A G E N D A
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
November 12, 2019
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Ellie Gassner, a 3rd grade student at Norge Elementary and a resident of the Powhatan District

E. PRESENTATIONS

1. Proclamation Presentation
2. Service Project Recognition
3. Retiree Recognition - Al Catlett, Jr

F. PUBLIC COMMENT

G. CONSENT CALENDAR

1. Minutes Adoption
2. Grant Award - Medicaid Expansion - $3,000
3. Grant Award - Justice Assistance - $10,710
4. Grant Award - Four-for-Life Fund Adjustment - $15,423
5. Grant Award - Radiological Emergency Preparedness - $30,000
6. Grant Award - Bulletproof Vest Partnership - $34,997
7. Grant Awards - State Homeland Security Program - $38,600
8. Grant Award - Commonwealth Attorney - Virginia Domestic Violence Victim Fund - $65,473
9. Contract Award - Child Health Initiative Management System - $116,540
10. Grant Award - Virginia Fire Programs Fund - $244,057
11. Contract Award - Replacement Fire Pumper - $708,937
12. Grant Award - Urban Areas Security Initiative - $279,148
13. Grant Award - Virginia Environmental Endowment James River Water Quality Improvement Fund - $396,000

H. PUBLIC HEARING(S)

1. SUP-19-0016. 3021 Ironbound Road Tourist Home
2. Ordinance to Amend County Code Section 15-5 to Require Fencing around Junkyards
3. Conveyance of Real Property – 1653 Green Mount Parkway
4. Amendment of James City County Code 13-13.1 and to create 13-13.2 to regulate Motorized skateboards and scooters

5. AFD-19-0001. 7150 Richmond Road, Hill Pleasant Farm AFD Withdrawal
6. SUP-19-0017. Hill Pleasant Farm Solar Farm
7. Z-18-0002/Z-19-0010/MP-18-0002. Stonehouse Rezoning and Proffer and Master Plan Amendment

I. BOARD CONSIDERATION(S)

1. 2020 Legislative Agenda
2. Revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual
3. 3877 Strawberry Plains Road: City of Williamsburg Water Service Approval
4. Fiscal Year 2019 School Year-End Spending Plan Appropriation - $1,697,787

J. BOARD REQUESTS AND DIRECTIVES

K. REPORTS OF THE COUNTY ADMINISTRATOR

L. CLOSED SESSION

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

M. ADJOURNMENT

1. Adjourn until 4 p.m. on November 26, 2019 for the Work Session

AGENDA ITEM NO. D.1.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Ellie Gassner, a 3rd grade student at Norge Elementary and a resident of the Powhatan District

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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 3:20 PM

AGENDA ITEM NO. E.1.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Proclamation Presentation

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 4:06 PM

AGENDA ITEM NO. E.2.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Ruth M. Larson, Berkeley District Supervisor

SUBJECT: Service Project Recognition

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 2:45 PM

AGENDA ITEM NO. E.3.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Ryan Ashe, Fire Chief

SUBJECT: Retiree Recognition - Al Catlett, Jr

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 2:46 PM

AGENDA ITEM NO. G.1.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Minutes Adoption

ATTACHMENTS:

	Description	Type
	092419 Work Session	Minutes
	100819 Regular Meeting	Minutes
	102219 Work Session	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 2:57 PM

M I N U T E S
JAMES CITY COUNTY BOARD OF SUPERVISORS
WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
September 24, 2019
3:30 PM

A. CALL TO ORDER

B. ROLL CALL

Michael J. Hipple, Vice Chairman, Powhatan District
Ruth M. Larson, Berkeley District
P. Sue Sadler, Stonehouse District
John J. McGlennon, Roberts District
James O. Icenhour, Jr., Chairman, Jamestown District

Scott A. Stevens, County Administrator
Adam R. Kinsman, County Attorney

C. BOARD DISCUSSIONS

Mr. Icenhour noted a second item had been added to the Closed Session agenda which took place prior to the Work Session.

1. Closed Session: The Discussion of Plans Related to the Security of any Governmental Facility, Building, or Structure, or the Safety of Persons Using Such Facility, Building, or Structure, Pursuant to Section 2.2-3711(A)(19) of the Code of Virginia

   A motion to Enter a Closed Session was made by Ruth Larson, the motion result was Passed.
   AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
   Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

2. Closed Session: Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where no Previous Announcement has Been Made of the Business' or Industry's Interest in Locating or Expanding its Facilities in the Community, Pursuant to Section 2.2-3711(A)(5) of the Code of Virginia

   A motion to Enter a Closed Session was made by Michael Hipple, the motion result was Passed.
   AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
   Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

   A motion to Certify the Board spoke about those items indicated that it would speak about in Closed Session was made by John McGlennon, the motion result was Passed.
   AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
   Ayes: Hipple, Larson, Sadler, McGlennon, Icenhour, Jr.

   At approximately 4:09 p.m., Mr. Icenhour recessed the Board of Supervisors for the James City Service Authority Board of Directors meeting.

At approximately 4:11 p.m., Mr. Icenhour reconvened the Board of Supervisors for the work session.

3. 911 Center Consolidation Discussion

Fire Chief Ryan Ashe and Police Chief Brad Rinehimer were in attendance.

Mr. Stevens opened the discussion noting there had been previous mention regarding possible consolidation of the 911 center. He noted Mr. Bill Porter, former Interim County Administrator, as well as Chief Ashe, had spoken to him about the possible consolidation, but that it had not reached the Board level at that time. Mr. Stevens added that last fall there had been discussion on the Police Records Management System (RMS) and software update to the Computer Aided Dispatch (CAD) system. He noted the RMS vendor had indicated future enhancements would not be available. Mr. Stevens further noted with those updates needed in upcoming years, it seemed prudent to discuss the financial impact and the best way to provide the service, either in the County or at a consolidated center. Mr. Stevens said a lot of time had gone into talking with dispatchers, police officers, and firefighters. He added the chart that Chief Ashe had passed out to the Board was confusing, but it represented a starting point. Mr. Stevens noted concern for employees regarding what was the best solution if consolidation was the answer and taking care of employees. He stated he and Chief Ashe had met with all shifts and involved parties in early August to gather information. He noted it had been emotional but he expressed his appreciation for the input and the professionalism of everyone involved, while still providing the best service to the community.

Chief Ashe addressed the Board with an overview in a PowerPoint presentation. He focused on the challenges facing both the Police and Fire Departments included staffing, reliable connectivity to automatic aid partners, wireless call routing and transfers, and technology upgrades. Chief Ashe highlighted staffing levels noting a limited number of viable applicants, as well as the high percentage of applicants who failed background checks for both Police and Fire positions. He noted this was something felt strongly about by both departments.

Ms. Larson asked what would be something on a background check that would raise concern.

Chief Ashe noted undetected crimes as well as misinformation on an application that arose during polygraph testing. He highlighted some internal prequalification factors that assist both departments. Chief Ashe noted a significant turnover during the training process. He further noted this was not indicative of the County, but an industry trend. He commented on minimum staffing and noted while staffing had improved, it was not at the level the department wanted. He noted the response timeline from call received through dispatch and travel time in his presentation. Chief Ashe continued the PowerPoint presentation noting a third-party connection between the James City County (JCC) CAD and the York-Poquoson-Williamsburg (YPW) CAD and technology problems with that third-party connection involving call transfers and unit status. He noted reliability challenges with the connection involved situational awareness and delays associated with incorrect unit dispatching with the intermeshed geographic boundaries with York County and the City of Williamsburg. Chief Ashe noted the limitations within the current cell technology. He stated Federal Communications Commission (FCC) guidelines now mandated cellphone 911 call transfers be routed within six seconds. He noted the GPS location was generally available between 15-30 seconds, but further noted the cell call could not be routed based on the GPS location of the phone since the call routing had already occurred before the GPS location was available. Chief Ashe stated to fix that the call routing would need to be delayed until the location was available or the GPS location must be available within five seconds. Chief Ashe stated that today all

wireless cellphone call routing was done at the wireless carrier cell tower equipment and completely out of any 911 centers' control. He noted the Association of Public Safety Communications Officials (APCO) International and the National Emergency Number Association (NENA), both national public safety communication organizations, as well as the International Association of Chiefs of Police and International Association of Fire Chiefs, have been working with the FCC and cell carriers on the routing issues. He noted this was not a unique problem for the County, but the intermeshed geographic boundaries affected the County. Chief Ashe highlighted the number of misrouted calls in the PowerPoint presentation. He noted the Next Generation 911 (NG911) system, which Verizon was now using with a move from older copper wires to an IP Cloud-based solution. He further noted this would not solve the wireless call misrouting, but would allow the transmission of the GPS location once that technology caught up to allow the transfer. Chief Ashe stated the NG911 was being funded as a one-time cost in which the state intended to fund the additional costs, approximately double a monthly service, for the first 24 months and then the County would be responsible for covering the additional cost after that time. Chief Ashe then addressed the technology upgrades and the County's CAD system in the PowerPoint presentation. He noted the vendor had merged, and while support would be available to the current system, no upgrades or enhancements would be available to the County's current system. Chief Ashe further noted the Police RMS, which currently used the same vendor, was also requiring an upgrade in the next three to five years. He continued the presentation highlighting the shared 911 phone system with York County and the migration into the NG911 system, the regional radio system lifecycle with upgrades, and other redundancies. He cited a recent relocation to York County when there was a generator issue. Chief Ashe highlighted three options in the PowerPoint presentation: 1) maintain standalone Emergency Communications Center (ECC) in the County; 2) maintain standalone ECC in the County with a shared CAD system with YPW center; and 3) consolidate the JCC ECC with YPW ECC. He noted over the past weeks that feedback from the County Administrator, Fire Chief, and Departments had been reviewed and was presented in color-coded slides of the PowerPoint presentation. He further noted how the options reviewed addressed the challenges, service to citizens, and staff impact if they were to become York County employees. Chief Ashe noted the evaluation was still evolving. He continued the presentation with three options as the next steps. He noted Option No. 1, maintaining the standalone ECC in the County, was not the right option as response delays would continue. He further noted Option No. 2, maintaining the standalone ECC in JCC with a shared CAD system with the YPW center, and highlighted four key points for improvements as part of that option. Chief Ashe noted Option No. 3, consolidate ECC with YPW ECC, required further investigation into the color-coded criteria chart, hold public meetings for citizen input, and possible outside assistance for evaluation of criteria and technical requirements.

