case No. SUP-0006-2014. 2604 John Tyler Highway Public Sewer Connection – pg. 49

K. PUBLIC COMMENT

L. REPORTS OF THE COUNTY ADMINISTRATOR

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. Williamsburg Regional Library Board of Trustees

O. ADJOURNMENT – until 7 p.m. on September 9, 2014, for the Regular Meeting

VDOT Quarterly Transportation Update**James City Board of Supervisor's Meeting****August 12, 2014****Signal Synchronization Study – on going**

Monticello Signalization Synchronization – First phase substantially complete with high speed communications along Route 321, the next phase is to upgrade existing infrastructure (conduits and controller cabinets) by late 2014. Final phase is installation of the In Sync System projected for Spring 2015. We are currently monitoring signals and adjusting as needed.

Maintenance Accomplishments for Quarter (May 1 to Jul 31)

Completed 239 maintenance work orders this quarter of 346 (69%) with 107 outstanding –

8 Assigned (Signs/Signal/Traffic Study/Guardrail)

9 Assigned (Debris and Vegetation)

90 Assigned (Drainage/Potholes/Road Issues)

VDOT's Customer Service Center **1-800-FOR-ROAD (1-800-367-7623)**

Completed Projects

Rte 60 Richmond Road - Repair Wash Out, Slope Repair and Pipe Replacement 1/10 of a mile west of Barnes Rd.

2014 Secondary Plant Mix - Rte 5000 Monticello, Rte 321 Monticello, Rte 615 Depue, & Rte 755 Rochambeau.

Current Projects

2014 Plant Mix – Rte 30 Old Stage Rd, Rte 60 Williamsburg City Line East to Rte 199 & Rte 30 to Rte 657, and Rte 1101 John Rolfe Ln.

Racefield Road – Rural Rustic Roads – Hard surface treatment of existing dirt road started road preparation for surface treatment with VDOT State Forces.

Upcoming Projects

2014 Surface Treatment - Graylin Woods and White Oaks S/D

Rte 321 Monticello Avenue project adds a second left turn lane from Monticello Avenue to News Road and a second right turn lane from News Road to Ironbound Road. Includes pedestrian crossings on Ironbound Road, News Road and Monticello Avenue.

Traffic Studies**Completed Studies**

Rte 60 - Provide bicycle accommodation from Williamsburg CL to Riverside Entrance

Greensprings Plantation Road - Add School Zone Speed Sign

Rte 5 – Increase Curve and Intersection sign size at Centreville Rd for intersection awareness

Croaker Landing Rd – Move stop sign for awareness of approaching drivers

Carriage Rd – Install 25 MPH speed limit sign

News Rd – Reduce speed limit to 45 MPH

Centreville Rd – Allow U-Turns on Centreville at Opportunity Way

Mooretown Rd – At Pavilion Place install Do Not Block Driveway sign

Ongoing Studies

Rte 321 Monticello Ave – Pedestrian and Bicycle study from News Rd to Ironbound Rd

Rte 60 – Review traffic signals near the Pottery

Rte 603 Mooretown Road – Speed study from Airport Rd toward K-Mart

Rte 199 & Rte 5 – Review for Merge signs

Rte 199 – Non-motorized access limitation

Maintenance Accomplishments

First Contract Mowing Cycle on Primary Roads completed in May

First mowing cycle for Secondary Road performed by State Forces 240 acres

Second Contract Mowing Cycle completed in July

Patched over 240 potholes with patch material

Used over 71 tons of Asphalt Plant Mix to patch roads

Swept over 142 linear miles of road

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF JULY 2014, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Chairman, Berkeley District
Michael J. Hipple, Vice Chairman, Powhatan District
James G. Kennedy, Stonehouse District
Kevin D. Onizuk, Jamestown District
John J. McGlennon, Roberts District

M. Douglas Powell, Acting County Administrator
Leo P. Rogers, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Mason Hibbard, a rising 1st-grade student and Kasey Lovelace, a rising 5th-grade student at J.B. Blayton Elementary School, and residents of the Powhatan District, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATION - None

F. PUBLIC COMMENTS

1. Ms. Betty Walker, 101 Locust Place, addressed the Board regarding Common Core.
2. Mr. Nate Walker, 101 Locust Place, addressed the Board regarding the actions of the Board over the last month.
3. Ms. Mary Bressler, 4405 Pleasant View Drive, addressed the Board regarding sidewalks and bike paths.
4. Ms. Petra Nadel, 106 Indian Circle, addressed the Board regarding the recent meeting in the Grove community.
5. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board regarding the Primary Service Area (PSA).

6. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board regarding Purchase of Development Rights (PDR) and Greenspace.

7. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board regarding policies of the United Nations and the World Bank.

8. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding the Gatehouse Proffer Amendment and development.

9. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding the Gatehouse Proffer Amendment.

G. BOARD REQUESTS AND DIRECTIVES - None

H. CONSENT CALENDAR

Ms. Jones noted that Item 5 on the Consent Calendar needed to be removed as it was a duplicate of Item 6.

Mr. McGlennon made a motion to approve the items on the Consent Calendar, minus Item 5.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

1. Minutes –
 - a. June 24, 2014, Work Session
 - b. July 1, 2014, Continuation of Meeting
 - c. July 8, 2014, Regular Meeting
2. Contract Award – Advanced Life Support (ALS)/Basic Life Support (BLS) Revenue Recovery Services

RESOLUTION

CONTRACT AWARD - ADVANCED LIFE SUPPORT (ALS)/BASIC LIFE SUPPORT (BLS)

REVENUE RECOVERY SERVICES

WHEREAS, James City County has a revenue recovery program that charges fees to help offset the costs of Advanced Life Support (ALS)/Basic Life Support (BLS) ambulance transports; and

WHEREAS, a Request for Proposals (RFP) for ALS/BLS revenue recovery services was publicly advertised and staff reviewed proposals from seven firms interested in providing the service; and

WHEREAS, upon evaluating the proposals, staff determined that EMS Management and Consultants was the most fully qualified and best suited among those submitting proposals and negotiated a price for these services of 5.2 percent of net collections; and

WHEREAS, the contract includes an initial one-year term with four additional one-year renewal periods upon mutual agreement of both parties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with EMS Management and Consultants for ALS/BLS revenue recovery services.

3. Grant Award – Virginia E-911 Services Board Public Safety Answering Point (PSAP) – \$2,000

RESOLUTION

GRANT AWARD - VIRGINIA E-911 SERVICES BOARD

PUBLIC SAFETY ANSWERING POINT (PSAP) - \$2,000

WHEREAS, the James City County Fire Department Emergency Communications Division has been awarded a grant in the amount of \$2,000 from the Virginia E-911 Services Board under the FY 2015 Public Safety Answering Point (PSAP) Grant Program for the Wireless E-911 PSAP Education Program; and

WHEREAS, the funds are to be used for 9-1-1 and geographic information system (GIS) specific group education and training opportunities; and

WHEREAS, the grant does not require a local match.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following budget appropriation to the Special Projects/Grants fund:

Revenue:

PSAP Grant-Education	<u>\$2,000</u>
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Expenditure:

PSAP Grant-Education	<u>\$2,000</u>
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4. Grant Award – Office of Emergency Medical Services (OEMS) Rescue Squad Assistance Fund (RSAF) – \$97,512

RESOLUTION

GRANT AWARD - OFFICE OF EMERGENCY MEDICAL SERVICES (OEMS)

RESCUE SQUAD ASSISTANCE FUND (RSAF) - \$97,512

WHEREAS, the James City County Fire Department has been awarded a Rescue Squad Assistance Fund (RSAF) grant in the amount of \$97,512 from the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services (OEMS); and

WHEREAS, the funds are to be used for the purchase of Monitor/Automatic External Defibrillators (AEDs) with accessories, video laryngoscopy systems, and devices for wireless connectivity for ambulances; and

WHEREAS, the grant requires a 50 percent local match of \$48,756, which is budgeted in the FY 2015 Grants Match account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following budget appropriation to the Special Projects/Grants fund:

Revenue:

OEMS-RSAF-EMS/Wireless Equipment	\$48,756
Transfer from General Fund	<u>48,756</u>
Total	<u>\$97,512</u>

Expenditure:

OEMS-RSAF-EMS/Wireless Equipment	<u>\$97,512</u>
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6. Contract Renewal – Three-Year Enterprise Agreement

RESOLUTION

CONTRACT RENEWAL - THREE-YEAR ENTERPRISE AGREEMENT

WHEREAS, James City County has a software license program that provides services to the County, James City Service Authority, and Sheriff users; and

WHEREAS, a per user fee was negotiated resulting in significant cost savings per year for the County; and

WHEREAS, upon evaluating the agreement, staff determined that Software House International (SHI) provided a fair and reasonable cost for services; and

WHEREAS, the contract includes an initial one-year term with two additional one-year renewal periods upon mutual agreement of both parties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract renewal with SHI for software license program services.

7. Award of Contract – Freedom Park Expansion

RESOLUTION

AWARD OF CONTRACT – FREEDOM PARK EXPANSION

WHEREAS, this project and associated playground represent the final phase of Freedom Park projects as part of the approved masterplan and are allocated projects within the Capital Projects budget; and

WHEREAS, funds are available from the Capital Projects accounts; and

WHEREAS, three bids were considered for award and David A. Nice Builders, Inc. was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract in the amount of \$307,500 for the Freedom Park Expansion to David A. Nice Builders, Inc.

8. Reinstating Part-Time Regular Position and Eliminating Part-Time Temporary Position in the Treasurer's Office

RESOLUTION

REINSTATING PART-TIME REGULAR POSITION AND

ELIMINATING PART-TIME TEMPORARY POSITION IN THE TREASURER'S OFFICE

WHEREAS, the part-time regular position in the Treasurer's Office was eliminated with the FY 15 budget; and

WHEREAS, the intention in eliminating this position was to create another full-time position for a delinquent collections supervisor while not affecting the current employee in the part-time position; and

WHEREAS, the cost to the County will be an additional \$505 for FY 15 which will be covered by the cost savings related to the vacancy for the delinquent collections supervisor not yet hired.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the reinstatement of the part-time regular position (1,664 hours) and the elimination of the part-time temporary position in the Treasurer's Office effective July 1, 2014.

I. PUBLIC HEARING

1. Vietnam Veterans of America, Chapter 957, Exemption from County Real and Personal Property Taxes

Ms. Suzanne R. Mellen, Assistant Director of Financial and Management Services, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

As there were no questions for staff, Ms. Jones opened the Public Hearing.

1. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in support of the ordinance.

As no one else wished to speak, Ms. Jones closed the Public Hearing.

Mr. McGlennon made a motion to approve the ordinance included in the Agenda Packet.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

J. BOARD CONSIDERATION

1. Case No. Z-0004-2014. Gatehouse Farms Proffer Amendment

Mr. Christopher Johnson, Principal Planner, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. Onizuk asked if the drainage study would have impacted any of the surrounding properties.

Mr. Johnson stated no, it would only have been for the subject property and would have been exclusive to the proposed development.

Mr. Onizuk questioned if there would be any benefit of the study on surrounding properties at this time.

Mr. Johnson stated no.

Mr. McGlennon requested clarification on when the drainage study would have to be completed.

Mr. Johnson replied that the drainage study would have to be completed during the subdivision development plan stage of the proposed development.

Mr. McGlennon clarified that since that development will never occur, due to the conservation easement purchased last year, there is no need for the drainage study requirement.

Mr. Johnson stated correct.

Mr. McGlennon made a motion to approve the resolution included in the Agenda Packet.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

RESOLUTION

CASE NO. Z-0004-2014. GATEHOUSE FARMS PROFFER AMENDMENT

WHEREAS, in accordance with §15.2-2302 of the Code of Virginia, which allows waiver of public hearings for amendments of conditions which do not affect use or density, the Planning Commission and Board of Supervisors have considered Case No. Z-0004-2014 Gatehouse Farms Proffer Amendment; and

WHEREAS, Case No. Z-0004-2014 proposes to strike Proffer Condition Nos. 1, 2, and 4 from the existing Gatehouse Farms proffers recorded on October 19, 1987, in Deed Book 366, Pages 508 – 511 and retain all other proffers; and

WHEREAS, the properties can be further identified as Parcel Nos. (1-40) and (1-41) on James City County Real Estate Tax Map No. (47-4); and property formerly identified as of October 19, 1987, as Parcel No. (1-42A) on James City County Real Estate Tax Map No. (47-4); and

WHEREAS, the Planning Commission of James City County, following its consideration on July 2, 2014, recommended approval of Case No. Z-0004-2014 by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-0004-2014 as described herein.

K. PUBLIC COMMENTS

1. Ms. Petra Nadel, 106 Indian Circle, addressed the Board continuing her previous comments regarding the recent meeting in Grove.

2. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board regarding PDR and Greenspace purchases.

3. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board regarding land grabbing policies of the Federal government.

4. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding the PSA.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Powell stated that the Federal Emergency Management Agency (FEMA) is in the process of updating the Flood Insurance Rate Maps for James City County. A Public Open House has been scheduled for August 13, 2014, at Legacy Hall between the hours of 5 - 7 p.m. to allow citizens to review these new maps and learn more about flood risk. FEMA and County staff will be present to discuss the changes and answer questions. If citizens are unable to attend, they may also review copies of the draft maps at the Department of Development Management, 101 Mounts Bay Road, Building A.

