

A G E N D A
JAMES CITY COUNTY BOARD OF SUPERVISORS
WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
February 27, 2018
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. BOARD DISCUSSIONS

1. Potential Ordinance Amendments to Address Formerly Proffered Policies
2. County Administrator Search Discussion with Consultant
3. Off-Shore Drilling

D. CLOSED SESSION

1. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions, specifically pertaining to the Planning Commission, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

E. ADJOURNMENT

1. Adjourn until 5 p.m. on March 13, 2018 for the Regular Meeting

ITEM SUMMARY

DATE: 2/27/2018

TO: The Board of Supervisors

FROM: Rich Krapf, Planning Commission Chair; Jack Haldeman, Policy Committee Chair; Paul D. Holt, III

SUBJECT: Potential Ordinance Amendments to Address Formerly Proffered Policies

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Development Management	Holt, Paul	Approved	2/12/2018 - 10:56 AM
Publication Management	Burcham, Nan	Approved	2/12/2018 - 11:54 AM
Legal Review	Kinsman, Adam	Approved	2/20/2018 - 9:51 AM
Board Secretary	Fellows, Teresa	Approved	2/20/2018 - 10:15 AM
Board Secretary	Purse, Jason	Approved	2/20/2018 - 3:15 PM
Board Secretary	Fellows, Teresa	Approved	2/20/2018 - 3:30 PM

MEMORANDUM

DATE: February 27, 2018

TO: The Board of Supervisors

FROM: Rich Krapf, Planning Commission Chair
Jack Haldeman, Policy Committee Chair
Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Potential Ordinance Amendments to Address Formerly Proffered Policies

At its May 2017 work session, the Board of Supervisors and Planning Commission discussed potential Planning Division work program items for FY 18, including possible Ordinance amendments for items that had formerly been addressed through proffers. At the work session the Board directed staff to examine the following items:

1. Streetscape Policy
2. Pedestrian and Bicycle Accommodations
3. Transportation and Traffic Impact Analysis
4. Archaeology Policy
5. Natural Resources Policy

Since that time staff has been working with the Policy Committee to examine these possible Ordinance amendments, specifically, summarizing the issues, conducting research and outlining options. The County Attorney's office has also researched State Code and enabling legislation to determine options that may be available to James City County. The staff memorandums and minutes from these Policy Committee meetings are provided as links at the end of this memorandum.

For each of the items referenced above, several options to move forward are possible. The purpose of this work session item is to receive additional discussion and guidance from the Board on which of those items are preferable. After receiving input and consensus on a direction from the Board, staff and the Policy Committee would proceed with developing such draft Ordinances and policies.

1. Streetscape Policy

Summary: The County's Streetscape Policy was first adopted by the Board of Supervisors in 1999 and was amended in 2004 and 2010. The Policy was first proposed as a result of the 1997 Comprehensive Plan recommendation and subsequent Zoning Ordinance revisions. The goal of the Policy is to establish or preserve a tree canopy along residential streets and to achieve a 20% canopy coverage within a 20-year period.

The Policy Committee discussed the Streetscape Guidelines Policy at the September 14, 2017 and December 14, 2017 meetings.

Options for Moving Forward:

- Option 1 Continue with current post-proffer situation whereby the Streetscape Guidelines Policy would be applied to Special Use Permits (SUPs) and non-residential rezonings, but not to residential rezonings.
- Option 2 Incorporate the requirements of the Policy into the Zoning Ordinance and Subdivision Ordinance. The new Ordinance language would require all projects (legislative and by-right) to provide street trees and would apply to residential projects, including major subdivisions and in multi-family and apartment developments. The existing Streetscape Guidelines Policy would be retained to serve as the guide for past development cases which have either conditions proffered or conditioned streetscape improvements per the adopted policy.

2. Pedestrian and Bicycle Accommodations

Summary: The James City County Pedestrian Accommodation Master Plan, adopted by the Board of Supervisors on November 22, 2011, implemented the Master Plan as a binding resource in determining pedestrian accommodation requirements external to a development unless otherwise required by the Pedestrian Accommodation Section of the Zoning Ordinance (Section 24-35). The Regional Bikeways Plan, adopted by the Board of Supervisors on June 21, 1993, encourages the coordinated development of a comprehensive system of bikeways throughout the region. The Regional Bikeways Plan was amended November 10, 1998, and September 10, 2013, to revise the map to provide bicycle access to major destinations, eliminate routes with dead ends, recommend realistic facility types and incorporate multi-use paths, which serve both cyclists and pedestrians.