Mr. Stevens asked the Board for direction and noted more evaluation was needed. He noted some form of Option No. 2 was viable with Motorola as a strong contender in the CAD area in addition to solving a significant part of the concern with the delayed response.

Ms. Sadler asked if Option No. 2 with the shared CAD meant switching to Motorola.

Chief Ashe noted YPW used Motorola while the County used the third-party option.

Ms. Sadler asked if other vendors could be reviewed during the evaluation.

Chief Ashe said yes, there would be the opportunity to evaluate options that addressed Police and Fire needs as well as the connection piece.

Ms. Sadler asked about call history.

Chief Ashe noted the history over the past 15 years as well as significant call types within the

past two to three years. He further noted the possibility of data conversion, but cited expense and data reliability as areas to address during the evaluation process.

Police Chief Brad Rinehimer noted the major concern of loss of call history. He further noted that area would be considered during the evaluation.

Chief Ashe spoke of options for the call history that involved maintenance in the system for name searching or converting the database.

Mr. McGlennon asked about the additional salary number of approximately $350,000. He questioned if that was a net or gross number and its relation to savings with employee turnover.

Chief Ashe confirmed salary savings would cover upgraded salary positions or added positions, but he could check numbers with Finance. He noted that number reflected future budgets for additional positions.

Mr. Stevens noted some employees were both trainers and dispatchers, though their particular jobs were not trainers or recruiters. He added that the additional training was instrumental in "helping to find new employees instead of waiting for people to find us."

Mr. Hipple noted three areas: staffing, Fire and EMS, and Police. He cited his position as a volunteer firefighter and knowing many of the people involved. He further noted the staffing and 911 center needed to be a dedicated position with leadership within the County.

Ms. Larson asked if this request was in addition.

Mr. Stevens confirmed this was included in the three to five position range.

Mr. Hipple noted an initial investment in an additional person "of that caliber", which should reduce turnover. He further noted "fixing the reason" for turnovers, savings for overtime with new hires, and possibly a shared CAD system. Mr. Hipple stated he felt Option No. 2 was the best and he was not leaning toward Option No. 3.

Ms. Larson asked about the investment and York County's involvement with the interface and its impact to James City County.

Chief Ashe noted if the various counties made changes, then something had to change in the interface. He further noted relying on a third-party vendor as well as Cox Communications connection had the potential for multi-point failure.

Mr. Stevens asked if York County changed software, what happened if James City County went that way and then York County changed its decision.

Mr. Hipple asked if the two Boards could meet and create a Standard Operating Procedure (SOP) that noted changes to either system and allowed for an SOP to be followed to keep Fire and Police notified.

Ms. Sadler questioned if this was for later in the evaluation.

Chief Ashe said yes. He addressed Ms. Larson's earlier question noting if York County used Motorola CAD today, and James City County bought its own Motorola CAD, then any changes would need to take place within both counties. He noted the opportunity to share a CAD system. He stated particular agencies could be partitioned off, but main site licenses would be shared, and the County would maintain its own backups and servers. Chief Ashe further noted with this shared system, if an upgrade occurred, then "it's all upgraded".

Mr. McGlennon noted Option No. 2 looked best for both counties and presented potential cost savings.

Chief Ashe noted benefits to Fire and Police with a shared system for both counties.

Ms. Larson asked about the projected $1 million cost.

Mr. Stevens noted if the centers were put together, the CAD system and the Police RMS could be shared, but that was still being evaluated. He further noted the long-term savings was in the people. Mr. Stevens said the primary point of evaluation focused on service to the community and the first responders as areas of improvement. He noted the shared CAD system improved the dispatching piece without disadvantaging the first responders.

Ms. Larson asked if Option No. 2 was chosen and the savings from salaries was determined, what would be the forward plan for the costs.

Mr. Stevens noted he would talk with Ms. Sharon Day, Director of Financial and Management Services, about the budget as needed.

Mr. Hipple asked about those basic positions existing in prior years. He noted more calls required more people. He further noted rising costs for salaries and several missed opportunities for hiring people due to that point. Mr. Hipple noted employees asking where "can I go next" and building "a ladder of success" for all employees within the organization.

Mr. Stevens noted more positions for dispatchers, as an integral part of the organization, were in the budget planning process over the next few years as the County's population grew.

Ms. Sadler asked who would be involved in the evaluation.

Chief Ashe noted staff from Fire, Police, 911 dispatch, Information Resources Management/IT, as well as YPW staff, would be part of the evaluation team.

Ms. Sadler noted she was not in favor of consolidation. She added Option No. 2 was agreeable to her, but wanted to be certain that both Fire and Police had what they needed for call history.

Chief Rinehimer noted that was also a top priority. He added that while a shared CAD was beneficial, it also created a concern.

Mr. McGlennon noted it was important to get direction. He said he felt Option No. 2 was the way to go and that it allowed for an opportunity to change the system without the disruption of consolidation.

Ms. Larson asked for communication during the process of potential roadblocks.

Mr. Stevens noted that would be the process. He further noted the Board's preference for Option No. 2. Mr. Stevens stated the process was still evolving and that if other vendors besides Motorola were considered then that information would be shared. He noted "your decision or direction today is not the final decision without the Board having some input at a future time".

Mr. Hipple noted some vendors, while providing cost savings, were not in business after several years or had merged. He further noted looking at some "who have been around forever and are going to stay". Mr. Hipple asked Chief Rinehimer if he had additional

comments from the Police side.

Chief Rinehimer noted Chief Ashe had done a great job. He further noted his opinion from the start had been that the consolidation would not be beneficial and Option No. 2 was a better choice. He noted it solved many of the Fire Department's issues and that the Police Department would address any issues as they arose as the Department still needed new CAD and RMS systems. Chief Rinehimer stated a shared CAD was the best option, but he noted when evaluating vendors, the question of how the interface communicated with the RMS was a focal point for Police.

Chief Ashe noted the call history was a focal point and would need to be addressed in the next three to five years. He added some conversion of data would still be needed.

Mr. Hipple asked about patterns or comments from other fire and police chiefs that might be helpful.

Chief Rinehimer noted the frustration with vendors, mergers of companies, and the impact of such a big move. He further noted "the level of confidence will never be real high" due to changes with companies and what the next stages entailed.

The Board thanked Chief Rinehimer and Chief Ashe.

Mr. Icenhour noted the Board's consensus to pursue Option No. 2. He asked what was the recruitment focus in terms of age (high school versus college) and background for entry-level positions.

Chief Ashe noted if an individual was to enter one of the shifts at the 911 center, he or she would see a variety of age ranges. He further noted some employees were right out of college, others "stumbled upon it", and some even came not thinking they would be interested and were still working the job 20 years later. Chief Ashe stated it was difficult targeting specific groups for the position because there was no set type of person right for the job.

Ms. Larson noted that sometimes one call was enough to have an employee leave the job due to traumatic situations.

Mr. Icenhour agreed.

Chief Ashe confirmed that point also.

At approximately 5:02 p.m., the Board of Supervisors recessed for a short break.

Ms. Sadler left the Work Session at approximately 5:02 p.m.

At approximately 5:08 p.m., the Board of Supervisors reconvened.

4. Part-Time Employees

Mr. Patrick Teague, Director of Human Resources, addressed the Board regarding benefits for part-time employees and a possible migration of some of the temporary workforce to part-time positions. He detailed the various position types of the County workforce: full-time regular, part-time regular, temporary, and on-call in a PowerPoint presentation. He provided a workforce snapshot with the number of positions in these four categories and their respective benefit eligibility. Mr. Teague noted a temporary staff member had questioned the use of temporary, which initiated a legal review of how temporary employees were categorized. He

further noted, based on the review, some employees were functioning as part-time regular rather than temporary. He noted Human Resources was currently working with departments to review the approximately 442 temporary/on-call employees to determine their correct classifications.

Ms. Larson questioned if the positions or the employees were being reviewed.

Mr. Teague noted that was interesting as it was a "bit of both" and related mainly to how the person in that position was being utilized. He further noted a three-year compilation of payroll data from those positions to determine if there was a consistency from year to year within departments based on those individuals. Mr. Teague stated all the employees were classed in a job, and those jobs matched current full-time positions, but were temporary. He noted an analysis to determine how many hours those positions should work, and if converted, how many would that equate to as part-time regular.