Mr. Powell stated that Tuesday, August 5 is National Night Out and citizens are encouraged to spend the evening outdoors with their neighbors and Police. Many neighborhoods have already made plans for block parties and visits from James City County Police. If interested in having Police attend your community event, please contact Master Police Officer Kelly Cross at 603-6023.

M. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy requested the Dominion Virginia Power be contacted regarding the power lines in Toano. He stated that many of them are overgrown with tree limbs and with hurricane season coming soon, that is concerning. He stated that there is kudzu growing up power poles and getting close to transformers in Toano as well. He stated that Route 199 needs to be addressed by the Virginia Department of Transportation (VDOT) as the trash is out of control and unsightly.

Mr. Hipple requested an update on the Courthouse roof and had previously asked for information on other products that could be used on the new roof. He stated that for informational purposes, the tearing down of the old Outlet Mall begins today, so citizens should be cautious in that area. He stated that he attended the Williamsburg Area Destination Marketing Committee (WADMC) meeting yesterday. He stated that it is still a slow economy and we all need to continue to be conservative.

Mr. McGlennon stated that he sponsored a meeting on July 15 in Grove on transportation. He thanked Colonial Manor Senior Center for making space available for the meeting. He stated that he looks forward to further discussions on improving transportation resources in the community and seeing some of the projects discussed begin.

Mr. Kennedy stated that a County resident called him this week regarding ambulance services, saying that he had been picked up by the City of Williamsburg EMS and was billed for the amount that his insurance would not cover. He stated that there seems to be a glitch in the system because the County does not charge residents for the amount not covered by their insurance. But apparently because of the shared services, the County charges the City of Williamsburg (the City) and the City charges the County, which is being passed on to the resident. He asked that staff look into this flaw in the system and see if there is something that can be done with the City.

Mr. Hipple stated that he spoke with Mr. Carl Lum from Busch Gardens about putting in a bus stop closer inside the park so that employees could utilize the bus system. However, Williamsburg Area Transit Authority (WATA) cannot go onto private property to access a bus stop. Busch Gardens is taking the lead on the project to get a bus stop put in.

Mr. McGlennon stated that Mr. Lum attended the meeting in Grove as well. It was brought up that the WATA buses stop running at 9 p.m. which does not help many of the employees at Busch Gardens who do not get off work until 11 or 12 p.m.

Mr. Onizuk stated that he attended some of the National Softball Association events this past week in the Community. He stated that he spoke to the Director of the Association and they were thrilled to be back in the area for a second year in a row. Unfortunately, the tournament will not be returning next year, as they made an exception to be here two years. He stated that he is speaking highly of our community to other sports organizations, tournaments, and programs, so hopefully that will lead to more activities and visitors to the area.

At 7:53 p.m., Ms. Jones recessed the Board to conduct the James City Service Authority (JCSA) Board of Directors meeting.

At 7:54 p.m., Ms. Jones reconvened the Board of Supervisors.

N. CLOSED SESSION

Mr. McGlennon made a motion to enter into Closed Session for consideration of a personnel matter involving performance, specifically the County Attorney, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

1. Consideration of a personnel matter involving performance pursuant to Section 2.2-3711(A)(1) of the Code of Virginia

a. County Attorney

At 8:55 p.m. the Board reentered into Open Session.

Mr. McGlennon made a motion to certify the Closed Session.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

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

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

O. RECESS – until 2:30 p.m. on July 28, 2014, for the purpose of interviewing candidates for the County Administrator, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia.

At 8:55 p.m., Ms. Jones recessed the Board.

M. Douglas Powell
Clerk to the Board

072214bos-min

AT A CONTINUED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF JULY 2014, AT 2:30 P.M. IN JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Chairman, Berkeley District
Michael J. Hipple, Vice Chairman, Powhatan District
James G. Kennedy, Stonehouse District
Kevin D. Onizuk, Jamestown District
John J. McGlennon, Roberts District

Colin Baenziger, Principal Partner, Colin Baenziger & Associates, Search Firm Consultant
James A. Peterson, II, Director of Human Resources

C. CLOSED SESSION

1. Consideration of a Personnel Matter, the Interviewing of Candidates for the County Administrator, Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia

Mr. Hipple made a motion to enter Closed Session pursuant to the Code Section listed on the Agenda.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

At 2:39 p.m., the Board entered Closed Session.

At 4:22 p.m., the Board reentered Open Session.

Mr. McGlennon made a motion to certify the Closed Session.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

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

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

D. RECESS – until 4:15 p.m. on July 29, 2014, a Closed Meeting.

At 4:23 p.m., Ms. Jones recessed the Board.

M. Douglas Powell
Clerk to the Board

072814boscs-min

AT A CONTINUED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 29TH DAY OF JULY 2014, AT 4:15 P.M. IN JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Chairman, Berkeley District
Michael J. Hipple, Vice Chairman, Powhatan District
James G. Kennedy, Stonehouse District
Kevin D. Onizuk, Jamestown District
John J. McGlennon, Roberts District

Colin Baenziger, Principal Partner, Colin Baenziger & Associates, Search Firm Consultant
James A. Peterson, II, Director of Human Resources

C. CLOSED SESSION

1. Consideration of a Personnel Matter, the Interviewing of Candidates for the County Administrator, Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia

Mr. Hipple made a motion to enter Closed Session pursuant to the Code Section listed on the Agenda.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

At 4:16 p.m., the Board entered Closed Session.

At 6:19 p.m., the Board reentered Open Session.

Mr. McGlennon made a motion to certify the Closed Session.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

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

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

D. ADJOURNMENT – until 7 p.m. on August 12, 2014, for the Regular Meeting.

Mr. McGlennon made a motion to adjourn.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

At 6:20 p.m., Ms. Jones adjourned the Board.

M. Douglas Powell
Clerk to the Board

072914boscs-min

MEMORANDUM

DATE: August 12, 2014
TO: The Board of Supervisors
FROM: Suzanne R. Mellen, Assistant Director of Financial and Management Services
SUBJECT: Grant Award – Victim’s Witness Program – \$120,348

The Commonwealth Attorney has been awarded a \$120,348 grant (Federal share \$79,565; State share \$26,521; and County match \$14,262) from the Victim’s Witness Grant Program through the State Department of Criminal Justice Services. The Grant will fund the personnel costs for the continuation of two positions to provide comprehensive information and direct services to crime victims and witnesses. The Commonwealth Attorney has been successful in obtaining this grant for more than 10 years and plans to apply for this grant in the future.

The County match is available in the Commonwealth Attorney’s General Fund account.

The attached resolution appropriates these funds to the Special Projects/Grant Fund through June 30, 2015.

Staff recommends approval of the attached resolution.


Suzanne R. Mellen

SRM/nb
GA-VictimWP-mem

Attachment

RESOLUTION

GRANT AWARD – VICTIM’S WITNESS GRANT PROGRAM – \$120,348

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a \$120,348 Federal grant from the Victim’s Witness Grant Fund (Federal share \$79,565; State share \$26,521; and County match \$14,262) through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs for the continuation of two positions to provide comprehensive information and direct services to crime victims and witnesses beginning July 1, 2014, through June 30, 2015; and

WHEREAS, the grant requires a local match of \$14,262, which is available in the Commonwealth Attorney’s General Fund account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Special Projects/Grants Fund for FY 15 purposes described above:

Revenues:

Victim’s Witness Department of Criminal Justice	
Services (DCJS) Federal Revenue	\$ 79,565
Victim’s Witness Department of Criminal Justice	
Services (DCJS) State Revenue	26,521
James City County Matching Funds	<u>14,262</u>
Total	<u>\$120,348</u>

Expenditure:

Victim’s Witness Personnel	<u>\$120,348</u>
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Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

M. Douglas Powell
Clerk to the Board

	VOTES	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____	_____
JONES	_____	_____	_____	_____
KENNEDY	_____	_____	_____	_____
ONIZUK	_____	_____	_____	_____
HIPPLE	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2014.

GA-VictimWP-res

MEMORANDUM

DATE: August 12, 2014

TO: The Board of Supervisors


FROM: A. Vaughn Poller, Housing and Community Development Administrator

SUBJECT: Virginia Housing Development Authority (VHDA) Housing Counseling Grant Acceptance - \$10,000

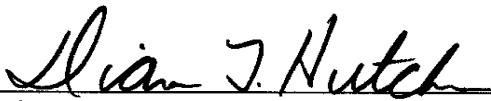
Attached for your consideration is a resolution authorizing the County Administrator to accept funding from the Virginia Housing Development Authority (VHDA) in the amount of \$25,000 for Housing Counseling activities. The Board had allocated \$15,000 in the FY 15 budget; however, VHDA awarded an additional \$10,000. These funds will be used to provide VHDA homeownership education classes and housing counseling services for residents who are potential homeowners, renters, or threatened by foreclosure.

James City County was awarded the funding based on past evaluations as assessed by VHDA and the level of participation in the Housing Offices housing counseling programs.

Staff recommends approval of the attached resolution to authorize the County Administrator to accept funding from the VHDA for the Housing Counseling Grant.


A. Vaughn Poller

CONCUR:


Diana F. Hutchens

AVP/nb
VHDACounGrnt-mem

Attachment

RESOLUTION

VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA)

HOUSING COUNSELING GRANT ACCEPTANCE

WHEREAS, funding for Housing Counseling assistance is available to units of local government through the Commonwealth of Virginia Housing Development Authority (VHDA) Grant; and

WHEREAS, James City County wishes to provide VHDA homeownership education and housing counseling services for its residents; and

WHEREAS, the James City County Office of Housing and Community Developments (OHCD) provides housing counseling services to first-time homebuyers seeking to purchase a home in James City County; and

WHEREAS, OHCD budgeted \$15,000 in its FY 15 budget for housing counseling; and

WHEREAS, OHCD was awarded a Housing and Urban Development (HUD) Housing Counseling Grant totaling \$25,000 from the VHDA.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the budget authority for HUD housing counseling in the amount of \$10,000.

Revenue:

FY 14 HUD Housing Counseling Grant VHDA	<u>\$10,000</u>
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Expenditure:

FY 14 HUD Housing Counseling Grant	<u>\$10,000</u>
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Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

M. Douglas Powell
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2014.

VHDACounGrnt-res

M E M O R A N D U M

DATE: August 12, 2014

TO: The Board of Supervisors

FROM: M. Douglas Powell, Acting County Administrator
Leo P. Rogers, County Attorney

SUBJECT: Building E and JCSA Operations Building Lease Agreements with James City Service Authority (JCSA)

Attached is a resolution authorizing the Assistant County Administrator to enter into a lease agreement with the James City Service Authority (JCSA) so that the County can lease space in Building E of the Government Complex and the JCSA Operations Building. The lease agreements are necessary to allow the County to operate certain County departments in Building E and the JCSA Operations Building at 107 Tewning Road. The JCSA Board of Directors will consider a resolution authorizing the lease at its meeting on August 12, 2014.

The initial terms of the lease agreements between JCSA and the County will be a rate of \$2 per square foot for 10 years with adjustments to the Lease payment according to the percentage change in the Consumer Price Index (CPI) every five years.

Staff recommends adoption of the attached resolution authorizing and directing the Assistant County Administrator to execute any and all documents necessary to enter into the Building E and 107 Tewning Road lease agreements with the JCSA.


M. Douglas Powell


Leo P. Rogers

MDP/LPR/nb
BldgE-Lease-mem

Attachment

RESOLUTION

LEASE AGREEMENTS WITH JAMES CITY SERVICE AUTHORITY (JCSA)

WHEREAS, the James City Service Authority (JCSA) is the owner of certain real property identified as Building E of the Government Complex, 101 Mounts Bay Road, further identified as a portion of James City County Real Estate Tax Map No. 5010100009, and in the JCSA Operations Building, 107 Tewning Road, further identified as a portion of James City County Real Estate Tax Map No. 3910100003; and

WHEREAS, James City County (the "County") operates certain County departments out of Building E and at the JCSA Operations Building; and

WHEREAS, the County wishes to enter into leases for space in Building E and the JCSA Operations Building; and

WHEREAS, the Board of Supervisors is of the opinion that it is in the public interest to execute the lease agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the Assistant County Administrator to execute any and all documents necessary to enter into the lease agreements with the JCSA.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

M. Douglas Powell
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2014.

BldgE-Lease-res

M E M O R A N D U M

DATE: August 12, 2014

TO: The Board of Supervisors

FROM: John H. Carnifax, Director of Parks and Recreation

SUBJECT: Land and Water Conservation Fund Grant Amendment - \$147,499.50

The Virginia Department of Conservation and Recreation, in conjunction with the National Park Service, has awarded James City County's Division of Parks and Recreation an additional \$147,499.50 to be added to a previously accepted \$152,049 Land and Water Conservation Fund Grant for the development costs for Phase II improvements at Jamestown Beach.