The Zoning and Subdivision Ordinances currently apply the requirements of the adopted Pedestrian Accommodations Master Plan to all plans requiring site plan and major subdivision review, but the Ordinance does not address bicycle facilities, which can typically only be required through SUP conditions and are commonly proffered through rezoning applications.

The Policy Committee discussed the following options for Pedestrian and Bicycle Accommodations at its September 14, 2017 and February 8, 2018 meetings.

Options for Moving Forward:

- Option 1 Continue with current post-proffer situation whereby the Bikeways Plan would be applied to Special Use Permits (SUPs) and non-residential rezonings, but not to residential rezonings.
- Option 2 Amend the Zoning and Subdivision Ordinance, which currently requires adhering to the Pedestrian Accommodation Master Plan, to also include requirements to adhere to the Bikeways Plan. The Ordinance language would apply to residential projects, including major subdivisions and in multi-family and apartment developments.

3. Transportation and Traffic Impact Analysis

Summary: The Traffic Impact Analysis Submittal Requirement Policy was adopted on June 12, 2012, and was designed to provide guidance to applicants regarding the minimum content requirements for a Traffic

Impact Analysis (TIA). Per the current submittal requirements for legislative cases, a TIA is required for any project which may generate 100 or more peak hour vehicle trips; any case that falls under this threshold may proffer general traffic improvements or may be subject to relevant Special Use Permit (SUP) conditions, but would not be required to submit a TIA.

Current policies and submittal requirements represent the desire of the County to ensure that development is responsive to the transportation needs of the community they are impacting. These policies ensure that applicants use the resources of the adopted plans mentioned above and, when applicable, any improvements recommended by a TIA in the creation of their binding master plans and proffers.

The Policy Committee discussed the following options for Transportation and Traffic Impact Analysis at its September 14, 2017 and February 8, 2018 meetings.

Options for Moving Forward:

- Option 1 Continue with current post-proffer situation whereby requirements for Traffic Improvements would be applied to Special Use Permits (SUPs) and non-residential rezonings but not to residential rezonings.
- Option 2 Staff provided benchmarking information to the Policy Committee which concluded that many other localities rely on the Virginia Department of Transportation (VDOT) at the development plan stage to identify any required traffic improvements necessary at that time. It's important to note that these requirements are limited to on-site improvements only. Under this option, the Zoning Ordinance could be updated to more explicitly address VDOT's role in the subdivision and site plan approval process. Any VDOT required on-site traffic improvements would need to be included on final site and subdivision plans.
- Option 3 Draft and add an Adequate Transportation Facilities Test to the Traffic Impact Analysis Policy that would function similarly to the Board of Supervisors adopted Adequate Public Facilities Test. The test would give staff guidance on how to handle situations where off-site traffic impacts are able to be mitigated and where they cannot be mitigated.

4. Archaeological Policy and Natural Heritage Resources Policy

Summary: As one of the oldest settlement areas in the United States, James City County has numerous documented and unknown archaeological and historic sites. The James City County Archaeological Policy, adopted by the Board of Supervisors on September 22, 1998, seeks to identify and protect areas where significant archaeological potential exists. In cases where James City County has identified a site as highly sensitive, a Phase IA Archaeological Study is required to be submitted at the time of a Special Use Permit or Rezoning Application. In addition, the current policy requires that conditions or proffers requiring compliance with the policy are included for all appropriate Rezoning and Special Use Permit applications.

James City County is also endowed with many natural resources, including rare, threatened and endangered species and rare natural communities. The James City County Natural Resource Policy was adopted by the Board of Supervisors on July 27, 1999, seeking to better protect these resources. The 2035 Comprehensive Plan refers to the policy as one of a variety of conservation tools available to the County. The current policy requires that conditions or proffers requiring compliance with the policy are included

for all appropriate Rezoning and Special Use Permit applications. The policy requires that a natural resource inventory for a subject area be submitted to the County for approval prior to land disturbance.

The Policy Committee discussed the Archaeology Policy and Natural Heritage Resources Policies at the September 14, 2017 and February 8, 2018 meetings. At the February meeting, staff discussed the six options listed below, which had been the result of continued coordination with the County Attorney's Office.