Ms. Larson questioned if those same people would fill that position or possibly an advertised position.

Mr. Teague said that would be addressed later.

Mr. Stevens noted the County's policy aligned with others that when 15 regularly scheduled hours a week were obtained then that triggered becoming a part-time regular. He further noted those were then presented to the Board during the budget process for approval, the position was created and posted, and in most cases, the person who had been performing that job was the most qualified applicant. Mr. Stevens said there was a process in place.

Mr. Teague continued his presentation with recommendations on the position types and adjustments to the benefits. He recommended the benefit be raised from 780 hours per year (15 hours per week) to a threshold of 20 hours (1,040 hours per year).

Mr. Stevens explained that the benefits Mr. Teague referenced did not include health insurance. He noted full-time employees received health insurance, but part-time employees did not. He further noted it primarily referenced paid time off of some sort.

Mr. Teague highlighted the current part-time benefits in his PowerPoint presentation. He highlighted changes and noted if an employee worked 30 or more hours per week, health care benefits must be provided per the Affordable Care Act. He continued with statistics on why the County offered benefits to part-time employees. Mr. Teague noted the longest tenured part-time regular employee in the County had 31 years of service. He added at exit interviews, liking co-workers and benefits ranked first and second, respectively. He showed the results of a market survey of benefits in comparison to York County and Newport News and also compared to private employers. Mr. Teague highlighted the number of current part-time positions based on hours in his presentation with a total of 90 positions. He noted disruption encompassed administrative/operational changes, increased turnover, and reduced employee morale. Mr. Teague noted these disruptions would be the measures used to say which options were more or less appealing. He noted "we would prefer to grandfather existing employees rather than removing any benefits they may have become used to in their employment". Mr. Teague continued with the three options:

1) No Change
   -least disruptive
   -did not follow the area market

2) Remove Benefits
   -most disruptive

-did not follow market (no area competitors without some level of benefits to part-time employees

3) Adjust the 780 Hours to 1,040 Hours (20 Hours Per Week)
-some disruption
-followed the market

Mr. Teague recommended meeting again in January 2020 and readdressing moving some temporary/on-call employees who may be misclassified to part-time regular positions, which would allow those people to be slotted into those positions upon creation without a recruitment process. He added certain skillsets existed with some of these existing employees, and for ease of operation, those people would move to the 1,040 position. He noted some employees may not want the change. He also recommended an annual increase would apply to all full-time and part-time regular positions as well as current part-time employees being grandfathered. Mr. Teague noted the following caveats: 1) any regular positions had the grievance rights which allowed employees to contest any time they were removed or some disciplinary action was taken on their position; and 2) annual increase would be addressed during the budget process to possibly extend to the temporary workforce to maintain consistency with the market salary rate. Mr. Teague highlighted the process and timeframe which included revision of Chapter 5 of the Personnel Policies and Procedures Manual, the Board's review and adoption of changes at its November 12, 2019 meeting, and a temporary workforce analysis with initial recommendation for classification changes for the Board's January 2020 meeting.

Mr. Stevens noted, in legal's opinion, if a position was used year after year regardless of the number of hours, then the position was not temporary. He further noted some recommendations for moving positions in reclassification would occur, but evaluation on paid time off would be considered and discussed with departments, primarily Parks and Recreation as well as the Williamsburg Regional Library. Mr. Stevens questioned the threshold of 20 hours.

Mr. Icenhour asked about a temporary position that had extended over time. He noted a specific timeline was what he had in mind for a temporary position and was surprised at the number of years of employment in a temporary position. He further noted if that was the goal in reviewing and rectifying the situation, then that was important.

Mr. Stevens said yes.

Mr. Icenhour noted the need for on-call and seasonal in particular to the swimming season, but added temporary and on-call needed clearer definition.

Mr. Hipple noted some temporary positions were grant funded. He further noted with grant renewal things kept going. He questioned if these reclassifications were implemented would that affect obtaining grants.

Mr. Teague stated no. He noted there were several methods in practice. He further noted typically in the first year of the grant, a request for a temporary position was made. Mr. Teague explained if the grant was reauthorized then a limited duration position was established. He noted that position could be full-time with benefits and it was scheduled to end when the funding ended. Mr. Teague noted this type of position had no separation rights, and this would not displace another employee.

Discussion ensued.

Mr. Hipple asked about direct cost.

Mr. Teague responded there would be a limited amount at separation based on leave accumulation, but no direct cost to this transition.

Mr. Stevens noted similar pay rate, but further noted the temporary positions did not receive paid time off, where part-time regulars did.

Mr. Hipple asked about that cost in regard to planning future budgets when those positions transitioned.

Mr. Stevens noted staff would get that information for the Board after the departmental evaluation from Human Resources.

Mr. McGlennon questioned the 12 positions and the 780 hours range. He asked if these positions were grandfathered.

Mr. Teague noted currently there were no positions under 780 so those positions were between 780 and 1,040 hours and were primarily on-call shelver clerk positions at the library.

Mr. McGlennon questioned if the opportunity to increase hours to 1,040 would be made available to these employees.

Mr. Teague responded yes if regular positions were created and to ask the Board to grandfather these positions to retain benefits they currently received.

Mr. Stevens noted these 12 positions currently received paid time off working at least 15 hours a week but less than 20 hours. He asked the Board to consider allowing these current positions to stay at that schedule, but any replacements would work no less than 20 hours a week with no paid time off.

Mr. Hipple asked if these employees could work 20 hours.

Mr. Stevens noted that would be a departmental decision depending on individual schedules, department needs, and other factors.

Ms. Larson asked if this meant an automatic increase in the hours for these 12 positions.

Mr. Stevens noted no. He further noted the information in this evaluation will determine as the need may not be there.

Ms. Larson asked if a shelver clerk working 10 hours a week received paid time off.

Mr. Teague responded no; the employee had to work a minimum of 15 hours a week.

Mr. Stevens noted the recommendation of moving the 10-hour per week position to part-time with no paid time off.

Mr. McGlennon asked if there were any employees under 15 hours a week.

Mr. Stevens noted yes that those positions were under the temporary category. He further noted the use of seasonal personnel, summer camp counselors, and year-round temporary employees.

Mr. Teague noted the on-call group fell into the less than 15 hours group. He further noted on-call positions did not meet the regular position definition so those positions would likely remain

on-call in a temporary capacity.

Mr. Hipple asked if the goal was to remove the temporary positions.

Mr. Teague confirmed the goal was to determine a finite number of temporary positions that should become part-time regular.

Mr. Stevens noted while some will still be temporary, the correct categorization of other employees as being part-time regular, no paid time off, and less than 20 hours a week.

Mr. McGlennon asked about feedback from the employees in these temporary positions.

Mr. Teague said while there had been no specific discussion, there had been communication with a variety of staff in the temporary workforce on the annual use basis. He noted there had been no survey of the part-time regular staff. He added that would "hold everyone harmless in moving that benefit threshold up."

Mr. Stevens noted concerns in the Parks and Recreation part-time staff who were on-call or temporary and increases in time worked. He further noted additional discussion in that area.

Discussion ensued.

Mr. Icenhour asked if there was consensus to move forward on this point.

The Board concurred.

The Board thanked Mr. Teague for his presentation.

5. Update on Shaping Our Shores Master Plan

Ms. Carla Brittle, Community Centers Administrator, and Mr. Alister Perkinson, Parks Administrator, both of Parks and Recreation, were present to update the Board. Ms. Brittle noted the Master Plan was created in 2009 and it served as a guide for the development of the three waterfront properties in the County, which included Chickahominy Riverfront Park (CRP), James City County Marina, and Jamestown Beach Event Park. Ms. Brittle noted the Master Plan was very comprehensive, but further noted it was time to update it due to age and new park amenities. She stated a James City County-wide employee team comprised of Parks and Recreation, James City Service Authority (JCSA), Economic Development Authority, Planning, and Capital Projects staff had been created in the fall of last year. Ms. Brittle noted these particular parks had water issues, economic drivers, and environmental factors that required a diverse group of staff to assist in the update for the Shaping Our Shores Master Plan. She highlighted the goals for the update included: 1) confirm and evaluate the success of the existing amenities in the parks and if they met current needs of citizens; 2) identifying unmet needs and opportunities for expansion if needed; and 3) evaluate maintenance and longevity of the park features as well as amenities. Ms. Brittle noted evaluation of community future needs at the parks. She stated the team completed site visits with current needs at each park. She referenced the original conceptual map for each park and the team's proposed Master Plan update in her PowerPoint presentation. Ms. Brittle provided some background on CRP and noted updated resurfacing the pool, addition of the Splash Pad, and additional projects. She highlighted revenue and visitor statistics as well as various programs such as rowing, which she added the College of William & Mary's row team used the facility. Ms. Brittle noted additions and subtractions to the Master Plan included a proposed JCSA water treatment plant with intake and outtake lines.

Mr. McGlennon noted the area designated for the water treatment plant was a large area.

Ms. Brittle confirmed that. She noted the gas utility delineation and the limitation for development within this park. She also noted relocation of the Recreational Vehicle (RV)/boat storage to the front of the park as another revision to the Master Plan.

Mr. McGlennon asked if long-term RV was overnighters or storage.

Ms. Brittle confirmed it was for storage. She also noted removal of the second park entrance, a road in the middle of the park to divert traffic, relocation of the camper store with propane filling station, more laundry facilities to bathhouses, recreational/environmental education room at the store, and relocation of the pump-out station for the RVs.