Phase II of the beach development includes the restoration of a second section of the beach which is complete, upgrading an existing road to serve as the new entrance, an Americans with Disabilities Act (ADA) trail, additional parking, and the installation of restroom facilities. When the grant was written, the County anticipated installing a nonpermanent pump and haul restroom facility as part of the project which would not have necessitated the addition of water or sewer. Unfortunately, after several preconstruction meetings, it was learned that the Virginia Department of Health will not allow temporary restroom facilities in locations that have access to water and sewer. As a result, a permanent restroom facility is required and plans for bringing water and sewer to the site have been added to the project. The additional grant funds have been awarded to assist with this unanticipated budget increase. With these additional funds and the funds available in the existing capital budget, we believe we will now be able to complete this phase of the project.

The development of this recreational opportunity supports the County's goal to plan responsibly for the needs of a growing, diverse community, and the use of grant funds directly supports the goal of managing finances wisely.

Staff recommends approval of the attached resolution to accept the additional \$147,499.50 grant amendment for the Jamestown Beach Phase II project.


John H. Carnifax

JHC/nb
LndWtrGrntA-mem

Attachment:
1. Resolution
2. Map

RESOLUTION

LAND AND WATER CONSERVATION FUND GRANT AMENDMENT

WHEREAS, the Department of Conservation and Recreation, in cooperation with the National Park Service, has already allocated funds to be used for the development of Jamestown Beach Phase II; and

WHEREAS, additional funds are needed for the installation of water and sewer and construction of a permanent restroom building to complete Phase II of the Jamestown Beach project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$147,499.50 grant amendment awarded by the Department of Conservation and Recreation in cooperation with the National Park Service to assist with the construction of Jamestown Beach Phase II.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation.

Revenue:

From the Dept. of Conservation and Recreation (024-307-2216)	<u>\$147,499.50</u>
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Expenditure:

Jamestown Beach Phase II Account (024-155-2216)	<u>\$147,499.50</u>
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Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

M. Douglas Powell
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2014.

LndWtrGrntA-res

Jamestown Beach



MEMORANDUM

DATE: August 12, 2014

TO: The Board of Supervisors

FROM: Jennifer VanDyke, Planner
John Rogerson, Senior Zoning Officer

SUBJECT: Case No. ZO-0008-2013. Accessory Apartments

At the July 23, 2014, Board of Supervisors work session, the Board requested that accessory apartments be placed on the August 12, 2014, Board meeting agenda. No changes have been made to the revised ordinance subsequent to the Board work session meeting.

On January 8, 2014, the Planning Commission adopted an initiating resolution to consider ordinance changes relevant to accessory apartments.

Staff received feedback from the Policy Committee indicating an interest in considering revisions to allow for detached accessory apartments. The Policy Committee also indicated that staff should examine and provide recommendations for expanding allowances for accessory apartments within residential zoning districts.

In response to the direction provided by the Policy Committee and taking into account input received as part of a citizen survey (copy attached), staff drafted proposed ordinance amendments following review and discussion by the Policy Committee.

The following items highlight the proposed changes to the Zoning Ordinance:

- A new definition has been created for detached accessory apartments. The proposed changes also include defining accessory apartments as either attached or detached with performance standards outlined for each.
- Under Special Regulations, additional language has been added to include new requirements for detached, accessory apartments. In the interest of preserving the character of the neighborhood, staff recommends including a cap of 400 square feet on the size of the accessory apartment. Further, a 50 percent cap on the allotment of floor area dedicated to the apartment within the accessory structure. The proposed language would require that detached accessory apartments meet all setback, yard, and height regulations of the zoning district in which it is located. In addition, compatibility in size and scale with surrounding structures would be required.
- Additional requirements for detached accessory apartments under Special Regulations would require that the property owner, or an immediate family member, occupy either the single-family dwelling or the accessory apartment.
- Any application proposing a detached, accessory apartment would be required to obtain approval from the Health Department for those properties that have individual well and/or sewer disposal systems in Zoning districts which are located outside the Primary Service Area or are not otherwise required to connect to public utilities.
- Off-street parking is currently required for all accessory apartments in accordance with Section 24-54 of the Ordinance. This would be maintained as a requirement for both attached and detached, accessory apartments.

Case No. ZO-0008-2013. Accessory Apartments

August 12, 2014

Page 2

Currently, accessory apartments are allowed as a permitted use on properties that are zoned A-1, General Agricultural, R-2, General Residential, R-3, Residential Redevelopment, R-4, Residential Planned Community, R-8, Rural Residential, MU, Mixed Use, and PUD-R, Planned Unit Development, and are allowed as a specially permitted use on land that is zoned R-1, Limited Residential District, and R-6, Low-Density Residential District. The following changes are recommended as part of the ordinance revisions:

- Attached, accessory apartment in accordance with Section 24-32 – permitted use in: A-1, R-1, R-2, R-3, R-4, R-6, R-8, MU, and PUD.

If approved, the revisions would permit attached, accessory apartments in each residential district, except for R-5, the Multifamily Residential District. The R-5 district is intended for moderate to high-density residential development; therefore, is not a suitable fit for accessory apartments.

- Accessory apartment, detached, in accordance with Section 24-32 – specially permitted in: A-1, R-1, R-2, R-3, R-4, R-6, R-8, and PUD.


If approved, the revisions would specially permit detached, accessory apartments in each residential district, except for MU, Mixed Use, and R-5, the Multi-family Residential District.

By allowing detached accessory apartments upon issuance of a special use permit from the Board of Supervisors, discretionary measures are built into the approval process, surrounding property owners may offer comment on proposed apartments and each application will be reviewed on a case-by-case basis.

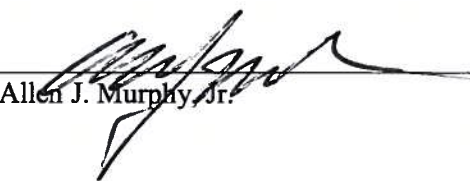
Recommendation

Staff recommends approval of the attached zoning ordinances. On April 14, 2014, the Policy Committee recommended approval of the revised ordinances to the Planning Commission. On May 7, 2014, the Planning Commission recommended the revised ordinance to the Board, by a vote of 6-0 (Mr. Drummond being absent).


Jennifer VanDyke


John Rogerson

CONCUR:


Allen J. Murphy, Jr.

JVD/JR/nb

ZO-08-13AcceApts-mem

Attachments:

1. Ordinance – all combined
 - a) Article I, In General, Definitions
 - b) Article II, Special Regulations
 - c) Ordinance - General Agricultural District, A-1
 - d) Limited Residential District, R-1
 - e) General Residential District, R-2
 - f) Residential Redevelopment District, R-3
 - g) Residential Planned Community, R-4
 - h) Low-Density Residential District, R-6
 - i) Rural Residential District, R-8
 - j) Planned Unit Development District, PUD-R
 - k) Mixed Use, MU
2. Minutes from the May 7, 2014, Planning Commission Meeting
3. Minutes from the June 10, 2014, Board of Supervisors Meeting
4. Unapproved Minutes from the July 22, 2014, Board Work Session Meeting

Attachments Available on the Web Agenda:

5. Accessory Apartments in Residential Areas Survey
6. Survey Results Spreadsheet
7. Survey Responses to open ended questions, sorted by question number

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, BY AMENDING SECTION 24-2, DEFINITIONS; ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, SECTION 24-32, SPECIAL REQUIREMENTS FOR ACCESSORY APARTMENTS; AND BY AMENDING ARTICLE V. DISTRICTS, DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 24-212, PERMITTED USES, SECTION 24-213, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 3, LIMITED RESIDENTIAL DISTRICT, R-1, SECTION 24-232, USE LIST; DIVISION 4, GENERAL RESIDENTIAL DISTRICT, R-2, SECTION 24-252, USE LIST; DIVISION 4.1, RESIDENTIAL REDEVELOPMENT DISTRICT, R-3, SECTION 24-273.2, USE LIST; DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-281, USE LIST; DIVISION 7, LOW DENSITY RESIDENTIAL DISTRICT, R-6, SECTION 24-328, PERMITTED USES, SECTION 24-329, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8, SECTION 24-348, PERMITTED USES, SECTION 24-349, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, PUD, SECTION 24-493, USE LIST; DIVISION 15, MIXED USE, MU, SECTION 24-518, USE LIST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, by amending Section 24-2, Definitions; Article II, Special Regulations, Division 1, In General, Section 24-32, Special requirements for accessory apartments; and by amending Article V. Districts, Division 2, General Agricultural District, A-1, Section 24-212, Permitted uses, Section 24-213 Uses permitted by special use permit only; Division 3, Limited Residential District, R-1, Section 24-232, Use list; Division 4, General Residential District, R-2, Section 24-252, Use list; Division 4.1, Residential Redevelopment District, R-3, Section 24-273.2, Use

list; Division 5, Residential Planned Community District, R-4, Section 24-281, Use list; Division 7, Low Density Residential District, R-6, Section 24-328, Permitted uses, Section 24-329, Uses permitted by special use permit only; Division 8, Rural Residential District, R-8, Section 24-348, Permitted uses, Section 24-349, Uses permitted by special use permit only; Division 14, Planned Unit Development Districts, PUD, Section 24-493, Use list; Division 15, Mixed Use, MU, Section 24-518, Use list.

Chapter 24. Zoning

ARTICLE I. IN GENERAL

Sec. 24-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

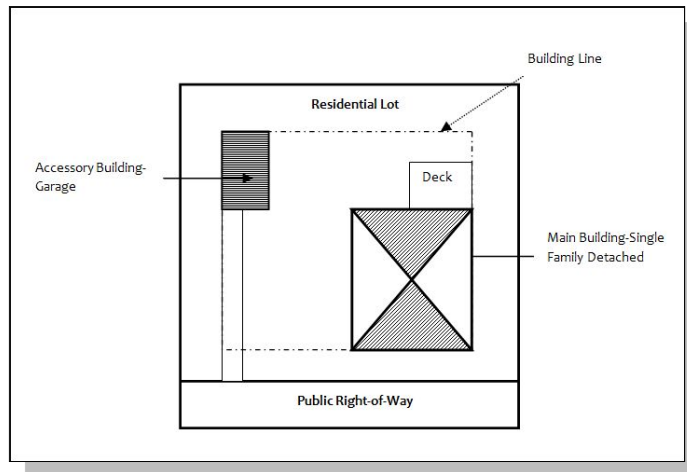
A

Accessory apartment, attached. A separate, complete housekeeping unit that is substantially contained within the structure of, and clearly secondary to, a single-family dwelling. The accessory apartment may not occupy more than 35 percent of the floor area of the dwelling.

Accessory apartment, detached. A separate, complete housekeeping unit that is incidental to and located on the same lot occupied by a single-family dwelling. The detached accessory apartment may not occupy more than 50 percent of the floor area of the accessory structure.

Accessory building or structure. A subordinate building or structure customarily incidental to and located upon the same lot occupied by the main use or building. *With the exception of detached accessory apartments, as may be approved by a special use permit,* No such accessory building or structure shall be used for housekeeping purposes. Garages or other accessory structures such as carports, porches,

decks and stoops attached to the main building shall be considered part of the main building. Accessory buildings and structures located ten feet or less from a main structure shall be considered part of the main structure for the purpose of determining side and rear yards. (Refer to the definition of “structure.”)



D

Dwelling unit. One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one kitchen. *For purposes of this chapter, attached and detached accessory apartments shall not be considered dwelling units.*

ARTICLE II. SPECIAL REGULATIONS
DIVISION 1. IN GENERAL

Sec. 24-32. Special requirements for accessory apartments.

a. Attached A accessory apartments shall comply with the following requirements:

- (1) Only one accessory apartment shall be created within a single-family dwelling.
- (2) The accessory apartment shall be designed so that the appearance of the building remains that of a ~~one-family~~ *single-family* residence. New entrances shall be located on the side or rear of the building and the apartment may not occupy more than 35 percent of the floor area of the dwelling.
- (3) For purposes of location and design, the accessory apartment is part of the main structure and shall meet all setback, yard and height regulations applicable to main structures in the zoning district in which it is located.
- (4) Off-street parking shall be required in accordance with section 24-54 of this chapter.

b. Detached, accessory apartments, where approved, shall comply with the following requirements:

- (1) *Only one accessory apartment shall be created per lot.*
- (2) *The accessory apartment may not occupy more than 50 percent of the floor area of the accessory structure and shall meet all setback, yard, and height regulations applicable to accessory structures in the zoning district in which it is located.*
- (3) *The accessory apartment shall not exceed 400 square feet in size and shall meet all setback, yard, and height regulations applicable to accessory structures in the zoning district in which it is located.*
- (4) *The property owner or an immediate family member as defined in section 19-17 of the Subdivision Ordinance shall reside in either the single-family dwelling or the accessory apartment.*

- (5) *Approval from the health department shall be required where the property is served by an individual well and/or sewer disposal system.*
- (6) *The accessory structure shall be so designed such that the size and scale of the structure is compatible with surrounding structures.*
- (7) *Off-street parking shall be required in accordance with section 24-54 of this chapter.*

ARTICLE V. DISTRICTS

DIVISION 2. GENERAL AGRICULTURAL DISTRICT, A-1

Sec. 24-212. Permitted uses.

In the General Agricultural District, A-1, structures to be erected or land to be used shall be for the following uses:

Accessory apartments, *attached*, in accordance with section 24-32.