Options for Moving Forward:

- Option 1 Continue with current post-proffer situation whereby the Policies would be applied to SUPs and non-residential rezonings, but not to residential rezonings.
- Option 2 Create overlay districts. Overlay zoning is a regulatory tool that creates a special zoning district, placed over an existing base zone(s), which identifies special provisions in addition to those in the underlying base zone (e.g. Airport Approach Overlay District). For Natural Heritage Resources, the overlay district would be based on the identified sensitive areas (the B-1, B-2 and B-3 natural areas). For Archaeology, the overlay district would be based on either known archaeological sites or identified sensitive areas or a combination of the two. Since overlay districts are a change in the zoning map, prior to initial adoption, and prior to any revision to the overlay area limits, all affected property owners would need to be notified of the change in their zoning status.
- Option 3 Add the requirement to complete and submit a Phase I study (archaeology) or initial species inventory (natural heritage) as a submittal requirement for legislative cases (rezonings and SUPs). In addition, add language to the special regulations or other appropriate section of the Ordinance requiring further study or management plans prior to issuance of a land disturbing permit, if recommended in the Phase I study or the initial species inventory.
- Option 4 Add the requirement to complete and submit a Phase I study (archaeology) or initial species inventory (natural heritage) as a submittal requirement for site plans and major subdivisions. In addition, add language to the special regulations or other appropriate section of the Ordinance requiring further study or management plans prior to issuance of a land disturbing permit, if recommended in the Phase I study or the initial species inventory.
- Option 5 Apply the archaeological and natural heritage requirements to certain zoning districts (but not others).

Conclusion

The purpose of this work session item is to receive additional discussion and guidance from the Board on which of these options are preferable. After receiving input and consensus on a direction from the Board, staff and the Policy Committee would proceed with developing such draft Ordinances and policies.

Links to Policy Committee Memos and Minutes

1. Policy Committee Meeting September 14, 2017
 - a. Packet:
<https://jamescity.novusagenda.com/AgendaPublic/MeetingView.aspx?MeetingID=370&MinutesMeetingID=590&doctype=Agenda>
 - b. Minutes:
<https://jamescity.novusagenda.com/AgendaPublic/MeetingView.aspx?MeetingID=370&MinutesMeetingID=590&doctype=Minutes>

2. Policy Committee Meeting December 14, 2017
 - a. Packet:
<https://jamescity.novusagenda.com/AgendaPublic/MeetingView.aspx?MeetingID=373&MinutesMeetingID=639&doctype=Agenda>
 - b. Minutes:
<https://jamescity.novusagenda.com/AgendaPublic/MeetingView.aspx?MeetingID=373&MinutesMeetingID=639&doctype=Minutes>

3. Policy Committee Meeting February 8, 2018
 - a. Packet:
<https://jamescity.novusagenda.com/AgendaPublic/MeetingView.aspx?MeetingID=375&MinutesMeetingID=-1&doctype=Agenda>

ITEM SUMMARY

DATE: 2/27/2018
TO: The Board of Supervisors
FROM: William C. Porter, Interim County Administrator
SUBJECT: County Administrator Search Discussion with Consultant

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	2/20/2018 - 9:49 AM

ITEM SUMMARY

DATE: 2/27/2018
TO: The Board of Supervisors
FROM: William C. Porter, Interim County Administrator
SUBJECT: Off-Shore Drilling

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Attachment 1	Exhibit
☐	Attachment 2	Exhibit
☐	Attachment 3	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	2/20/2018 - 10:16 AM

MEMORANDUM

DATE: February 27, 2018
TO: The Board of Supervisors
FROM: William C. Porter, Interim County Administrator
SUBJECT: Opposition to Off-Shore Drilling Near the Coast of Virginia

At its February 7, 2018 meeting, the Chief Administrative Officers Committee of the Hampton Roads Planning District Commission (HRPDC) recommended the HRPDC take a regional position in opposition to off-shore drilling near the Virginia coast. At its February 15, 2018 meeting, the HRPDC voted unanimously to oppose off-shore drilling near the Virginia coast and requested member jurisdictions that have not taken a position to oppose off-shore drilling.

Attached is the January 29, 2018, letter from the Hampton Roads Military and Federal Facilities Alliance stating the Alliance's "strong" opposition to off-shore drilling near the coast of Virginia.

The State of Florida took a position in opposition to off-shore drilling and received an exemption from the Bureau of Ocean Energy for off-shore drilling near the coast of Florida.

Staff recommends the Board of Supervisors adopt the attached resolution requesting that Virginia be removed from the area proposed in the 2019-2024 Outer Continental Shelf Oil and Gas Leasing Program.

WCP/nb
OffShDrill-mem

Attachments:

1. Letter to the Hampton Roads Military and Federal Facilities Alliance
2. Letter from Senators:
Mark R. Warner
Tim Kaine
3. Letter from Senators/Congressmen:
Mark R. Warner
Tim Kaine
Robert C. "Bobby" Scott
Donald McEachin
Gerald E. Connolly
Donald S. Beyer, Jr.