Mr. Stevens noted this information was for the Board to evaluate and review as public meetings would be held. He noted if the Board had questions now was a good time to ask them.

Ms. Brittle confirmed this was a conceptual plan and welcomed feedback and/or questions from the Board before presenting it to the public.

Mr. Hipple asked if an additional fishing pier could be included.

Discussion ensued on location, charge to fish, and other points.

Mr. McGlennon asked what drove the majority of the increased revenue.

Ms. Brittle noted camping and fishing tournaments.

Mr. Perkinson noted an increase in RV camping.

Mr. Hipple asked about additional camping sites.

Mr. Perkinson addressed redesignation of existing campgrounds based on people's needs.

Discussion ensued on boathouses and involvement with local organizations.

Ms. Brittle next addressed the James City County Marina and the history of the County's involvement with the facility. She noted the Billsburg Brewery leased its location at the marina. She cited population and revenue as well as boat storage and kayak rentals. Ms. Brittle noted significant changes to the original 2009 Master Plan with changes due to the floodplain. She further noted the wetlands issues that warranted removal of original structures. Ms. Brittle stated additional daily boat parking, a second entrance, relocation of the fuel dock, a semi-permanent tent structure for events among the proposed changes. She added that this revised plan eliminated the second proposed boat ramp and dry stack storage.

Mr. Hipple asked about the dry stack storage and the rebuild there for the covered area.

Ms. Brittle noted covered and uncovered areas on the map with a total of 108 boat slips from 75 slips.

Mr. Perkinson noted the covered slips were slightly larger.

Mr. Hipple asked if the slip rental costs would cover the cost of the covered boat area.

Ms. Brittle noted it would take 20 years to cover the cost and particularly with the current cost

of steel.

Ms. Larson asked about the dredging in that area.

Ms. Brittle confirmed the dredging was part of the upcoming year projects.

Mr. Perkinson noted it was part of the Fiscal Year 2020 Capital Improvements Program for the first phase. He further noted the dredging was a two-phase process. He added the first phase focused on most of the uncovered slips and the channel coming in and out. Mr. Perkinson said the second phase would involve the covered slips in the several years. He added the drawings for the dredge spoils were not available yet, but they were part of the site plan currently in process.

Mr. Icenhour asked if the area across the road was for the proposed dredge flows.

Ms. Brittle and Mr. Perkinson confirmed that.

Mr. Icenhour questioned a bulkhead with a transient area on the map.

Ms. Brittle noted those were uncovered rental slips.

Mr. Perkinson noted most of those were monthly with some transiency depending on demand.

Ms. Larson asked what kind of demand was currently in place. She noted she had arrived via jet ski for lunch and that was simple, but there had been some issues.

Mr. Perkinson highlighted a tie-up area to visit Billsburg for such occasions.

Discussion ensued on additional elements.

Mr. Perkinson noted the popularity of the paddlecraft rentals. He further noted the relocation of those rentals "to the cove" away from the motorboats.

Mr. Icenhour noted the boat ramp would be relocated.

Ms. Brittle confirmed that as well as relocating it away from the gas pump.

Mr. McGlennon inquired if Parks and Recreation handled all the support of the boating in the marina.

Ms. Brittle noted the department rented kayaks, collected boat slip fees, and handled fuel, but did not handle the ringer care service, which was under a contractor.

Mr. McGlennon questioned a tasting room location and the restaurant facility.

Ms. Brittle confirmed the building would be removed and the facility relocated. She continued her presentation highlighting the Jamestown Beach Event Park and proposed changes. She noted that since 2009, a significant amount of work had been done there as well the creation of beach areas where none had previously existed. Ms. Brittle noted an accessible concrete walkway, expanded parking, concession area, and as well as the paddle launch site. She cited this park was revenue negative, but noted revenue was derived from parking fees and other sources. Ms. Brittle noted development on the property was severely limited due to the historical sites uncovered in addition to the restrictive covenants that went with the grants that were used to purchase the property. She added there were two grants with easements and highlighted them on the map in the PowerPoint presentation. Ms. Brittle noted the first item to

address involved relocating items in those highlighted areas that were not permitted. She further noted removal of cabins and camping and keeping all camping at CRP with resource consolidation, relocation of the fishing pier, additional restrooms and event parking, and other items. She stated some items would include coordination with the Virginia Department of Transportation (VDOT). Ms. Brittle referenced working with VDOT regarding changes to Jamestown Road. She recommended additional VDOT coordination with the Greensprings Road and Jamestown Road intersection.

Mr. McGlennon expressed concern about the traffic at that intersection.

Mr. Icenhour asked about the gates and the opening/closing of them.

Ms. Larson noted the gate on Greensprings Road was never open.

Discussion ensued regarding traffic and gate options.

Ms. Larson noted no camping would be available for multi-day music festivals and stated her discouragement that the field would serve as boat storage instead of a camping area. She asked to readdress the grant restrictions.

Ms. Brittle highlighted one of the two covenant areas where recreational use would be permitted and that encompassed camping. She noted unsolicited contact regarding a possible venture with a private company to initially build 25 camping cabins in a public-private partnership and asked the Board if it would be willing to entertain the notion. She added if yes, then a Request for Proposal would be initiated as an option.

Ms. Larson noted it was an expense, but camping also allowed for maximum usage of tourist value for the area and the park.

Ms. Brittle asked the Board if that was something it wanted to pursue with the public-private partnership as received or if it wanted Parks and Recreation to operate.

Mr. Icenhour referenced CPR and the maximum capacity ratio of primitive versus RV sites.

Mr. Perkinson noted over 100 sites were in the park, but some were group sites.

Mr. Icenhour asked for a cost and benefit of regular camping sites versus RV sites and cabins.

Discussion ensued on options regarding camping or cabins, bathhouses, and staffing.

Ms. Larson suggested a more comprehensive use of the park for events or possibly moving events to CPR for a maximum experience.

Ms. Brittle added a running center proposal, previously discussed for Warhill Sports Complex, to be located at Jamestown Beach Event Park. She noted the center would include community racing events as well as Parks and Recreation staff offices. She further noted that was presented by a private foundation as part of the Build-A-Building program.

Mr. McGlennon asked if the foundation was interested in pursuing this now.

Ms. Brittle confirmed yes and noted this site hosted many racing events.

Mr. Hipple noted previously there had been concern for a banquet with alcohol on the premises and the proximity to schools.

Ms. Brittle stated that was allowed on this site. She added alcohol was permitted as this site hosted concerts.

Ms. Larson noted conversation about the race route and the impact on neighboring subdivisions.

Ms. Brittle highlighted the area on the map with an open field. Discussion ensued on the running area including the Capital Trail, the Colonial Parkway, and routes as well as restrooms and parking.

Ms. Larson stressed talking about the routes so "citizens are not pushed out" from their use of these routes.

Ms. Brittle noted the next steps, based on the Board's feedback, involved adjustments to the maps, starting the public process which included a public comment section on the website, and hosting a minimum of two meetings; a daytime and an evening meeting for public input. She further noted the next step would be the formal approval process which will go through the Parks and Recreation Advisory Commission, then the Planning Commission prior to the Board's final approval.

The Board thanked Ms. Brittle and Mr. Perkinson for the presentation.

Ms. Larson asked if the maps had been done inhouse.

Ms. Brittle replied yes, thanks to Mapping.

6. Workforce Housing Task Force - Findings and Recommendations

Mr. Paul Holt, Director of Community Development and Planning, and Ms. Rebecca Vinroot, Director of Social Services, addressed the Board in a collaboration regarding the Workforce Housing Task Force with an overview from January 2018 to January 2019. Mr. Holt highlighted the definition of "workforce housing" and noted a review of data showed the greatest need was on working households with incomes between 30% and 100% of the area median income. He noted the reasons for the importance of affordable housing within the County as indicated in the Agenda Packet. Mr. Holt noted the workforce housing strategy recommendations included: 1) housing preservation; 2) housing production; 3) housing access; and 4) funding. He noted funding was usually discussed during budget talks. Mr. Holt noted in the PowerPoint Presentation a toolkit of potential strategies, both short- and long-range as well as funding from the County.

Ms. Vinroot noted an analysis of all the recommendations was in the Board's Agenda Packet. She further noted the feasibility and resources had been evaluated on all of those recommendations. Ms. Vinroot stated items were selected that did not require additional staffing or budgetary resources.

Mr. Holt noted these recommendations were in the Agenda Packet and if there were questions or concerns from the Board, he and Ms. Vinroot would address them. Mr. Holt further noted the County had received a $350,000 award from the Virginia Department of Housing and Community Development (DHCD) toward rehabilitating up to 10 homes. Mr. Holt noted that work had been completed. He added that the DHCD had also awarded the County a $1 million Community Development Block Grant which allowed the County to undertake a two-year, Scattered Site Housing Rehabilitation project. He said the goal was to rehabilitate 16 homes. Mr. Holt highlighted additional grant funding for septic system upgrades.