Sec. 24-213. Uses permitted by special use permit only.

In the General Agricultural District, A-1, buildings to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter.

Accessory apartment, detached, in accordance with section 24-32.

ARTICLE V. DISTRICTS

DIVISION 3. LIMITED RESIDENTIAL DISTRICT, R-1

Sec. 24-232. Use list.

In the Limited Residential District, R-1, structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, <i>attached</i> , in accordance with section 24-32	<i>P</i>	<i>SUP</i>
	<i>Accessory apartment, detached, in accordance with section 24-32</i>		<i>SUP</i>
	Accessory buildings or structures as defined	P	
	Group home or residential facility, for eight or fewer adults	P	
	Single-family detached dwellings contained within cluster development in accordance with article VI, division 1 of this chapter		SUP
	Single-family detached dwellings with a maximum gross density of one dwelling unit per acre in accordance with section 24-233(a)	P	
	Single-family detached dwellings with a maximum gross density of more than one dwelling unit per acre in accordance with section 24-233(b)		SUP

ARTICLE V. DISTRICTS

DIVISION 4. GENERAL RESIDENTIAL DISTRICT, R-2

Sec. 24-252. Use list.

In the General Residential District, R-2, structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, <i>attached</i> , in accordance with section 24-32	P	
	<i>Accessory apartment, detached, in accordance with section 24-32</i>		SUP
	Accessory buildings or structures as defined	P	
	Group home or residential facilities, for eight or fewer adults	P	
	Multi-family dwellings of between five and eight units, contained within a residential cluster development with a maximum gross density of more than one unit per acre in accordance with article VI, division 1 of this chapter		SUP
	Multi-family dwellings, up to and including four units, with a maximum gross density of one unit per acre, contained within residential cluster development in accordance with article VI, division 1 of this chapter	P	
	Multi-family dwellings, up to and including four units, with a maximum gross density of more than one unit per acre, contained within residential cluster development in accordance with article VI, division 1 of this chapter		SUP
	Multi-family dwellings, up to and including two units, in accordance with section 24-260		SUP
	Single-family detached dwellings with a maximum gross density of one dwelling unit per acre, either <ul style="list-style-type: none"> • in accordance with section 24-253(a), or • contained within residential cluster development in accordance with article VI, division 1 of this chapter 	P	
	Single-family detached dwellings with a maximum gross density of more than one dwelling unit per acre, either <ul style="list-style-type: none"> • in accordance with section 24-253(b), or • contained within residential cluster development in accordance with article VI, division 1 of this chapter 		SUP

ARTICLE V. DISTRICTS

DIVISION 4.1. RESIDENTIAL REDEVELOPMENT DISTRICT, R-3

Sec. 24-273.2. Use list.

In the Residential Redevelopment District, R-3, structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory buildings or structures as defined	P	
	Accessory apartments, <i>attached</i> , in accordance with section 24-32	P	
	<i>Accessory apartment, detached, in accordance with section 24-32</i>		<i>SUP</i>
	Apartments	P	
	Group homes or residential facilities, for eight or fewer adults	P	
	Group homes or residential facilities, for nine or more adults		SUP
	Independent living facilities		SUP
	Multi-family dwellings up to and including four units	P	
	Multi-family dwellings greater than four units	P	
	Single-family dwellings	P	

ARTICLE V. DISTRICTS

DIVISION 5. RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4

Sec. 24-281. Use list.

In the residential planned community district, R-4, structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory buildings or structures, as defined	P	
	Accessory apartments, <i>attached</i> , in accordance with section 24-32	P	
	<i>Accessory apartment, detached, in accordance with section 24-32 and located in an area designated as "A" on the approved master plan</i>		<i>SUP</i>

	Apartments	P	
	Group homes or residential facilities for eight or fewer adults	P	
	Group homes or residential facilities for nine or more adults		SUP
	Independent living facilities		SUP
	Multi-family dwellings (up to and including four dwelling units)	P	
	Multi-family dwellings (more than four dwelling units)	P	
	Single-family dwellings	P	

ARTICLE V. DISTRICTS

DIVISION 7. LOW-DENSITY RESIDENTIAL DISTRICT, R-6

Sec. 24-328. Permitted uses.

In the Low-Density Residential, R-6, structures to be erected or land to be used shall be for the following uses:

Accessory apartments, attached, in accordance with section 24-32.

Sec. 24-329. Uses permitted by special use permit only.

In the Low-Density Residential, R-6, buildings to be erected or land to be used for the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors:

~~Accessory apartments in accord with section 24-32.~~

Accessory apartment, detached, in accordance with section 24-32.

ARTICLE V. DISTRICTS

DIVISION 8. RURAL RESIDENTIAL DISTRICT, R-8

Sec. 24-348. Permitted uses.

In the Rural Residential District, R-8, structures to be erected or land to be used shall be for the following uses:

Accessory apartments, *attached*, in accordance with section 24-32.

Sec. 24-349. Uses permitted by special use permit only.

In the Rural Residential District, R-8, structures to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter:

Accessory apartment, detached, in accordance with section 24-32.

ARTICLE V. DISTRICTS

DIVISION 14. PLANNED UNIT DEVELOPMENT DISTRICTS, PUD

Sec. 24-493. Use list.

- (a) In the planned unit development district, residential (PUD-R), all structures to be erected or land to be used shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory buildings or structures, as defined	P	
	Accessory apartments, <i>attached</i> , in accordance with section 24-32	P	
	<i>Accessory apartment, detached, in accordance with section 24-32 and located in an area designated for detached, single-family units</i>		SUP
	Apartments	P	
	Group homes or residential facilities, for eight or fewer adults	P	
	Group homes or residential facilities, for nine or more adults		SUP
	Home occupations, as defined	P	
	Independent living facilities	P	
	Multi-family dwellings up to and including four dwellings	P	
	Multi-family dwellings more than four dwellings	P	
	Single-family dwellings	P	

ARTICLE V. DISTRICTS

DIVISION 15. MIXED USE, MU

Sec. 24-518. Use list.

In the mixed use districts, all structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory structures, as defined in section 24-2	P	
	Accessory apartments, <i>attached</i> , in accordance with section 24-32	P	
	Apartments	P	
	Group homes or residential facilities, for eight or fewer adults	P	
	Group homes or residential facilities, for nine or more adults		SUP
	Group quarters	P	
	Home care facilities	P	
	Home occupations, as defined	P	
	Independent living facilities	P	
	Multi-family dwellings up to and including four dwelling units	P	
	Multi-family dwellings more than four dwelling units	P	
	Single-family dwellings	P	

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

M. Doug Powell
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2014.

ZO-08-13AcceApts-ord

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SEVENTH DAY OF MAY, TWO-THOUSAND AND FOURTEEN, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

Present:

Rich Krapf
Tim O'Connor
Chris Basic
Robin Bledsoe
John Wright, III
Heath Richardson

Staff Present:

Paul Holt, Planning Director
Jose Ribeiro, Planner
Scott Whyte, Planner
Jennifer VanDyke, Planner
Leanne Pollock, Planner
Lola Perkins, Assistant County Attorney

Planning Commissioners

Absent:

George Drummond

Mr. Rich Krapf called the meeting to order at 7:00 p.m.

4. REPORTS TO THE COMMISSION

A. Policy Committee

Mr. Tim O'Connor reported that the Policy Committee met on April 14, 2014, with all members attending.

ii. ZO-0008-2013, Accessory Apartments

Mr. O'Connor stated that the Policy Committee also reviewed the draft ordinance for detached and attached apartments. The draft ordinance allows for attached apartments to be permitted uses in all districts, with the exception of R-5 due to its density, and it also allows for detached apartments in the same districts as a specially permitted use in order to have a public hearing to allow neighbors the opportunity to comment. The Policy Committee voted unanimously to move the draft ordinance forward to the Planning Commission for the benefit of a public hearing.

D. Case No. ZO-0008-2013, Accessory Apartments

Ms. Jennifer VanDyke, Planner, addressed the Planning Commission giving a summary of the staff report included in the Agenda Packet.

Mr. Wright asked if buildings within 10 feet of the main structure will be considered attached.

Ms. VanDyke responded that any building within 10 feet of the house are considered to be part of the primary structure and must follow the more stringent setback requirement, as opposed to accessory structures, which only have a five foot setback requirement.

Mr. Wright asked if a home with a deck and additional structure within ten feet would be considered attached or detached.

Ms. VanDyke responded that because there is no separation of 10 feet or greater, it would be held to the primary structure's requirements, and confirmed that there must be a gap of 10 feet for determination of an accessory structure.

Mr. Krapf opened the public hearing.

There being none, Mr. Krapf closed the public hearing.

Ms. Bledsoe moved to approve the ordinance.

On a roll call vote, the Planning Commission voted to recommend approval of the ordinance by a vote of 6-0; Mr. Drummond being absent.

9. **ADJOURNMENT**

Mr. Wright moved to adjourn the meeting.

The meeting was adjourned at approximately 9:30 p.m.

Richard Krapf, Chairman

Paul D. Holt, III, Secretary

APPROVED MINUTES OF JUNE 10, 2014 BOS REGULAR MEETING

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF JUNE 2014, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Chairman, Berkeley District
Michael J. Hipple, Vice Chairman, Powhatan District
James G. Kennedy, Stonehouse District
Kevin D. Onizuk, Jamestown District
John J. McGlennon, Roberts District

M. Douglas Powell, Acting County Administrator
Leo P. Rogers, County Attorney

5. Case No. ZO-0008-2013. Accessory Apartments

Ms. Jennifer Van Dyke, Planner I, addressed the Board giving a summary of the memorandum and ordinance changes included in the Agenda Packet.

Mr. McGlennon questioned the motivation of the Planning Commission to direct staff to begin looking into these ordinance changes.

Ms. Van Dyke stated that it was her understanding that certain members of the Planning Commission were looking to serve members of the aging community and that this might provide options for the aging members of the community.

Mr. McGlennon noted that in the attached materials, three different scenarios are presented that vary differently. One would be an accessory apartment for aging parents, one would be an accessory apartment for a caregiver to live outside of the home, but in close proximity, and one would be as a revenue stream from the rental of an accessory apartment. He questioned the criteria for deciding which scenario would be allowed considering that all of the detached accessory apartments would require a Special Use Permit (SUP).

Ms. Van Dyke stated that she does not believe that the objectives were that thought out. She noted that there was a greater level of comfort, by the Policy Committee, by having the detached apartments go through the legislative process of an SUP. She stated that she cannot respond specifically to the motivations of the Planning Commission members.

Mr. McGlennon stated that he is concerned that this could be an option for revenue enhancement that could significantly impact the character of neighborhoods in the community. He stated that he would like to know more about the principles that the ordinance change is hoped to accomplish.

Ms. Jones asked if Mr. McGlennon would like a deferral of the case.

Mr. McGlennon stated that he believes the Board would benefit from more discussion on the matter, not just a deferral. He stated that he would like to see a Work Session discussion on the matter to better understand the intended objectives.

Mr. Kennedy stated that these options have been previously discussed. He stated that he shares the concerns voiced by Mr. McGlennon. He stated that he would like to see the Board be able to do something for aging parents or caregivers, but how does one limit it to just those circumstances.

Ms. Jones stated that she would be fine with adding it to a Work Session agenda.

Mr. McGlennon stated that he would suggest including the concept at the next Neighborhood Leaders Forum to get the reaction of the neighborhoods to the proposed changes as well.

Ms. Jones asked if the Public Hearing should be left open.

Mr. Rogers stated that the Public Hearing must be left open to a date certain. If the Board does not have a specific date in mind, then it would be best to close the Public Hearing after any comments.

Mr. Richardson stated that he agreed with the assessment of the Board and the various scenarios. He stated that the Planning Commission did not focus on the rationale behind the ordinance, rather the changes to the ordinance itself, but that it can be reevaluated.

As there were no other questions for staff, Ms. Jones opened the Public Hearing.

1. Mr. Steven Sharp, 2305 Montgomerie Arch, addressed the Board in support of the ordinance changes.

As no one else wished to speak, Ms. Jones closed the Public Hearing.

Mr. Powell stated that he would get back to the Board, but believes that this item can be added to the Work Session Agenda in July.

Unapproved Minutes of the July 22, 2014 Board of Supervisors Work Session

C. BOARD DISCUSSIONS

2. Accessory Apartments

Ms. Jennifer Van Dyke, Planner I, addressed the Board giving a summary of the memorandum included in the Agenda Packet. She noted that Mr. Paul Holt, Planning Director, Mr. Rich Krapf, Chairman of the Planning Commission, and Mr. Tim O'Connor, Chairman of the Policy Committee of the Planning Commission, are also available to answer any questions.

Mr. McGlennon stated that he had not heard a lot of discussion among the community desiring a change to this ordinance, so he is curious as to what lead to the Policy Committee making the change.

Mr. O'Connor stated that he was approached by a general contractor who was being contracted to build an accessory apartment for an older family that wanted their daughter to be able to care for them. He stated that due to the current language of the ordinance, the structure has to be attached to the main house, which leads to this family having to build a 75-foot structure to connect their existing detached garage to the house. He stated that more recently during the Comprehensive Plan meetings and the Community Participation Team (CPT) meetings the Commissioners are constantly hearing about affordable options for seniors and "aging in place." He stated that these reasons really drove the discussion with the Policy Committee.