RESOLUTION

OPPOSITION TO OFF-SHORE DRILLING NEAR THE COAST OF VIRGINIA

WHEREAS, the Bureau of Ocean Energy Management in its 2019-2024 Outer Continental Shelf Oil and Gas Leasing Program has included the coast of Virginia; and

WHEREAS, Hampton Roads has a long and storied military history and presence whose training and off-shore activities are extremely important for military readiness; and

WHEREAS, off-shore drilling near the Virginia coast will jeopardize the military's ability to conduct operations, activities and training off the coast of Virginia which will adversely impact military preparedness and readiness; and

WHEREAS, the regional economy of Hampton Roads and the Eastern Shore of Virginia relies heavily on sectors (military, tourism, outdoor recreation, fishing and aquaculture) that will be adversely impacted by off-shore drilling.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby are opposed to off-shore drilling near the coast of Virginia and does hereby support the position of the Hampton Roads Planning District Commission in opposition to off-shore drilling near the coast of Virginia.

Ruth M. Larson
Chairman, Board of Supervisors

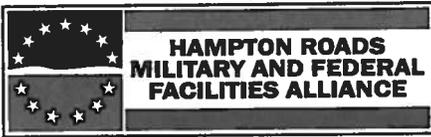
ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of February, 2018.

OffShDrill-res



THOMAS G. SHEPPERD, JR., CHAIR . KENNETH C. ALEXANDER, VICE-CHAIR . NANCY COLLINS, TREASURER
CRAIG R. QUIGLEY, EXECUTIVE DIRECTOR . RICHARD E. DWYER, SECRETARY

January 29, 2018

The Honorable Ryan Zinke
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington DC 20240

Secretary Zinke:

As Board Chairman of the Hampton Roads Military and Federal Facilities Alliance (HRMFFA), I am writing to express the Alliance's strong support for excluding the waters off the coast of Virginia from the Bureau of Ocean Energy Management's next iteration of the Five Year Oil and Gas Leasing Program.

HRMFFA provides a focused regional voice in matters relating to attracting, retaining and growing Hampton Roads' many Federal capabilities and installations. Today, the 13 communities that formed HRMFFA collectively support eighteen major military installations (including two joint bases), all four branches of the military services and the Coast Guard, approximately 120,000 active duty, reserve and civilian personnel, over 125,000 military dependents, and over 230,000 veterans. The military presence is an integral part of the Hampton Roads economy, accounting for over 37% of the gross regional product of \$103.2B. Military personnel, DoD civilians and contractors account for nearly 20% of all employment in the region with another 15% indirectly attributed to the military's presence.

Naval Station Norfolk is the largest naval base in the world and is the homeport of 58 ships and 18 aircraft squadrons. There are another seven ships homeported at Joint Expeditionary Base Little Creek-Fort Story and 19 aircraft squadrons at Naval Air Station Oceana. Langley Air Force Base is host to the 1st Fighter Wing and its two F-22 aircraft squadrons. These ships and aircraft rely extensively on the surface and airspace ranges off Virginia's coast for readiness training and weapons testing activities. In 2015, DoD's Mission Compatibility Planning Assessment of the BOEM 2017-2022 Outer Continental Shelf Oil and Gas Leasing Program designated the vast majority of the program area off Virginia's coast as incompatible with all oil and gas activity. For these reasons, HRMFFA strongly opposes any offshore drilling activities that could jeopardize the military's ability to conduct operations and training off the coast of Virginia.

Additionally, we urge the Bureau of Ocean Energy Management to allow the citizens of our communities to have their voices and concerns heard during the public comment



period ending on March 9, 2018. The only previously planned public comment session was to be held in Richmond nearly 100 miles away from Hampton Roads. Since this event was cancelled due to inclement weather, we request BOEM reschedule public comment sessions at locations in Hampton Roads and Virginia's Eastern Shore so the citizens most affected by this issue can voice their opinions.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas G. Shepperd, Jr.", written in a cursive style.

Thomas G. Shepperd, Jr.
Chair

United States Senate
WASHINGTON, DC 20510

January 18, 2018

The Honorable Ryan Zinke
Secretary of the Interior
Mail Stop 6242
1849 C Street NW
Washington, D.C. 20240-0001

Dear Secretary Zinke:

We request you add public meetings in Virginia Beach and on the Eastern Shore of Virginia as part of the public comment period for the Draft Proposed Program of the proposed 2019-2024 Outer Continental Shelf Oil and Gas Leasing Program.

While we appreciate the scheduled meetings in Richmond and in close proximity to Northern Virginia in Washington, D.C., it is important for residents of Virginia's coastal areas to have the opportunity to attend meetings in their own communities. The Hampton Roads region is a major population center. Virginia Beach is in fact Virginia's most populous city, followed by its neighbors Norfolk and Chesapeake (Richmond is 4th). This region has no currently scheduled public meetings, and the Eastern Shore is even more isolated from the announced meetings.