Mr. McGlennon stressed affordable housing on a regional basis and how the County can work with the City of Williamsburg and/or York County for additional opportunities. He cited work along Government Road where York County and James City County came together. Mr. McGlennon highlighted tensions in the accessory apartments in the recommendations. He noted covenants and possible conflicts. He further noted concern for accessory apartments that could be purchased and subdivided as a potential undermining for affordable housing. He cautioned about regulations regarding short-term rentals and competition with other housing options within the community. Mr. McGlennon questioned the amount of community energy to potentially acquire a manufactured home or travel park as a more stable affordable housing. He noted the need to have cooperation between local government, nonprofit institutions, and other groups.

Mr. Hipple noted Habitat for Humanity had reached out with the trailer park and turning the area into homes. He further noted this partnership would assist the community.

Ms. Larson asked about protected land or property for development. She noted the "tough road to walk" with accessory apartments and development. She further noted the details in the report and options with rehabilitation of existing areas already set up. Ms. Larson asked if the Workforce Housing Task Force felt progress was forthcoming.

Ms. Vinroot said yes; she noted the "appetite to do something" and she felt the analysis process had been beneficial. Ms. Vinroot highlighted Neighborhood Development and the Housing Unit collaboration was important. She noted the process "kept the momentum going" and showed the focus where gains can be made without jumping too far ahead. Ms. Vinroot stressed the importance of educating everyone to possibilities. She noted some possible regional opportunities to "take the lead" in navigating people through housing opportunities such as rental versus buying as well as first-time buyers.

Ms. Larson agreed in taking the lead. She said "we're far ahead", but noted the City of Williamsburg was starting with a task force, but she was not sure about York County.

Mr. Hipple noted that was a question for area leaders about regional work.

Mr. Holt stated the regional aspect was a big piece. He noted the Board was correct in the County being ahead. Mr. Holt further noted the Housing Navigation piece, resources, and tying that in to first-time home buyers. He said that was a feasible option to start in the County and replicate with inclusion of other parts of the Historic Triangle. Mr. Holt noted it would show early successes on which to build momentum.

Mr. Icenhour noted questions from concerned people that the study results would be put in a notebook and filed away on a shelf. He further noted "it's a tough issue and won't solve this overnight" so the incremental approach was helpful. Mr. Icenhour suggested periodic updates, possibly one during the budget cycle. He noted discussion about "how to keep housing affordable". He further noted the City of Williamsburg had several motels that been converted to apartments by private owners. Mr. Icenhour stated the zoning issues for that type of use. He noted the use of the motel as viable and still feasible as a functional use for residents.

Discussion ensued.

Mr. Icenhour asked for staff input to address creative solutions or recommendations to help citizens in these cases. He thanked Mr. Holt and Ms. Vinroot for the update.

D. BOARD REQUESTS AND DIRECTIVES

Mr. Hipple noted "he was good".

Ms. Larson noted last week was busy with the Tourism Council and Business Council meetings as well as the School Liaison meeting. She further noted a joint December meeting. She also noted a letter received on the leftover fund money. Ms. Larson thanked everyone with the amount of information during the presentation. She noted the 911 call center discussion and the personal impact for people, but also the opportunity to review other options and processes. Ms. Larson reminded the Board, particularly in reference to workforce housing, to continue "looking for employers who will come in and pay a living wage." She noted the County was an expensive area to live, but stressed the Board do its part to help pay the citizens. Ms. Larson also commented on no sitting areas at bus stops and asked for benches and shelter for waiting passengers.

Mr. McGlennon noted he and Ms. Larson went to the Peninsula Food Bank for Elected Officials Day where they packed lunch bags and broke down boxes.

Ms. Larson noted 1,900 bags were packed, which equated to over 4,000 lunches of which many benefitted Williamsburg-James City County (WJCC) School students.

Mr. McGlennon added he had attended a local school at the suggestion of the WJCC School Board. He attended Clara Byrd Baker Elementary School with the Honorable City of Williamsburg Councilman Benny Zang, Ms. Lisa Ownby, Chair of WJCC School Board, and Ms. Kyra Cook, WJCC School Board. He noted the opportunity to view programs, Bright Beginnings classrooms, and space needs. Mr. McGlennon further noted his recent attendance at The Arc reception, which received a $50,000 check from Bank of America. He stated the receipt of several buses to assist Arc clients with transportation to work. Mr. McGlennon noted area employers' involvement in creating job opportunities for clients of The Arc. He congratulated the organization and Mr. Kinsman, who served on The Arc's Board of Directors.

Mr. Icenhour noted he would present information to the Board's consideration concerning retaining walls. He further noted previous communication from a constituent in New Town regarding Best Management Practices (BMPs) and retaining walls there. Mr. Icenhour remembered the issue and visited the New Town site. He noted within 30-40 feet of residential buildings and sidewalks, the BMPs had 40-50-foot drops and broken fences. He also referenced a huge BMP retaining wall that impacted JCSA in Colonial Heritage. Mr. Icenhour noted the stabilizing cables impacted the JCSA easement. He further noted no developer restrictions but over time the potential impact to the homeowners associations when responsibilities changed or structure failures occurred. Mr. Icenhour addressed a possible Ordinance on retaining walls planned in excess of 12 feet in height within 150 feet of residence or walking path which would require Board approval and "not an automatic type of thing". He noted he "would not want my kids playing around near that, it could be a lethal combination". Mr. Icenhour further noted he had Mr. Kinsman draft some language regarding this point, and requested additional research on the number and locations in the County.

Both Ms. Larson and Mr. Hipple noted they knew of areas in the County where the retaining walls were an issue.

Mr. Hipple noted that at each eight-inch lift, compaction was required. Mr. Hipple noted the Board's review and consideration of material he would leave with Mr. Stevens regarding a possible bridge naming.

Mr. Icenhour asked Mr. Stevens if he had additional comments.

Mr. Stevens had none.

E. CLOSED SESSION

See Section C.

F. ADJOURNMENT

1. Adjourn until 5 p.m. on October 8, 2019, for the Regular Meeting

A motion to Adjourn was made by Michael Hipple, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Hipple, Icenhour Jr, Larson, McGlennon
Absent: Sadler

At approximately 7:05 p.m., Mr. Icenhour adjourned the Board of Supervisors.

M I N U T E S
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
October 8, 2019
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

Michael J. Hipple, Vice Chairman, Powhatan District
Ruth M. Larson, Berkeley District
P. Sue Sadler, Stonehouse District
John J. McGlennon, Roberts District
James O. Icenhour, Jr., Chairman, Jamestown District

Scott A. Stevens, County Administrator
Adam R. Kinsman, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Wyatt Sylvester, a 5th-grade student at Laurel Lane Elementary School and a resident of the Berkeley District, led the Board and citizens in the Pledge of Allegiance

   Ms. Larson introduced Wyatt and welcomed both Wyatt and his principal, Ms. Karen Swann, to the Board meeting.

E. PRESENTATIONS

1. Neighborhood Speed Awareness Signs - Recognition of Alastair Smith

   Mr. McGlennon welcomed Alastair Smith, a former Pledge Leader. He noted he and Alastair had seen each other in the grocery store and Alastair had expressed concerns regarding the volume of speeding traffic and safety issues in his neighborhood. Mr. McGlennon noted Alastair had seen "Watch for Children" signs in other neighborhoods, but none in his area so he and Mr. McGlennon questioned what they could do to make the neighborhood safer. Mr. McGlennon noted Alastair lived on Indian Circle. He further noted he researched the request and met with staff to see about a sign for the neighborhood. Mr. McGlennon stated staff no longer placed the signs, particularly since the Virginia Department of Transportation (VDOT) did not like the signs due to research that indicated "they just fade into the background and most people don't even recognize that they are there and at the same time give a false sense of security to parents and children who might be nearby the road when cars are going fairly quickly." Mr. McGlennon researched and found that Fairfax County had designed a program which reminded people of the importance of this issue. Mr. McGlennon added that due to Alastair's persistence, a new program will be implemented in the County. He noted a series of signs would be used in neighborhoods to alert drivers to speed limits and safety issues. He also thanked James City County Police for displaying them at the meeting. Mr. McGlennon noted Alastair's family was in attendance. He thanked Alastair for his significant contribution to neighborhood safety and presented him with a Certificate of Recognition. Mr. McGlennon

noted Indian Circle should get the first round of signs, but he added that the Planning Department (757-253-6671) would be responsible for distributing the signs as other neighborhoods requested them.

Ms. Larson questioned Mr. McGlennon about the program, its cost, and the number of available signs. She noted this was a hot topic on the First Colony Facebook page due to speeding within the neighborhood. She credited the James City County Police for its help in working with First Colony to address the issue. Ms. Larson noted it was a dangerous and continuous problem. She further noted she feared for children playing. Ms. Larson asked the number of neighborhoods where the signs could be placed.

Mr. Jason Purse, Assistant County Administrator, noted that both the County Police and Administration received calls on neighborhood speeding situations. He further noted in addition to working with Mr. McGlennon, the County also talked with VDOT and homeowners associations (HOAs). Mr. Purse added these signs would be on private property with neighbors displaying them. He noted the importance of communication between the County, Police, and HOAs with limited rotation time across multiple neighborhoods. He further noted Sgt. Johnson handled many of the HOA meetings and was a valuable resource in this area. Mr. Purse added this was another "tool" for Sgt. Johnson to use and hopefully positive change would come from this program.

Ms. Larson noted Mr. McGlennon's reference to a Traffic Calming booklet from VDOT which can be shared with HOAs. She also noted "self policing" with speeding. Ms. Larson thanked Alastair for approaching Mr. McGlennon about the speeding concern as well as Police involvement. She noted "it is a real problem" and "that people don't take things seriously until somebody gets killed and I would hate to see anybody get killed in a neighborhood from speeding."