Mr. Krapf stated that family dynamics are changing as well. More adult children are moving back home due to the economy and there are more blended families nowadays. He stated that the Commission felt that it was important to include a detached apartment as part of the ordinance, with sufficient safeguards in place, to meet the needs of the community.

Mr. McGlennon stated that his main concern is that detached apartments could fundamentally change the character of an existing neighborhood. He stated that he appreciates the fact that this is a tightly crafted amendment to the existing ordinance. His only question would be if there is any way to have the homeowner certify on the application that this structure would not violate any existing covenants of the neighborhood.

Mr. Rogers stated absolutely. He stated that the question then would be, if the structure is prohibited by the neighborhood covenants, is the structure restricted by the ordinance as well.

Mr. McGlennon stated that the ordinance would state "unless prohibited by covenants." He stated that would allow the neighborhoods to change their covenants if the structures became an issue in the future.

Mr. Rogers stated that the County could go so far as to require the homeowner to submit a copy of their neighborhood covenants along with the application.

Mr. Hipple asked if that would set a precedent for neighborhood covenants running the County instead of the County running its business.

Mr. Rogers stated that yes, every decision can set a precedent; although in this case, this is a by-right use and something that covenants would normally address.

Mr. Hipple stated that he believes the ordinance amendment is well crafted and follows current regulations and would like to not change anything and leave the amendment as it is presented. He stated that

there are plenty of safeguards already built into the amendment.

Ms. Jones concurred with Mr. Hipple.

Mr. Onizuk questioned if the covenant question is involved, does that make it the responsibility of County staff to review and interpret covenants.

Mr. Rogers stated that staff already does review covenants as part of other planning applications. He stated that having the citizen certify that it is permitted under the covenants is not the best idea. Either the Board adds to the ordinance that the structure must be permitted by the covenants, and the covenants must be included with the application, or the County stays out of it and it is a private issue between the homeowner and the homeowners association (HOA).

Ms. Jones stated that she agrees with Mr. Hipple and would like to see the ordinance amendment as it stands and to not add any other language. She stated that she appreciates all of the work that has gone in to the ordinance.

Mr. McGlennon questioned what the will of the Board is regarding the issue of covenants.

Ms. Jones stated that restrictive covenants would overrule the ordinance anyways, so why does the County need to get involved. It should be the responsibility of the homeowner to determine what is allowed by their restrictive covenants.

Mr. Rogers stated that on specially permitted uses, the Planning staff does look at covenants to make sure that the legislative process is not stepping on the covenants. But in a by-right use, he cannot think of a time when policy has stated that a review of the covenants be part of the application.

Mr. Krapf stated that the maximum size of the structure allowed is 400 square feet and that was in an attempt to mitigate the impacts on the character of the neighborhood and prevent a "family subdivision" from occurring on a single residential lot.

Mr. O'Connor stated that the requirement for a shared driveway is there as well for the same reasons.

As there were no other questions, Ms. Jones thanked staff, Mr. Krapf, and Mr. O'Connor for joining the Board for this discussion.

Mr. Rogers stated that the Board previously deferred this case for an indefinite amount of time, so there needs to be action from the Board to bring this case back before the Board at the August 12 meeting.

Ms. Jones made a motion to include Case No. ZO-0008-2013, Accessory Apartments, on the agenda for the August 12, 2014, meeting.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

AGENDA ITEM NO. J-1**SPECIAL USE PERMIT-0006-2014. 2604 John Tyler Highway Public Sewer Connection Staff Report for the August 12, 2014, 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

June 4, 2014, 7:00 p.m.

July 8, 2014, 7:00 p.m. (deferred)

August 12, 2014, 7:00 p.m.

SUMMARY FACTS

Applicant:

Mr. Vernon Geddy, III

Land Owner:

Bayshore Development

Proposal:

Permit a public sewer connection to the Governor's Land Force Main

Location:

2604 John Tyler Hwy

Tax Map/Parcel No.:

4420100010

Parcel Size:

± 3.18 acres

Existing Zoning:

A-1, General Agricultural

Comprehensive Plan:

Rural Lands

Primary Service Area:

Outside

STAFF RECOMMENDATION

Staff finds that the extension of a public utility outside the Primary Service Area (PSA) is inconsistent with the land use goals, strategies, and actions of the Comprehensive Plan and the Public Utilities Policy adopted as part of the 1997 Comprehensive Plan. Approval of this application would set a precedent for similarly situated properties outside the PSA where property owners seek connections to nearby public utilities regardless of cost or need. Staff recommends that the Board of Supervisors deny this Special Use Permit (SUP) application and that the property owner continue to rely upon a private septic system. Should the Board of Supervisors wish to approve the application, staff recommends that the approval be subject to the conditions listed in the attached resolution.

Staff Contact:

Ellen Cook and Luke Vinciguerra

Phone: 253-6693/253-6783

Proposed Changes Since the July 8, 2014, Board of Supervisors Meeting

None. This case was deferred by the Board at the July 8, 2014, meeting as additional information was requested. This supplemental information is attached (Attachment Nos. 5-10).

PLANNING COMMISSION RECOMMENDATION

At its June 4, 2014, meeting, the Planning Commission voted to recommend denial of the application by a vote of 4-3 (nay: Drummond, Basic, Bledsoe).

Proposed Changes Made Since the Planning Commission Meeting

The application has not changed since the Planning Commission meeting.

PROJECT DESCRIPTION

Mr. Vernon Geddy, III, has applied on behalf of the property owner of 2604 John Tyler Highway for an SUP to allow for a connection to an existing public sanitary sewer force main. As the property is not adjacent to the force main, a private extension of approximately 220 feet would be required to serve the lot. The lot is currently vacant; however, the applicant has stated the owner intends to construct a single-family house.

History

Utility extensions to this area outside the PSA stemmed from the approval of the Governor's Land project in 1989 where approximately 1,500 acres of agricultural land was rezoned to R-4, Residential Planned Community. Staff had recommended denial of the project due to its location outside the PSA at densities higher than the Rural Lands designation supported, as well as its potential to open other vacant land along Route 5 to growth and related impacts. To preserve the integrity of the Rural Lands and the PSA, the conditions for the related Governor's Land utility lines limited connections to the Governor's Land development and existing structures adjacent to the lines. To address concerns from property owners with vacant lots adjacent to the lines and to prevent more widespread extension of the PSA, the Board revised the utility policy in 1997 and authorized adjacent vacant lots platted before January 28, 1997, outside the PSA to connect for a single residential structure. Staff prepared detailed maps as part of the utility policy and SUP amendments showing which lots would be permitted to connect to the Route 5 water and sewer lines.

Staff Comments: In 1989, adjacent property owners were notified of the sewer line project and in 1997 adjacent property owners were notified of the revised policy. Attachment No. 3 is the map shown to property owners illustrating which lots are permitted to connect to public water, sewer, or not permitted to connect. Staff has confirmed that in 1989 the property owner of the subject parcel was notified of the sewer expansion; however, there is no indication that the property owner was notified during the 1997 policy revision. The applicant has not stated it was assumed on purchase that the property would have access to sewer.

PUBLIC IMPACTS

Engineering and Resource Protection

Watershed: Gordon Creek

Engineering and Resource Protection Staff Comments: The Engineering and Resource Protection Division has no comments on the proposed SUP application.

James City Service Authority (JCSA)

As shown on Attachment No. 2, the subject property is not adjacent to the public sewer line. Any connection would likely require an extension in the right-of-way in front of the neighboring parcel. The applicant has notified the neighboring property owner of the proposal recommending the owner co-sign the SUP application and attempt sewer access as well. This attempt was unsuccessful.

Connection to the waterline is currently permitted. As the existing waterline extends approximately 120 feet further west along Route 5 than the sewer line, the approved SUP considers the lot adjacent and would permit a connection. Should the application be approved, Planning staff recommends the following SUP condition to limit future connections to the sewer force main.

Proposed Condition Recommended by Planning

Except for James City County Real Estate Tax Map Parcel No. 4420100010, no connections shall be made to the force main which would serve any property located outside the (PSA except for connections to the Governor's Land project and existing structures as of January 28, 1997, located on property outside the

PSA adjacent to the force main. In addition, for each platted lot recorded in the James City County Circuit Court Clerk's office as of January 28, 1997, that is vacant, outside the PSA, and adjacent to the main and the property located at 2604 John Tyler Highway, which can be further identified as Real Estate Tax Map Parcel No. 4420100010, one connection shall be permitted with no larger than a 1-1/4-inch service line.

JSCA Staff Comments

The JCSA has reviewed the proposal and has confirmed there is capacity in the existing force main to accommodate two additional lots. The JCSA mentions this as a factual statement, not a recommendation to permit the proposed connections.

Health Department

The Health Department has issued a permit for the installation of an alternative on-site sewage disposal system capable of accommodating a four-bedroom house. The system has not yet been installed.

Staff Comments: As the applicant has not demonstrated a valid need for public sewer connection (such as failing septic system), staff finds the request for a public sewer connection as a convenience rather than a public health, safety, or welfare issue.

COMPREHENSIVE PLAN

The project area is designated as Rural Lands on the 2009 Comprehensive Plan. Rural Lands are areas containing farms, forests, and scattered houses, exclusively outside of 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.

The PSA policy is James City County's long-standing principal tool for managing growth. As a growth management tool it attempts to direct growth in one area (where public facilities and services are planned) and away from another (where the majority of agricultural and forestal activities occur). The PSA, first established in 1975, utilizes many of the same principles as Urban Growth Boundaries or Urban Service Areas found in other localities. They are all concepts for promoting growth in a defined geographical area in order to accomplish the following goals:

- To encourage efficient utilization of public facilities and services (water and sewer, roadways, schools, fire and police stations, libraries, etc.);
- To help ensure such facilities and services are available where and when needed;
- To increase public benefit per dollar spent;
- To promote public health and safety through improved emergency response time;
- To minimize well and septic failures; and
- To preserve rural lands.

The PSA is most effective when it is tied to the provision of public utilities. Connecting developments to public utilities facilitates development and increases the need for associated peripheral uses. Extending utilities to the rural lands encourages previously farmed or forested lands to convert to development. Development pressures could entice more rural landowners into selling their lands, which could increase the pace of development and increase the amount of forest and farmland developed.

The effectiveness of the PSA as a policy tool is affected as more housing and amenities are allowed. More intensive expansion outside of the PSA boundary creates a need for additional core services, such as health facilities, supermarkets, post offices, and so forth. While the County does not necessarily directly bear the cost of providing these types of services, there are indirect effects: the new services require staffing, which brings traffic to the Rural Lands; the creation of new businesses and services in the Rural Lands increases the demands for new housing. As more new houses are built, the demand for businesses, services, and amenities

increases, creating a cycle of “providing amenities leading to demanding additional amenities.” The net effect of this cycle is that the PSA boundary could quickly become an ineffectual way of controlling or limiting growth.

Any extension of utilities beyond the PSA boundary is essentially an artificial expansion of the PSA. The incremental expansion of public utilities outside the PSA undermines the County’s growth management efforts. Should this application be approved, a precedent will be set and other properties further west on Route 5 will likely attempt to gain access to public utilities as well. Should this occur, the County would lack a credible basis to deny any future applications. This undermines the County’s ability to ensure growth proceeds in a logical and orderly fashion.

Public water and sewer are catalyst to dense residential and commercial development. A water and sewer extension could put tremendous pressure on the County to approve zoning changes that permit higher densities and commercial development along Route 5.

Examples of Previously Approved Water and Sewer Extensions Outside the PSA

One of the basic legal tenets of land use planning is that similarly situated parcels must be treated similarly. For this reason, allowing any extension of public utilities outside the PSA must be carefully considered to avoid setting a precedent for other landowners to make a similar request. During the 2009 update, the County’s land use consultant recommended if the Board elects to expand the PSA or allow for a utility extension outside the PSA, it should *outline the unique reasons why such an extension is appropriate for a particular site and what public purpose is met by the extension*. Furthermore, the consultant stated utility extensions for environmental or health reasons or to serve public facilities will generally have the least potential to weaken the PSA concept, while *extensions for economic development or to encourage a specific private development have greater potential to weaken the PSA concept* more because they can be extended more generally to adjacent, similarly situated properties.

The Board has often followed this guidance. The following are specific examples where utility lines were extended outside the PSA for a public purpose or for a health issue:

Jolly Pond Road Water and Sewer extension – This extension was to serve Hornsby Middle School and Blayton Elementary School. This is an example of an extension to serve a public benefit.

Brick Bat Road Water and Sewer extension – This extension was to serve Matoaka Elementary School. This is an example of an extension to serve a public benefit.

Greensprings Mobile Home Park – In this instance, the mobile home park’s aging septic system was failing. This is an example of extending service to address a public health, safety, and welfare issue.

Riverview Plantation – This extension was approved to address a failing water system within the development that was maintained by the James City Service Authority (JCSA). This is an example of extending service for a public health issue.