The regional economy in Hampton Roads and on the Eastern Shore relies heavily on sectors potentially affected by offshore drilling – Department of Defense installations, the Port of Virginia, tourism, outdoor recreation, fishing, oyster and clam aquaculture, and other federal facilities like NASA-Wallops. Residents of this region would be most directly impacted by a change in offshore drilling policy, and their significant concerns deserve to be heard in person.

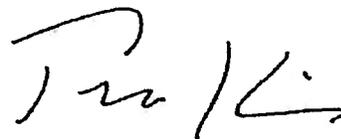
You stated in your announcement removing Florida from consideration for offshore drilling that "Local voice matters." We strongly agree. That is why we request Virginia coastal localities be granted the opportunity to make their voices heard.

Thank you for your consideration.

Sincerely,



Mark R. Warner
U.S. Senator



Tim Kaine
U.S. Senator

Congress of the United States
Washington, DC 20515

January 12, 2018

The Honorable Ryan Zinke
Secretary of the Interior
Mail Stop 6242
1849 C Street NW
Washington, D.C. 20240-0001

Dear Secretary Zinke:

As Members of Congress from Virginia, we request you remove the Virginia offshore area from your proposed 2019-2024 Outer Continental Shelf Oil and Gas Leasing Program. We note your willingness to listen to local voices in Florida with grave concerns over the risks of offshore drilling there. We ask that you likewise consider local opposition in Virginia's coastal communities as well as opposition from its Governor, Senators, and House members to a new five-year plan at this point

The statement from your office announcing the removal of the Florida offshore stated, "Local voices matter." We couldn't agree more.

While many states have long histories of energy production, states like Florida and Virginia have robust economies based on other sectors like tourism, aquaculture, outdoor recreation, deepwater port commerce, and especially Department of Defense infrastructure. Florida is home to some 20 DOD installations, while Virginia's coastal area alone has more than a dozen across every service branch, including Naval Station Norfolk, the world's largest naval installation. While it is within DOD's mandate to work with Interior, any look at a map displays vast offshore areas in which drilling could conflict with military activities. In a time of relatively stable prices and booming oil and gas production elsewhere, the risks outweigh the benefits.

Opposition to offshore drilling is an opinion broadly shared by communities on the Virginia coast, including by the Democratic mayor of Norfolk and the Republican mayor of Virginia Beach. In fact, the city council of Virginia Beach (Virginia's most populous city) actively voted to shift its prior support for offshore drilling from supportive to neutral, then from neutral to opposed.

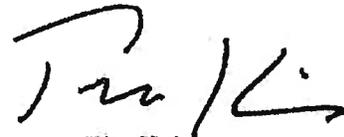
We hope you will take opposition from Virginia coastal communities as seriously as you took the concerns from Florida residents and elected officials.

Thank you for your consideration.

Sincerely,



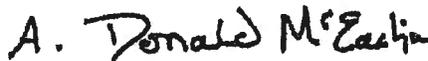
Mark R. Warner
U.S. Senator



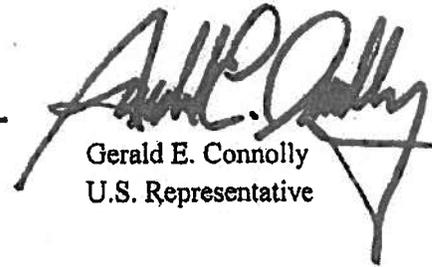
Tim Kaine
U.S. Senator



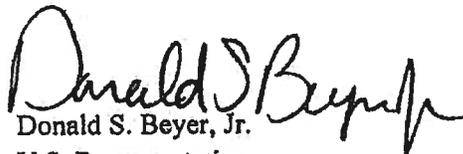
Robert C. "Bobby" Scott
U.S. Representative



A. Donald McEachin
U.S. Representative



Gerald E. Connolly
U.S. Representative



Donald S. Beyer, Jr.
U.S. Representative

ITEM SUMMARY

DATE: 2/27/2018

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions, specifically pertaining to the Planning Commission, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

ATTACHMENTS:

Description	Type
-------------	------

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	2/20/2018 - 4:19 PM

ITEM SUMMARY

DATE: 2/27/2018
TO: The Board of Supervisors
FROM: Teresa J. Fellows, Deputy Clerk
SUBJECT: Adjourn until 5 p.m. on March 13, 2018 for the Regular Meeting

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	2/20/2018 - 3:33 PM