2. James City County Parks & Recreation State Awards - Virginia Recreation & Park Society

Mr. Icenhour welcomed Ms. Arlana Fauntleroy, Recreation Services Administrator.

Ms. Fauntleroy addressed the Board with an update on the latest accomplishments of the Parks & Recreation team. She noted awards bestowed on the County at the recent Virginia Recreation & Park Society Annual Conference. She further noted of 115 applications received, James City County won top honors in four categories. Ms. Fauntleroy introduced the winning staff and programs in her PowerPoint presentation: Best New Program - FiveFortySeven; Best New Environmental Sustainability - The Wildflower Pilot Project; Most Innovative Marketing Piece - Boo Bash; and Outstanding New Professional. Ms. Fauntleroy noted FiveFortySeven received top honors and was led by Program Coordinators Ms. Sarah O'Reilly and Mr. Christopher McKnight with the support of all Program Coordinators. She noted other Program Coordinators were in attendance: Mr. Mark Aker, Ms. Joy Johnson, and Ms. Kristen Tolj. Ms. Fauntleroy highlighted the initiatives of Project FiveFortySeven. She thanked staff for its work. She continued her presentation noting The Wildflower Pilot Project with Parks & Recreation in collaboration with General Services, Keep James City County Beautiful, and the Historic Rivers Chapter of Virginia Master Naturalists. She noted this initiative was led by Mr. Alister Perkinson, Parks Administrator. Ms. Fauntleroy continued her PowerPoint presentation with Boo Bash at the Beach Floor Decals, led by Ms. Joy Johnson, Program Coordinator. Ms. Fauntleroy noted Ms. Johnson was recognized as the Outstanding New Professional at the convention. She also recognized other Parks & Recreation staff who were in attendance at the meeting: Mr. John Carnifax, Director; Ms. Carla Brittle, Recreation Centers Administrator; Ms. Veda McMullen, Senior Communications Specialist; Ms. Kelley Herbert, Operations Manager; and Ms. Julie Northcott-Wilson, Business Manager. Ms. Fauntleroy thanked the Board and County residents for support of the staff and department.

Mr. Icenhour thanked the Parks & Recreation department and the winners. He noted "it's always a pleasure to see this kind of recognition who are on our staff and work for our citizens."

3. Virginia Department of Transportation Quarterly Update

Mr. Icenhour welcomed Mr. Rossie Carroll, Residency Administrator, VDOT.

Mr. Carroll addressed the Board highlighting completion of 793 of 899 work orders received from July to September. He noted the 106 remaining work orders concerned drainage. He further noted maintenance completion: a drainage project in the Norge area; 9,500 feet of roadside ditching; site triangle clearing for Route 60 and Route 30; patched over 200 potholes throughout the County; 20 tons of asphalt patching; drainage repair on Route 60 near Westminster and Route 60 near Barnes Road; cross train replacement at Diascund Road; third quarter mowing with updates on the next phase of mowing. Mr. Carroll noted the arrival of the ferry, Powhatan and its dedication. He continued with updates on VDOT projects noting the ongoing Phase III I-64 widening with bridge work slated for a June 2021 completion. Mr. Carroll noted the joint closure and overlay for bridges in James City County and Surry County. He further noted bridge work in the County as well as the plant mix schedule. Mr. Carroll stated the Longhill Road widening project, a SmartScale 2018 project, was slated to begin at the end of October. He highlighted specifics of the project including a completion date of fall 2021. He noted a Longhill Road and Olde Towne Road turn lane improvement project. Mr. Carroll further noted other projects and their respective timelines included News Road and Centerville Road intersection work, Skiffes Creek connector project, Croaker Road widening from the Williamsburg Regional Library to Route 60, an approximate 4-mile pedestrian and bicycle lane on Route 60. Mr. Carroll noted the SmartScale 2020 included the Longhill Road shared use path. He added a number of traffic studies had been done throughout the County and identified the various sites. He noted preparations were being made for the upcoming snow season.

Mr. Hipple noted the possibility of a traffic light at Jolly Pond Road as well as at Forge Road and Route 60. He further noted on Route 60 near the Lightfoot-Norge-Toano area, that grass had grown into the drainage breaks in the concrete. He added that when it rained, the grass pushed the water into the road and questioned what could be done.

Ms. Larson noted someone contacted her about neighborhood speeding and the suggestion for a thin stripe on the outside of the road which gave the appearance of a narrow bike lane. She further noted studies showed that people slowed down in those areas even if no one was using the bike lane. She questioned if VDOT had done that previously.

Mr. Carroll said that was part of traffic calming.

Ms. Larson asked about the responsibility of who paid for that project.

Mr. Carroll noted VDOT would work with HOAs or neighborhoods through the traffic calming to review the best avenue to pursue. He further noted a process was in place, but it required a collective community involvement.

Ms. Larson noted noise concerns associated with the use of speed bumps. She also asked about an update on the intersections of Route 5 and Centerville Road and Route 5 and Greensprings Road.

Mr. Carroll responded a Road Safety Assessment (RSA) had been completed and the signage

update scheduled based on the RSA recommendations. He noted a speed limit evaluation had been completed.

Ms. Larson asked about a contact person regarding the interstate signs for tourism markers. She noted the signs were very dirty and difficult to see. She asked about cleaning of the signs.

Mr. Carroll noted the Historic Triangle sign was a joint purchase with the County, York County, and the City of Williamsburg. He further noted contacting Virginia Logos regarding maintenance of the sign. He added he would also check with the localities and let Ms. Larson know.

Ms. Sadler noted the area of Forge Road and Route 60 where drivers are experiencing difficulty entering the road. She further noted a traffic light or reduced speed limit might be helpful there. She stated three accidents had occurred since September 11, 2019 near Stonehouse Elementary School and asked about the possibility of a traffic light there due to increased traffic with the build-out. Ms. Sadler said she had received communication from concerned citizens and appreciated any help VDOT could lend to that area.

Mr. McGlennon thanked Mr. Carroll for his responsiveness to requests and concerns. He asked if the Croaker Road four-lane widening included bicycle or pedestrian paths.

Mr. Carroll responded that would be a separated path.

Mr. McGlennon questioned the area from Croaker Road on Route 60 to Old Church Road and if there would be a sidewalk and bike path. He also asked if an access across Route 60 for bicycle and/or pedestrian traffic would be available.

Mr. Carroll asked if Mr. McGlennon was referencing a crosswalk.

Mr. McGlennon said yes.

Mr. Carroll confirmed yes.

Mr. McGlennon noted there would not be a crosswalk on the north side.

Mr. Carroll said he would review the plans.

Mr. McGlennon referenced a constituent's request for the explanation of process to request a bicycle/pedestrian crosswalk consideration at Route 199 near the County Government Center over to the Quarterpath Crossing Shopping Center. He noted the constituent's point of encouragement for bicycling and walking to destinations. Mr. McGlennon asked if there was a process on a limited access road like Route 199.

Mr. Carroll said there was a process for the request; however, he noted it was a "tough one" and said while Route 199 was a limited access road, this particular section of the route did not prohibit bike or pedestrian traffic. He added there were several challenges involved at this intersection: no sidewalks or separated walk paths; Mounts Bay was a private road, and Quarterpath Crossing Shopping Center was in the City of Williamsburg. Mr. Carroll noted "to have a crosswalk, you have to have some sort of facility, a pedestrian facility" which he added was not currently in place on either side of Route 199. He added that incorporating a crosswalk in this section of Route 199 "would lower the level of service" and that would be a point of consideration. Mr. Carroll noted facilities would have to be in place for VDOT to review a crosswalk request.

Mr. McGlennon thanked Mr. Carroll for the information. He noted the tall vegetation on

Jackson Drive in James Terrace near Adams Drive. He added Lake Powell Road off Neck-O-Land Road and the resurfacing needs for possible inclusion in next year's paving projects. He noted the request for possible funding for work on Route 60 East.

Mr. Icenhour asked about the Skiffes Creek connector project. He also asked since it was a design build process, had all of the property been acquired.

Mr. Carroll said no; the property acquisition was part of the process.

Mr. Icenhour asked about the completion of the traffic study on 321 Monticello right turn at News Road.

Mr. Carroll noted he would share that information with Mr. Icenhour.

Mr. Icenhour noted an angry constituent had addressed that area and possible options.

Mr. Carroll said options similar to Longhill Road and Olde Towne Road would be reviewed.

Mr. McGlennon asked about the Jamestown Road traffic study and the location of the speed limit sign installation.

Mr. Carroll noted it would be at Neck-O-Land Road, coming from Jamestown, and would be a flashing yellow light for awareness.

The Board thanked Mr. Carroll for his presentation.