Chickahominy Road – The intent of constructing the lines was to improve the quality of housing and living conditions for the existing residents of that area, many of whom did not have indoor plumbing. This extension was also to help protect the reservoir from aging septic systems.

Cranston’s Mill Pond Road – This transmission line was constructed to connect to the Jolly Pond Road line. This loop provided the Centerville Road area with a more reliable water source.

In the instances mentioned above, the Board made the judgment that sufficient and significant public benefit existed to permit extensions of public utilities to occur outside the PSA, with minimal impact due to limitations placed on additional connections to the utilities. This rationale is consistent with the consultant's recommendations.

Other Considerations

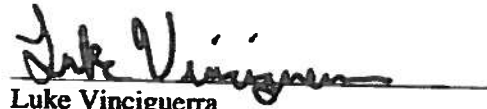
1. One point of discussion was whether this request would be an isolated and unique situation. Staff expects that if this SUP were approved, additional requests would be submitted for connections to public water, sewer, or both. Interest on the part of a neighboring property owner was expressed during the Planning Commission meeting and staff has checked with JCSA staff, who indicated that other property owners along Route 5 have inquired about this possibility in the past.
2. The current utility policy, which is reflected in the adopted Comprehensive Plan, states that only the lots immediately adjacent to the public water or sewer utility main can connect. During discussion, some members of the Commission discussed that since the current lot is adjacent to other lots with access to water and sewer utilities, that this could be a rationale for approving this request. Staff would note that if this alternative principle were applied, it would mean that granting a sequence of SUP requests involving 11 property owners on the south side of Route 5 and 11 property owners on the north side of Route 5 could bring one or both utilities to the James City County border at the Dresser Bridge.
3. Points one and two above focus on the Route 5 area, but the implications of applying a new principle would be widespread throughout the County. Other areas of the County have similar situations (i.e., lots which would currently not be permitted to have water or sewer, which have some adjacency to lots that are permitted, and do have, water, sewer, or both). Examples include Centerville Road, Jolly Pond Road, Chickahominy Road, and Riverview Road.
4. Staff would want to bring to the Board's attention that there are important technical engineering considerations that would likely result from this decision and future SUP requests that could then raise other questions about the regulations and policies that are in place such as the A-1 zoning regulations and the requirement for central wells for major subdivisions. Staff would like to make the Board aware of the following as immediate issues of this nature:
 - This lot and others along Route 5 would need to use grinder pumps if sewer line connections were allowed. JCSA has a policy that if the grinder pump is designed to JCSA standards, the property owners have the ability to enter into a maintenance agreement which then obligates JCSA to 24-hour service for repair or replacement of the pump.
 - Staff has been informed by Virginia Department of Transportation (VDOT) that private sewer lines are not permitted in the right-of-way. The applicant has been informed of this limitation. Should the Board approve the application, two possible options are for the property owner to construct the connection to JCSA standards and dedicate it to the JCSA or run the line through private easements.

RECOMMENDATION

Staff finds that the extension of a public utility outside the PSA is inconsistent with the land use goals, strategies, and actions of the Comprehensive Plan and the Public Utilities Policy adopted as part of the 1997 Comprehensive Plan. Approval of this application would set a precedent for similarly situated properties outside the PSA where property owners seek connections to nearby public utilities regardless of cost or need. At its June 4, 2014, meeting, the Planning Commission voted to recommend denial of the application by a vote of 4-3 (nay: Drummond, Basic, Bledsoe). Staff recommends that the Board of Supervisors deny this SUP application and that the property owner continue to rely upon a private septic system. Should the Board of Supervisors wish to approve the application, staff recommends that the approval be subject to the conditions listed in the attached resolution.

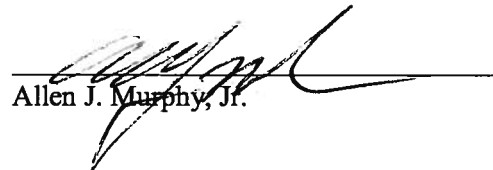


Ellen Cook



Luke Vinciguerra

CONCUR:



Allen J. Murphy, Jr.

EC/LV/nb

SUP06-14JTHSewerC.doc

Attachments:

1. Resolution
2. Location map – Color Map Accessible on the Online Agenda
3. Approved Minutes of the June 4, 2014, Planning Commission Meeting
4. Map Showing Lots Permitted to Connect to Public Water and Sewer from Previously Approved SUP
5. Properties Connected to Water/Sewer Map
6. Jolly Pond Rd/Freedom Park Utility Lines & Adjacent Properties
7. Properties Adjacent to Route 5 that Do Not Have Water/Sewer Access
8. Brick Bat Road Utility Area Map
9. Community Development Block Grant Project Area
10. Responses to Questions at the July 8, 2014, Meeting

RESOLUTION

CASE NO. SUP-0006-2014. 2604 JOHN TYLER HIGHWAY PUBLIC SEWER CONNECTION

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mr. Vernon Geddy, III, has applied for an SUP to allow for a connection to an existing public sanitary sewer force main at 2604 John Tyler Highway and further identified as James City County Real Estate Tax Map Parcel No. 4420100010; and

WHEREAS, the Planning Commission, following its public hearing on June 4, 2014, voted 4-3 to recommend denial of this application; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this application to be consistent with the land use goals, strategies, and actions of the Comprehensive Plan and the Public Utilities Policy.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0006-2014 as described herein with the following conditions:

1. Sewer Connections. Except for James City County Real Estate Tax Map Parcel No. 4420100010, no connections shall be made to the force main which would serve any property located outside the Primary Service Area (PSA) except for connections to the Governor's Land project and existing structures as of January 28, 1997, located on property outside the PSA adjacent to the force main. In addition, for each platted lot recorded in the James City County Circuit Court Clerk's office as of January 28, 1997, that is vacant, outside the PSA and adjacent to the main and the property located at 2604 John Tyler Highway which can be further identified as James City County Real Estate Tax Map Parcel No. 4420100010, one connection shall be permitted with no larger than a 1-1/4-inch service line.
2. Site Plan. A site plan shall be approved in advance of a Certificate to Construct. The site plan shall meet the minimum design and connection criteria of the JCSA to the satisfaction of the James City Service Authority (JCSA) General Manager or his designee. Final approval of the site plan and a Certificate to Construct shall be obtained within 24 months of issuance of this SUP or the SUP shall become void.
3. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

M. Douglas Powell
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

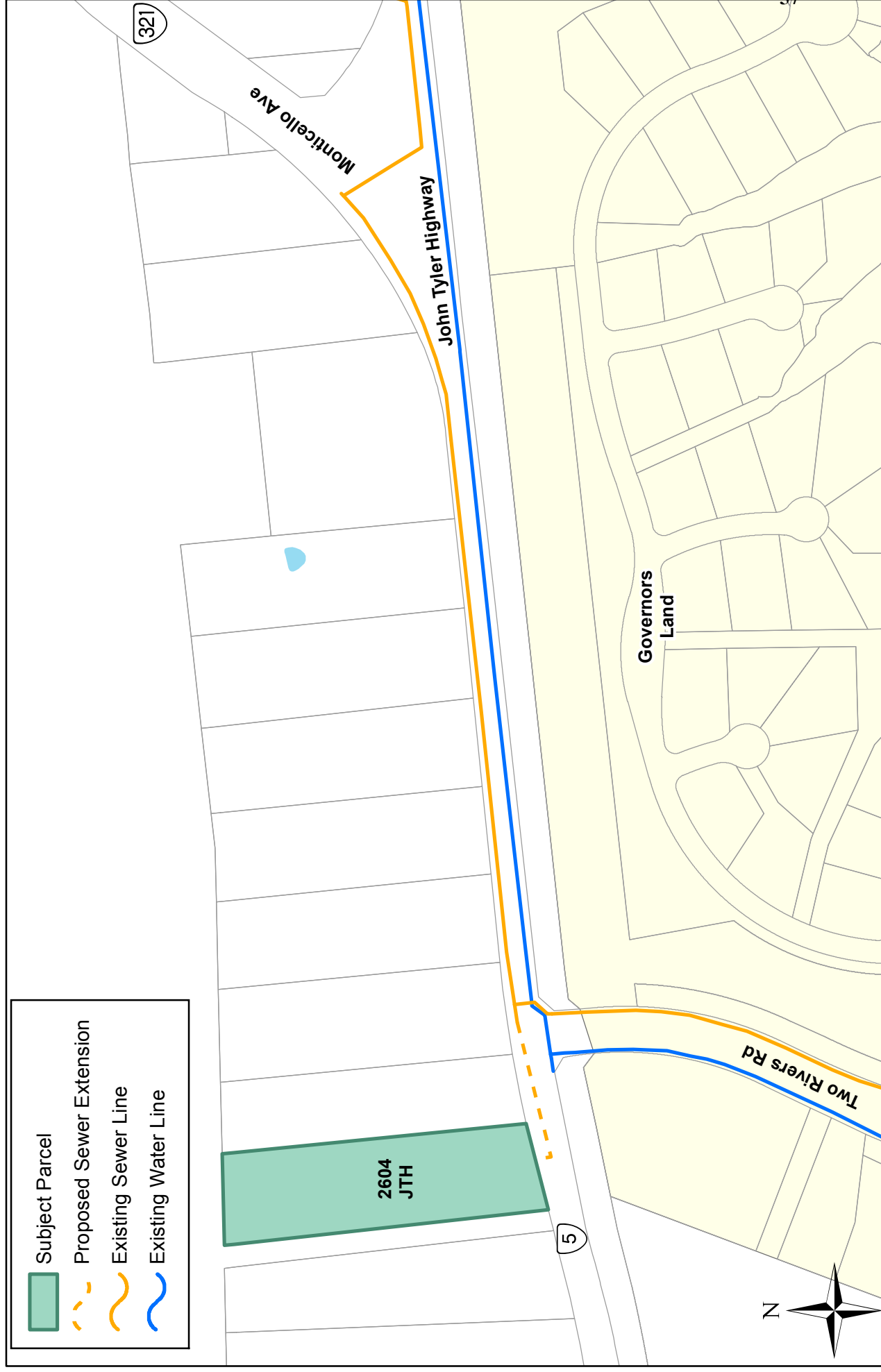
Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of August, 2014.

SUP06-14JTHSewerC-res



SUP-00006-2014

Route 5 Sewer Line Extension



Approved Minutes of the June 4, 2014 Planning Commission Meeting

A. Case No. SUP-0006-2014, John Tyler Highway Sewer Connection

Mr. Luke Vinciguerra, Planner, addressed the Planning Commission giving a summary of the staff report included in the Agenda Packet.

Ms. Ellen Cook, Planner, addressed the Planning Commission regarding the County's Primary Service Area (PSA).

Mr. Wright asked where Chickahominy Riverfront Park gets their water from.

Mr. Rogers stated that the sewer is onsite, but he does not know where their water comes from.

Ms. Bledsoe inquired if they are being served by the County.

Mr. Rogers stated that they are not.

Mr. Drummond asked how far the connection is from the residence.

Mr. Vinciguerra stated that it is approximately 220 feet.

Mr. Holt noted that the existing sewer line is indicated in orange on the map provided.

Ms. Bledsoe inquired regarding the cost estimate.

Mr. Holt stated that the estimated distance or cost should not be a factor in the Commission's decision, as it is against County policy to extend water and sewer outside of the PSA.

Ms. Bledsoe stated that she inquired about the dollar amount because she recalled the estimate being very high.

Mr. Rogers stated that she may be referring to the James City Service Authority (JCSA) Utility Regulations.

Mr. Drummond asked how many feet are allowed by the JCSA Utility Regulations.

Mr. Rogers stated that is approximately 1,000 feet and only applies to properties inside the PSA. Mr. Rogers also noted that properties immediately abutting the line may be allowed to connect.

Mr. Wright inquired if there is a septic system already on the lot.

Mr. Vinciguerra stated that there is not, but there is approval from the Health Department for an onsite alternative sewage disposal system.

Mr. Wright inquired if the land will perc.

Mr. Vinciguerra stated that the land will most likely not perc, and this is why an alternative system is necessary.

Mr. Krapf noted that this is a vacant lot with no structures already existing.

Mr. O'Connor inquired if the property has ever been considered adjacent to the lines.

Mr. Vinciguerra stated that the property is considered adjacent to the water lines, as they extend further, but not the sewer lines.

Mr. Drummond stated that he believes it may be more environmentally friendly to allow the property to connect instead of using a sewer system.

Mr. Vinciguerra stated that any effluent would be regulated by the State regardless of the method determined.

Mr. Holt stated that the distinction between this case and other past cases that have received approval is that those cases had existing failing systems, resulting in health and environmental concerns.

Mr. Krapf inquired if the Commissioners have any disclosures they wished to note.

Mr. O'Connor stated that he has spoken with Mr. Geddy regarding the case.

Mr. Krapf opened the public hearing.

Mr. Geddy addressed the Planning Commission, giving an overview of the proposal.

Ms. Bledsoe inquired if the lot would be residential.

Mr. Geddy confirmed that is zoned A-1.

Ms. Zina Stokes, 2644 and 2638 John Tyler Highway, addressed the Commission in support of the proposal.

There being no one else wishing to speak, Mr. Krapf closed the public hearing and opened the floor for discussion by the Commissioners.

Mr. Krapf stated that he does not believe the Commission should set a precedent for extending service outside of the PSA for reasons of convenience.

Ms. Bledsoe inquired if the applicant is looking to extend the PSA.

Mr. Geddy replied that the PSA would not be extended.

Ms. Bledsoe inquired regarding the zoning of the surrounding lots.

Mr. Geddy replied that he believes they are all zoned A-1.

Mr. Krapf stated that he believes allowing the property to connect to sewer is a de facto extension of the PSA.

Ms. Bledsoe noted that the nearby properties are all also zoned agricultural and receive sewer services.

Mr. Krapf stated that those were part of the agreement reached for Governor's Land.

Mr. Holt stated that those connections were based on the County policy that properties adjacent to the line are allowed to connect.

Mr. O'Connor inquired if there was a condition in the Governor's Land connection stating that only the properties adjacent to the line could connect.

Mr. Rogers stated that it was an amendment to the Governor's Land SUP.

Mr. O'Connor inquired regarding the use of the larger parcel behind the one in question.

Mr. Geddy stated that it is the western end of the property for the proposed cemetery.

Mr. Drummond stated that he believes the rural character of the land has already been changed by putting residential homes there.

Mr. Krapf stated that providing public utilities allows more dense development to occur, defeating the purpose of using the PSA as a growth development tool.

Mr. Drummond inquired if Governor's Land is in violation of the PSA line.

Mr. Holt stated that they are not because they received a SUP. Mr. Holt also stated that, in addition to preserving rural lands, staff indicated in their report several different reasons the PSA policy is important to uphold.

Mr. Wright noted that is difficult to weigh the responses of the Comprehensive Plan surveys, stating that growth should be managed, versus the potential environmental impacts of a septic system that could one day fail.

Mr. Richardson stated that he believes the citizens want to maintain the rural flavor of the County, and the PSA line is an important tool to utilize.

Mr. O'Connor noted that although he has seen the impacts of a failing septic system, extending sewer connections opens the door for many more properties wanting to connect.

Mr. Basic stated that he agrees with Mr. O'Connor.

Mr. Steve Clymer, 2604 John Tyler Highway, stated that each lot must be looked at on a case by case basis, and stated that the County can use zoning to control growth.

Mr. Krapf stated that he is still concerned with setting a precedent.

Ms. Bledsoe stated that, because a dwelling will be placed on the lot regardless of the outcome, the County would not be promoting growth by allowing them to connect. Ms. Bledsoe also noted that she believes it would be contrary to not allow this property to connect when his neighbors were allowed.

Mr. Krapf stated that he disagrees because those connections were a part of a previous SUP allowing connections only for those adjacent to the sewer line.

Ms. Bledsoe stated that she disagrees with the argument that not allowing the connection is a means to control growth in this case.

Mr. O'Connor stated that although zoning does control growth through density restrictions, the land itself controls growth because it does not perc and thus cannot accommodate a larger home.

Mr. Drummond stated that he agrees that it would be contrary to have allowed some lots to connect but not others now.

Mr. Krapf stated that those lots were allowed to connect based on the SUP for the Governor's Land development. Mr. Krapf also stated that this logic reinforces his argument that one approval will lead to another.

Mr. Holt stated that those lots were approved because they are directly adjacent to the existing main.

Ms. Bledsoe inquired regarding the reason for approving those lots.

Mr. Rogers stated that when Governor's Land was approved it did not include any connections to public water and sewer, and residents ended up with lots that did not perc right beside the existing line. Mr. Rogers stated that the Board decided at that time to amend the SUP to allow connections for those adjacent to the line.

Mr. Holt noted that that exception was for lots that were in existence at the time.

Ms. Cook stated that the decision was subsequent to an examination during the Comprehensive Plan review process.

Mr. Holt stated that there are many areas where some people receive public water and sewer and others do not.

Mr. Wright noted that there are several Land Use proposals dealing with this this same issue.

Mr. Holt confirmed that there are several applications requesting extensions to the PSA.

Mr. Drummond inquired why the County would allow lots to be developed at all outside of the PSA if they are trying to use that to control growth.

Mr. Krapf explained that the PSA line is used to control the density of development.

Mr. Holt noted that these lots were subdivided out before the existence of the infrastructure.

Ms. Bledsoe inquired if the lot in question was in existence at the time the Governor's Land SUP was amended.

Mr. Rogers confirmed.

Mr. Basic stated that he believes zoning will determine the density allowed on that lot, not the connection to sewer, or lack thereof.

Mr. Holt stated that the Board made its decision so that there would not be an arbitrary cut off for where connections should end.

Mr. Krapf stated that he is not taking into account the structure that will be built on the lot, but that the connection would be violating County policy without a reason of public health or safety.

Mr. Basic stated that almost all land outside of the PSA is zoned A-1, thus high density development could not occur without a rezoning.

Mr. Holt stated that three acre lots could occur on the larger parcel behind the one in question. Mr. Holt further stated that without connecting to public utilities, a communal well would have to be installed, which would be cost prohibitive.

Mr. O'Connor stated that the adjacency argument will result in a domino effect of SUP applications.

Mr. Basic inquired regarding the trigger for a central water system.

Mr. Holt stated that after nine lots, a central water system must be installed per the County ordinance.

Mr. Krapf stated that outside of the PSA, that central water system would have to be a communal well.

Mr. O'Connor noted that this system is what is being installed on Centerville Road.

Ms. Bledsoe inquired who pays for the communal well.

Mr. Krapf stated that the developer is responsible for the expense. Mr. Krapf also noted that this could lead to a situation in which a communal well fails, and a large number of lots would want to connect to public utilities as well.

Mr. Drummond inquired if all of the lots were developed at the same time.

Mr. Krapf stated that the most important issue is not how many other lots are out there or how long they've been there, but that the Board decided to only give permission to those adjacent to the line.

Mr. Drummond stated that if the purpose of the PSA is to control growth, the County failed by allowing the development of Governor's Land outside of the PSA.

Mr. Holt stated that it was a decision made by the Board at that point in time.

Mr. Drummond stated that the Commission is in the position to make an exception.

Mr. Krapf stated that the decision should be based on sound logic, not personal convenience.

Mr. Drummond stated that he believes there is logic for approving this case.

Mr. O'Connor stated that without a public health concern or public benefit to be provided, a precedent would be set.

Mr. Geddy stated that because these lots have been in existence, this could avoid setting a precedent that would allow a whole new subdivision to come in and want to connect to public utilities.

Mr. Rogers stated that the County utility policy is designed to control growth, and every time an exception is made it becomes harder to defend the policy. Mr. Rogers stated that the subdivision of a lot is not the same as the development of a lot. Mr. Rogers also noted that the fact that these lots have been in existence for some time without being developed shows that growth has been successfully controlled.

Mr. Krapf noted that the drawings provided from the 1997 SUP amendment specifically indicates which lots will receive water and sewer, water only, or nothing.

Mr. Holt stated that just because a lot is created, there is no guarantee that public water and sewer will be available.

Mr. Krapf moved to deny the application.

Mr. Basic asked if any residential development over nine lots would require water infrastructure based on the County Subdivision Ordinance, and if without a water line, a private well would be required.

Mr. Holt confirmed.

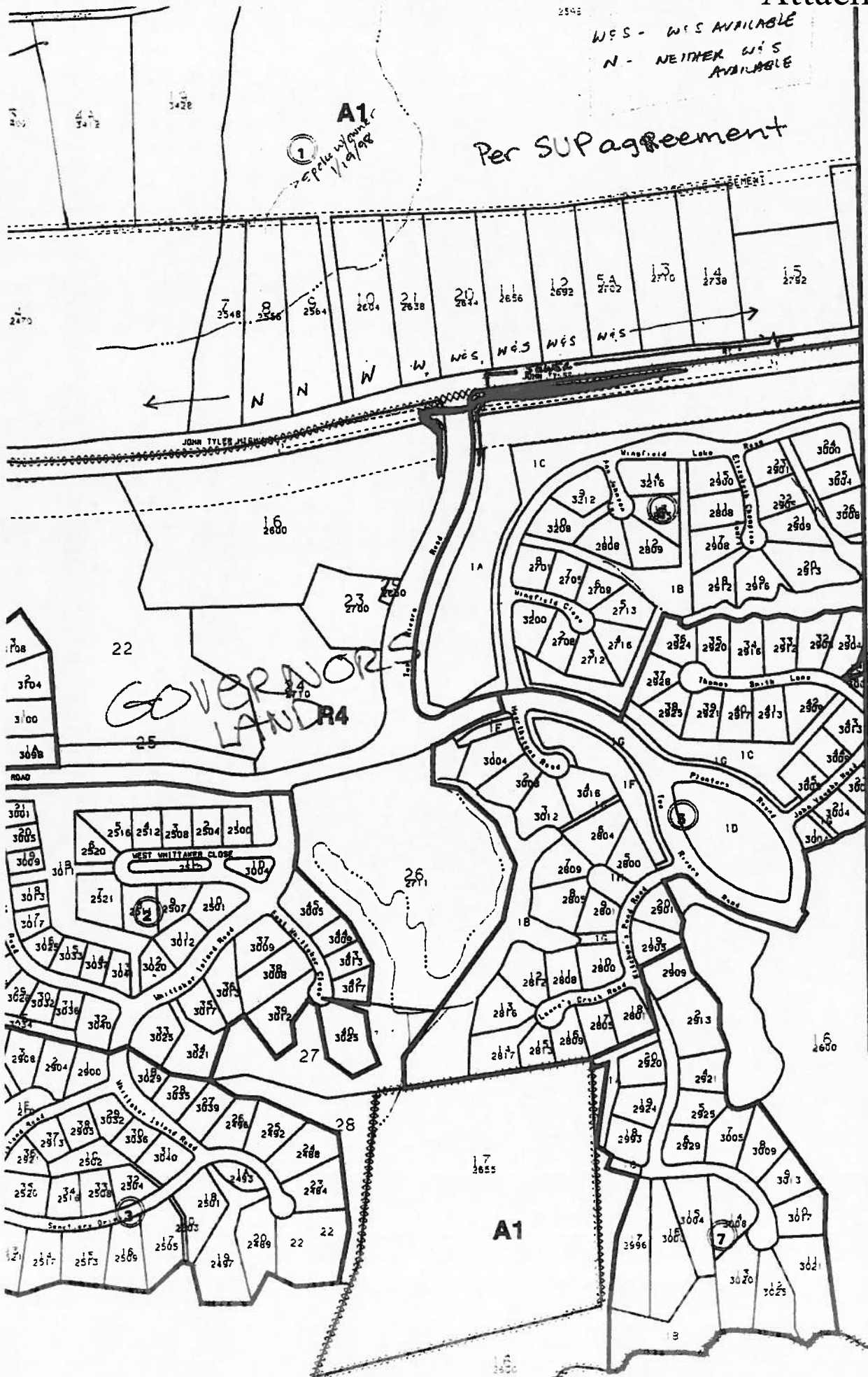
Mr. Basic inquired if a water system would still be built if a water line was nearby and the County denied access.

Mr. Holt confirmed that it could still be built at a great expense to the developer.

Mr. Drummond inquired if there would be a tap fee for the applicant to connect to the line.