4. Colonial Soil & Water Conservation District Report

Mr. Bob Lund, Director, Colonial Soil & Water Conservation District, addressed the Board and noted fellow members, Mr. James Wallace, District Manager and Ms. Robyn Goad, Urban Conservationist were also in attendance. Mr. Lund noted the Annual Report for the past fiscal year was included in the Agenda Packet. He highlighted the Colonial District overview in a PowerPoint Presentation. Mr. Lund noted supplemental funding from local governments and grants allowed the District to support more than the state funded agricultural cost year program. He highlighted the agricultural programs in the County in his presentation. He noted the Colonial District's advocacy to promote program changes to ease the burden on participants in order to get more practices installed. Mr. Lund noted conservation planning, mandated by the Chesapeake Bay Preservation Act, needed local funding which was no longer funded by the state. He further noted the County continued to supply funds. Mr. Lund stated the Colonial District collaborated with the County staff on parcel selection. He highlighted the funding based on the two-year grant and the site specific management benefit. Mr. Lund noted the District's partnership with the Jamestown High School Envirothon Team, Williamsburg Community Growers, Warhill High School Pathways Program, and Partnership with School Health Initiative Program. He continued the presentation detailing the Virginia Conservation Assistance Program (VCAP). He noted VCAP had assisted homeowners, schools, and homeowners associations. Mr. Lund further noted the partnership and collaboration with the County's Stormwater and Resource Protection Division. He highlighted the Turf Love and the Garden Love programs, both of which educated and benefitted homeowners. Mr. Lund noted an equine assessment in the County. He further noted challenges and future opportunities with VCAP, the County Horse Project, and the Turf Love program in the PowerPoint presentation.

Mr. Icenhour asked the Board for any questions.

Ms. Larson noted she had no questions, but thanked Mr. Lund for the very thorough report.

F. PUBLIC COMMENT

1. Mr. Jeff Anthony, 336 Mill Stream Way, addressed the Board on behalf of the Pickleball community and the Veterans Park Pickleball court renovation. He noted the increased numbers of players and the need for the court repairs. Mr. Anthony further noted three things he wanted to express: thanks to Parks & Recreation's leadership and staff; thanks to players who encouraged others to play; and thanks in advance to the Board for its' favorable approval of the contract for the renovations.

2. Ms. Peg Boarman, 17 Settlers Lane, addressed the Board about the "3 R's" - reduce, reuse, and recycle, and a little bit of trash. She encouraged everyone to reduce their amounts of trash, reuse as much as possible, and to recycle. Ms. Boarman noted recycling was important, but also emphasized knowing what items could be recycled. She noted the Recyclopedia, on the County website, was an excellent resource tool. She gave a "shout-out" to Ms. Grace Boone, Director of General Services, Ms. Joanna Ripley, Ms. Pam Dawson, Ms. Holli Haney, Ms. Pat Smith, Mr. Josh Norris, Lauren, Mariah, Janice, and Meredith along with others in General Services as well as Mr. Jim Hill and his group with Recycling and Solid Waste for their hard work in meeting the needs of the residents of the County. She thanked anyone else involved, but she also thanked Ms. Dawn Olesky, Clean County Commission Coordinator and Environmental Sustainability Coordinator. Ms. Boarman reminded everyone of the upcoming Litter and Recyling Expo at Jolly Pond Convenience Center on November 9. She thanked the Board and encouraged everyone to do "their part in litter prevention and recycling and to do it wisely."

Mr. McGlennon noted the Keep James City County Beautiful Committee, which Ms. Boarman headed, was one of the recipients of the Parks & Recreation awards. He thanked Ms. Boarman for her work on that project also.

G. CONSENT CALENDAR

Mr. Icenhour asked if there were any items to be pulled.

Ms. Larson requested Item No. 6 be pulled.

1. Minutes Adoption - September 10, 2019 Regular Meeting

A motion to Approve was made by John McGlennon, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Item Nos. 1-5 were approved.

2. Grant Award - Kinship Navigator Program - $67,146

3. Grant Award - Functional Exercise and Education to Thrive Program - $20,000

4. Authorization to Enter into Memoranda of Understanding with Private Entities for the Provision of Services and Shelter in Times of Emergency

5. Contract Award - Leaf Collection Services - $210,000

6. Initiation of Review of Zoning Ordinance to include Beekeeping as a Use Permitted in Certain Residential Districts

Ms. Larson noted she pulled Item No. 6 as she did not want the item lost in the Consent Calendar agenda and the possibility of allowing beekeeping in R-1 zoning. She further noted she wanted people to be aware of the resolution and encouraged involvement and discussion during the Public Hearing portion of the meeting.

A motion to Approve Item No. 6 was made by Ruth Larson, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

H. PUBLIC HEARING(S)

Mr. Icenhour noted Ms. Odessa Dowdy, Planning Commission representative, was in attendance.

1. An Ordinance to Authorize the Williamsburg-James City County Public School Division to Install and Operate a Video-Monitoring System in or on School Buses

A motion to Approve was made by Ruth Larson, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Ms. Liz Parman, Assistant County Attorney, addressed the Board regarding the Ordinance based on reports from County school bus drivers who noted numerous violations.

Ms. Larson inquired about the penalty.

Ms. Parman noted it was similar to traffic infractions.

Mr. Hipple asked if a violator was caught, would the process entail a letter to the violator with the fine amount and the process.

Ms. Parman confirmed yes, adding that a review of these videos would go to the Police Department. She noted the Police Department had confirmed it could do the review.

Mr. Icenhour opened the Public Hearing.

As there were no speakers, Mr. Icenhour closed the Public Hearing.

2. An Ordinance to Amend County Code Sec. 9-7 and Sec. 9-8 to Require the Installation and Maintenance of Smoke Alarms in Residential Buildings in Conformance with Va. Code § 15.2-922

A motion to Approve was made by Michael Hipple, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Ms. Parman addressed the Board noting the Ordinance amendment would align the County Code with the State Code.

Mr. Hipple noted he had several rental properties and asked about notifications. He further noted he had a company that inspected the properties annually and questioned if that information needed to be sent to the County.

Ms. Parman said no and noted it was not a requirement of the Virginia Landlord-Tenant Act. She cited that was a private right of action between the landlord and the tenant. She added the County Code required that landlords comply with the Statewide Building Code and the Fire Prevention Code and one confirmation that the fire alarms were operational must be sent to the tenant. Ms. Parman noted the landlord was not required to send any certification to the County.

Mr. Hipple asked if this amendment was to "bring us up to State Code."

Ms. Parman confirmed yes.

Mr. Icenhour opened the Public Hearing.

As there were no speakers, Mr. Icenhour closed the Public Hearing.

3. Virginia Department of Transportation Project No. UPC 100920, Croaker Road Widening - Underground Utilities

A motion to Approve was made by Sue Sadler, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Paul Holt, Director of Community Development and Planning, addressed the Board and referenced Mr. Carroll's VDOT presentation which included the Croaker Road Widening project. Mr. Holt referenced the existing utility policy in the Comprehensive Plan. He cited the necessity of undergrounding the existing utilities in this Community Character Corridor. He noted the 2015 update to the Comprehensive Plan addressed the expense of placing existing underground utilities. Mr. Holt further noted the efficiency of working in conjunction with transportation projects so "the County does not have to bear all the cost." He added that VDOT required adoption of an Ordinance designating the Croaker Road project limits as an underground utility district. Mr. Holt noted the adoption of a resolution committing the County to funding the actual cost difference between relocating the utilities overhead versus underground. He highlighted the projected cost as well as the funding details in the Capital Improvements Program (CIP) budget. Mr. Holt recommended the Board adopt the Ordinance and resolution in the Agenda Packet.

Mr. Hipple noted he had spoken with VDOT and expressed concern about the Virginia Natural Gas "hut next to the bank." He further noted VDOT was looking into the right-of-way concern. Mr. Hipple noted this was a 20-year project and questioned shared cost to the County if Virginia Natural Gas had to relocate its structure.

Mr. Holt noted there would be no shared cost to the County; it would be a project cost if the structure had to be moved or relocated.

Mr. McGlennon noted he would address underground utilities during Board Requests and Directives.

Mr. Icenhour opened the Public Hearing.

As there were no speakers, Mr. Icenhour closed the Public Hearing and asked the Board for any questions or comments.

4. Case No. ORD-19-0001. Zoning Ordinance Amendment to Section 24-16, Proffer of Conditions

A motion to Approve was made by John McGlennon, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Holt addressed the Board noting in 2016, an amendment to the Zoning Ordinance stated the County would no longer accept proffers for applications for any portion of a rezoning application that included a residential component. He noted in 2019 the General Assembly made changes to Section 15.2-2303.4 of the Code of Virginia referred to as Chapter 245. Mr. Holt noted the Board advised staff to review the effects of Chapter 245 and recommend any warranted changes to the County Code regarding acceptance of proffers associated with any new residential rezoning or zoning map amendment, or any new residential component of a multiuse district rezoning or zoning map amendment. He noted the changes were in the Agenda Packet and that staff recommended approval of them.

Mr. McGlennon asked Mr. Kinsman about the change. He noted the state created a new process for adopting proffers, but asked if the old process was still available for builders.

Mr. Kinsman responded yes. He noted the way the proposed changes to Section 24-16 had been written allowed the developer two options. He further noted that the new changes gave the developer one option which was to "submit it basically like we used to."

Mr. Icenhour asked "with this they don't have the option of going back."

Mr. Kinsman confirmed yes and cited the County's ability to maintain no acceptance of proffers with this writing and "only be if they submitted them under that particular subsection that basically takes you back to where we started."

Ms. Dowdy addressed the Board on behalf of the Planning Commission. She noted she had no additional information to Mr. Holt's thorough explanation. She further noted the Planning Commission was in favor with a 6-1 vote. Ms. Dowdy noted one Commissioner had concerns about proceeding at this time and the residential growth relating to proffers.

Mr. Icenhour opened the Public Hearing.