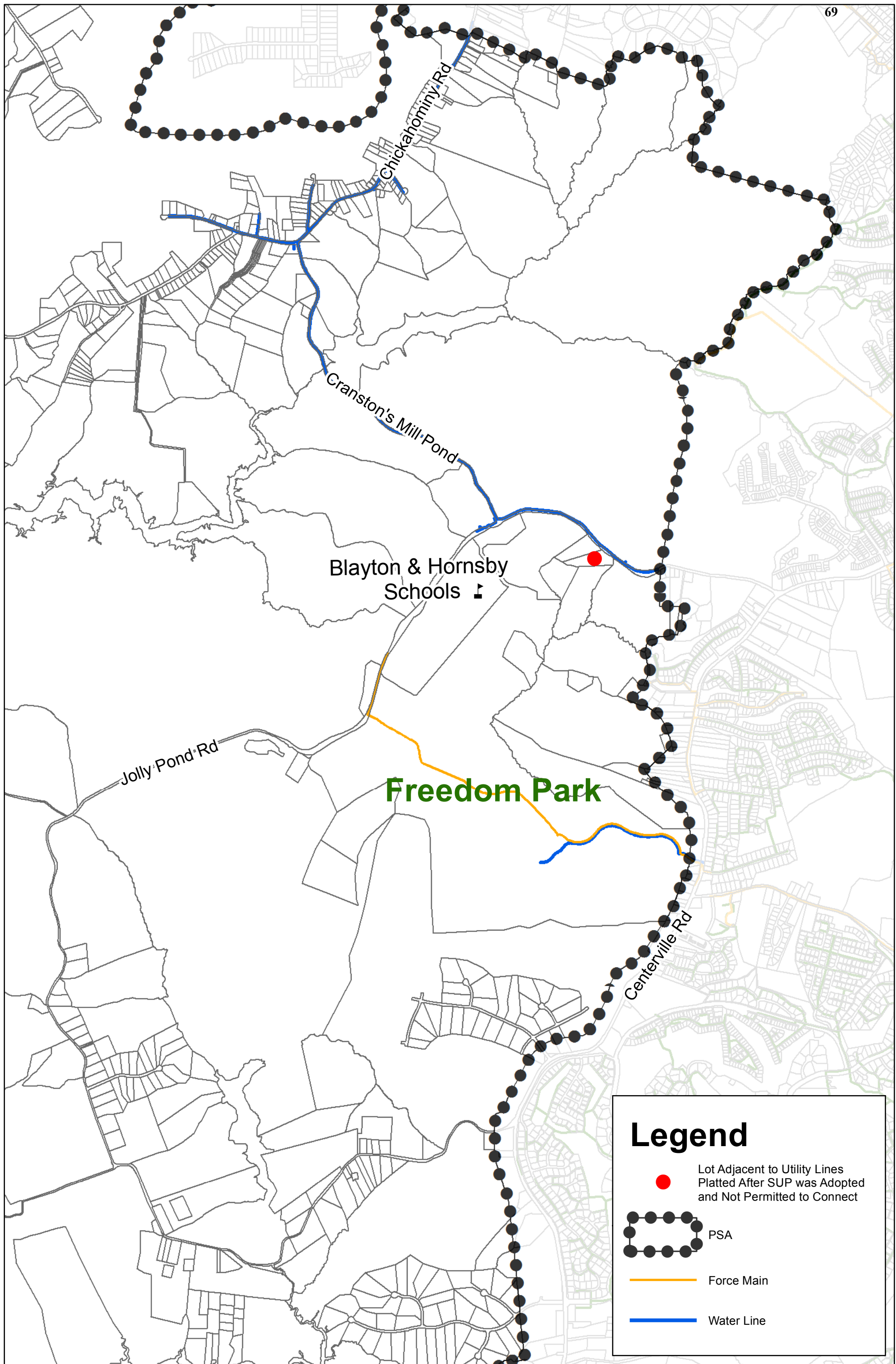
Mr. Rogers confirmed that there would be fees associated with connecting.

On a roll call vote, the Planning Commission voted to recommend denial of the ordinance by a vote of 4-3; Mr. Drummond, Mr. Basic and Ms. Bledsoe voting Nay.



45-1

Monticello Ave



Legend

Lot Adjacent to Utility Lines
Platted After SUP was Adopted
and Not Permitted to Connect

PSA

Force Main

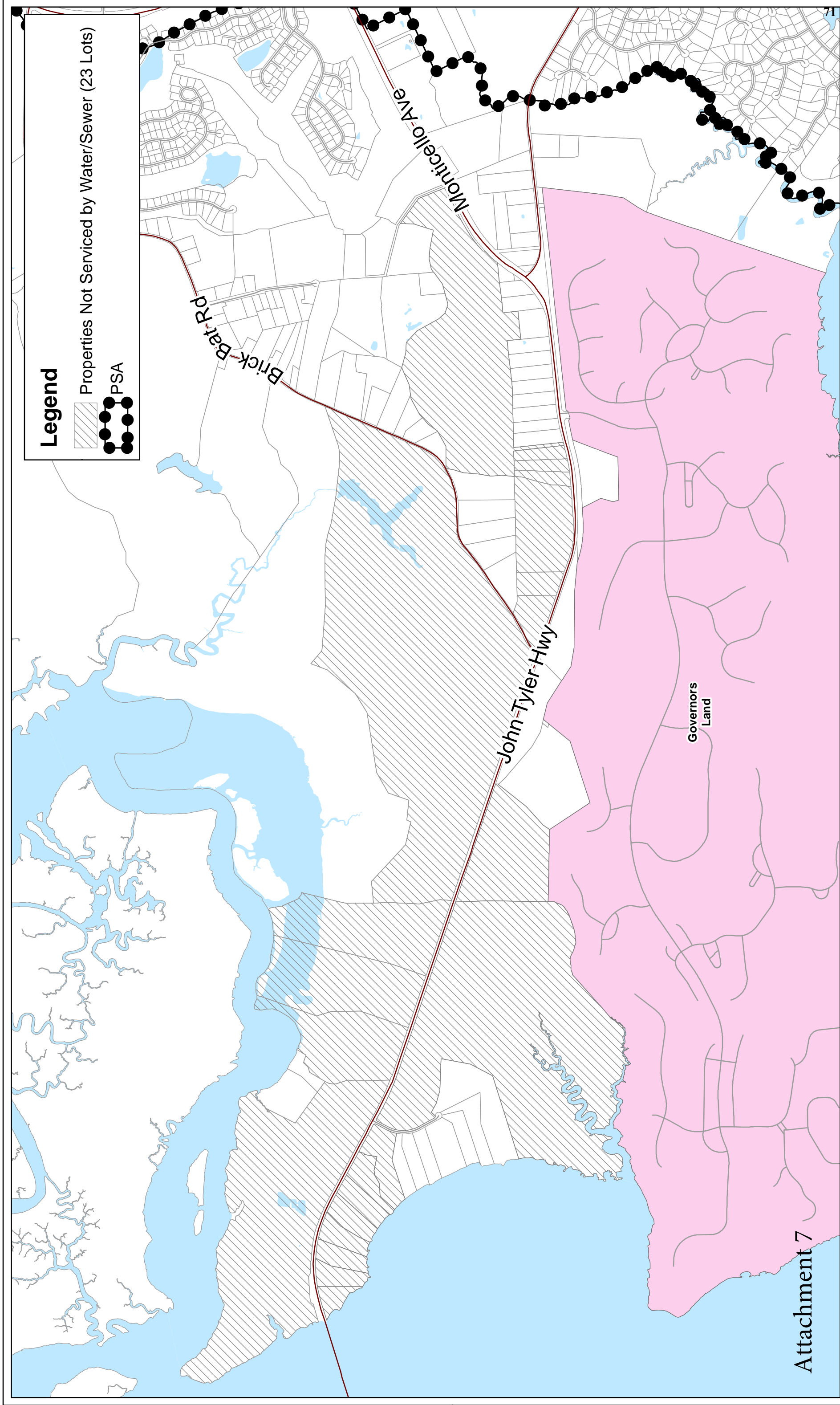
Water Line

1 inch = 1,808 feet
0 1,250 2,500 Feet

Jolly Pond Rd/Freedom Park
Utility Lines & Adjacent Properties

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.

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M:\Departments\Real Estate\Kylie\Properties_outside_Psa\JollyPondRd\OutsidePSA.mxd



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***Property permitted one
sewer connection**

***No permitted connection
to water**

**Matoaka
Elementary School**

Brick Bat Rd

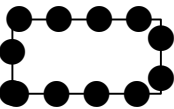
Centerville Rd

***Property permitted one
water connection**


***No permitted connection to sewer**

**Greensprings
West**


Monticello Ave



PSA



Water Line



Sewer Line



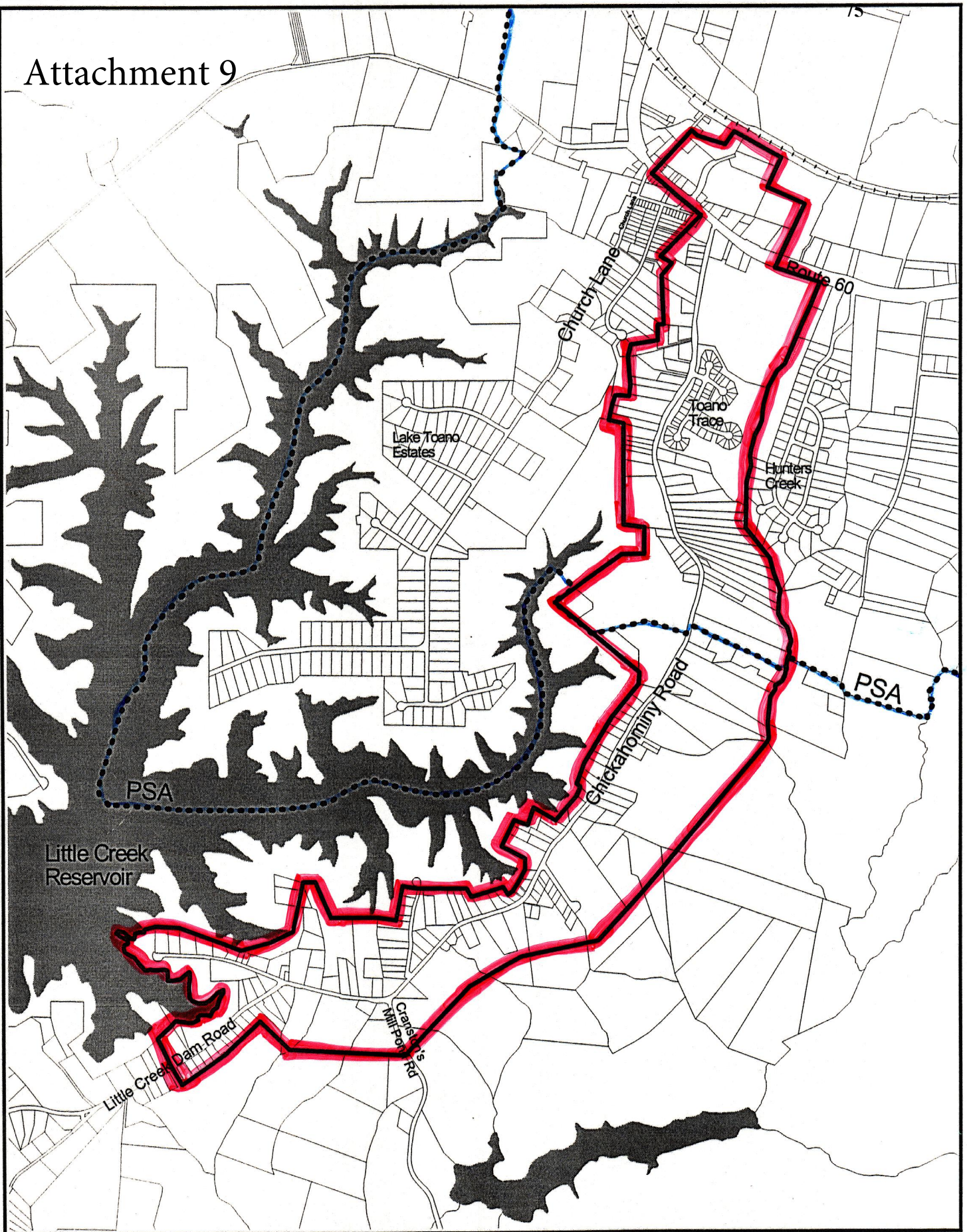
1 inch = 900 feet

0 600 1,200 Feet

**Brick Bat Rd
Utility Area**

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Attachment 9



Community Development Block Grant Project Area

Case No. SUP-10-97



Attachment 10

Responses to questions at the July 8, 2014 meeting

1. Have there been any applications for utility extensions outside the PSA for single lots? If so, has the BOS approved or denied the applications?

Based on research in CaseTrak, staff has not found any instances of applications for utility extensions outside the PSA for single lots that have been considered by the Board (i.e., one application was submitted many years ago, at 2656 John Tyler Highway, but was subsequently withdrawn).

2. What connections were allowed along the Matoaka utility lines? What connections were allowed for the other utility line extensions outside the PSA (such as the schools on Jolly Pond, etc.)?

For the Matoaka utility lines, there was one lot outside the PSA that was allowed a sewer connection and one lot outside the PSA that was allowed a water connection, with both lots being directly adjacent to these utility mains (see attachment #8).

The staff reports lists the other locations where utility lines were constructed outside the PSA. In keeping with the Utility Policy included as part of the 1997 Comprehensive Plan, all of the SUPs associated with mains that extend outside the PSA, other than the Chickahominy Road SUP, include conditions that limit connections to surrounding properties that contain the following elements: (1) connections are only permitted for properties adjacent to the mains; (2) connections are only permitted for existing structures or one connection per vacant platted lot that existed as of the date listed in the condition; and (3) the connections are residentially sized.

The conditions for the Chickahominy Road main differ only in allowing for parcels that are not immediately adjacent to the line, but are within the Community Development Block Grant project area (a defined, mapped area that was created in 1988), to have connections (see Attachment 9). Otherwise, no adopted SUP's contain language which would permit "nearby" lots to connect.

3. Was an additional water line installed in Governor's Land for irrigation purposes?

According to JCSA, no additional water main extensions outside the PSA have been installed in Governor's Land for irrigation (i.e., all of the water main infrastructure for Governor's Land comes off of the previously approved extension).

4. For those lots that were permitted to connect to the Governor's Land water and sewer mains, which have been subsequently connected?

See Attachment 5.

How many additional existing lots exist along Route 5 west of the Governor's Land main extension?

See Attachment 7.

5. Were additional lots allowed to connect to the line extended for Freedom Park or was this main extended for the park only?

Similar to the other utility extensions outside the PSA, this extension permitted Freedom Park, the Jolly Pond Road schools and existing adjacent structures and lots to connect (see Attachment 6).

6. For the lines extended down Jolly Pond road for the schools, who was allowed to connect?

Similar to the other utility extensions outside the PSA, this water extension permitted the Jolly Pond Road schools and existing adjacent structures and existing lots to connect.