As there were no speakers, Mr. Icenhour closed the Public Hearing.

Mr. McGlennon noted this was an issue for local governments that were experiencing rapid growth and an area of concern. He further noted the passage of the 2016 legislative "was a tremendous mistake on the part of the General Assembly" and cited the 2019 amendments offered some improvement. Mr. McGlennon noted more work needed to be tested in that area. He added the County was a member of the Coalition of High Growth Communities and noted the Coalition worked with the Home Builders Association and the General Assembly. Mr. McGlennon said the Ordinance as currently drafted allowed for flexibility and mitigation for proposals. He cited balance and recommended adoption to see how this worked.

5. Case No. SUP-19-0018. 6623 Richmond Road - Train Control System Assembly and Storage

A motion to Approve was made by Sue Sadler, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Jose Ribeiro, Senior Planner, addressed the Board regarding the applicant, Mr. Joseph Stanko of Diverging Approach, Inc. (DAI), for a Special Use Permit (SUP) for a processing, assembly, and storage of light industrial products within a portion of an existing structure at 6623 Richmond Road. Mr. Ribeiro detailed the zoning designations and the SUP requirements. He noted DAI was a train signal and communications contractor and further noted DAI did not manufacture any materials, but assembled the various components. Mr. Riberiro stated all operations would occur indoors. He noted the applicant was in attendance and that staff recommended approval.

Ms. Dowdy noted the Planning Commission unanimously agreed on this SUP and voted 6-0 on its approval.

Mr. Icenhour opened the Public Hearing.

Mr. Vernon Geddy of Geddy, Harris, Franck, & Hickman, LLP, 1177 Jametown Road, and representative for the applicant, addressed the Board. He thanked the staff and administration for their help. Mr. Geddy noted DAI was an excellent company, the type the County would want, and the SUP represented a use change only.

Mr. Icenhour closed the Public Hearing.

Ms. Sadler, on behalf of the Economic Development Authority (EDA) as the Board liaison, noted receipt of a letter from Mr. Thomas Tingle, Vice Chair of the EDA in support of the approval of the SUP for DAI. Ms. Sadler read the letter noting the business impact for the County and appreciation for the expedited review process. She noted her approval of the SUP.

Mr. Icenhour noted this was a very adaptive use of that building.

I. BOARD CONSIDERATION(S)

1. Contract Award - Veterans Park Pickleball Court Renovation

A motion to Approve was made by Michael Hipple, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. John Carnifax, Director of Parks & Recreation, addressed the Board with a history of the courts and surfacing issues. He noted the City of Williamsburg had budgeted to convert three of the seven Kiwanis courts to pickleball. He further noted the tennis community was not in favor of the conversion. Mr. Carnifax noted he met with both groups for discussion on the courts and the consensus was to convert the courts. He added the Kiwanis courts were lighted and he addressed several challenges such as the grading angle and resurfacing. He recommended support of this project.

Ms. Larson asked why tennis had a higher use at the Kiwanis courts.

Mr. Carnifax noted the City of Williamsburg operated the majority of the tennis programs and the County did not duplicate tennis programs. He further noted those courts had traditionally been the hub for local tennis activity. Mr. Carnifax highlighted different locations in the County that had public courts, but were not lighted. He discussed the popularity of pickleball and the dual lining for tennis and pickleball at Jamestown High School.

Ms. Larson asked about dual lining on the indoor court at the County Recreation Center.

Mr. Carnifax said yes, but the schedule for the gymnasium made its use more difficult.

Ms. Larson noted the tennis community's approval, but asked about the occasional tennis player who may come to Veterans Park and find tennis courts no longer there.

Mr. Carnifax noted communication and public notice would be part of the process. He further noted this project was the most cost-effective solution to the immediate need.

Mr. Hipple noted the pickleball community was very close-knit. He further noted he had stopped by to watch on several occasions and it was very interesting.

Mr. McGlennon noted the need to review more facilities as both pickleball and tennis continued to be popular sports.

Mr. Carnifx noted there would be seven lighted tennis and eight lighted pickleball plus the tennis courts at the high schools.

2. Case No. Z-19-0011. Mason Park Proffer Amendment

A motion to Approve was made by Michael Hipple, the motion result was Passed.
AYES: 4 NAYS: 1 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, Sadler
Nays: McGlennon

Mr. Ribeiro, Senior Planner, addressed the Board regarding the application from Mr. Jonathan Cramer of HHHunt Homes to amend adopted proffer language to remove the "detached garages" reference. Mr. Ribeiro highlighted the zoning details of the property. He noted the applicant had stated that attached garages were a current preference in the housing market for residential units. He further noted the garages would be placed at the rear of the dwelling units, but no longer detached. Mr. Ribeiro noted the Planning Commission's 7-0 approval at its September 4, 2019 meeting. He further noted staff's recommendation for approval of the application.

Mr. McGlennon noted in reviewing this application and the original one, there had been both a rezoning and an SUP. He further noted with the SUP there had been a requirement for commencement of construction within three years or it expired. Mr. McGlennon added he had spoken with the County Attorney about General Assembly legislation during the housing crisis which extended those deadlines. Mr. McGlennon questioned what constituted the beginning of construction and "what would be our expectations that construction would continue beyond doing something just to stop the clock." He questioned if the site plans need approval.

Mr. Ribeiro noted the construction plans had been approved.

Mr. McGlennon noted changes were now in place.

Mr. Ribeiro noted the applicant could amend the plan to show the garages.

Mr. McGlennon noted this was not construction.

Mr. Ribeiro confirmed that was true. He noted construction typically began with permits.

Mr. McGlennon asked if any permits had been issued.

Mr. Ribeiro noted the land disturbing permit had been issued, but was unsure of any other permits.

Mr. McGlennon expressed concerns and noted the start of construction and projects that remain "in limbo" for years. He also questioned the "vagueness" of certain areas and noted the paving to the garage and the grassy area. He asked what was required by these proffers.

Mr. Ribeiro noted Proffer No. 9 addressed environmental protections. He cited materials which could be used.

Mr. McGlennon noted the items could be used, but were not required.

Mr. Ribeiro replied yes, that was not a specific proffer language for a requirement.

Mr. McGlennon noted in reviewing the 2006 case materials, there had been a lot of reference to affordable housing. He further noted he had not seen anything in the proffers which addressed that aspect. Mr. McGlennon questioned if more specific language was mentioned for addition to the application, particularly since the County had an affordable housing policy and expectation.

Mr. Ribeiro noted in 2006 there was no Housing Opportunity Policy (HOP). He further noted "that was not the type of product that the applicant is proposing" and no discussion on that aspect had taken place with the applicant.

Mr. McGlennon noted in the HOP, there was "an option for a developer who doesn't want to have a mix of housing costs to make a payment in lieu of" and other options. He further noted outdated green building standards and possibly updating those.

Mr. Ribeiro noted the applicant had been asked if there were additional updates beyond the detached garage amendments. He further noted the applicant said there were none.

Mr. McGlennon noted this involved policy issue and bringing the standards up-to-date.

Mr. Purse referenced the 2006 SUP and noted the construction's start within 36 months and details.

Mr. McGlennon asked if that had happened.

Mr. Holt said no. He noted that due to the continued extension of the State Code language, the new expiration date for the subdivision construction plans, which had already been approved by County staff, and the new SUP would be July 1, 2020 for new construction to begin.

Mr. McGlennon asked if this was the result of the housing crisis of 2009.

Mr. Holt confirmed yes.

Mr. Icenhour asked if this resets the expiration.

Mr. Kinsman said no and added "the only reason this is still around is because the State Code saved it." He noted the permits had not been obtained and the County's expiration time would have been within 36 months of January 1, 2008, but the General Assembly stepped in prior to expiration and extended it. He further noted an extension was made about every two years. Mr. Kinsman stated this will come before the 2020 General Assembly for another possible extension.

Mr. Icenhour asked if "they continue to extend it, then having anything in there is really meaningless."

Mr. Kinsman confirmed yes.

Mr. Holt added the three-year clock began with the construction commencement as defined in the SUP condition and had to be met by 2020 or the SUP would expire. He noted a land disturbance permit had been pulled and a surety was in place. He further noted if the developer pursued this application without amending the subdivision construction plans previously submitted, then a building permit was the next step.

Mr. Kinsman noted the question of updating policy as asked by Mr. McGlennon. He further noted the Board could not change anything, but the applicant could make changes.

Mr. McGlennon noted he understand that, but questioned if the Board should review existing proffers and suggest to the applicant ways to meet contemporary standards.

Mr. Kinsman noted that was within the Board's ability.

Mr. McGlennon asked the applicant if the intention was to continue with this project or if this project might be on the market for sale.

Mr. Jon Cramer, HHHunt, addressed the Board noting the company moving ahead on the 15 homes.

Mr. McGlennon expressed concern that the company had waited 13 years to move forward. He questioned resources and other factors and noted this project could move on to" another developer who may not have the same vision of what that community might look like." Mr. McGlennon noted more specificity to the proffers would be helpful for this particular project and cited the timeline.

Mr. Cramer noted the previous lead design had higher standards than those required at the original time. He further noted those same standards met or exceeded current requirements and that was the reason for not changing the plans.

Mr. McGlennon asked "as the project is built, what mechanism is there to enforce those lead requirements?" and questioned the proffer wording.

Mr. Cramer said those requirements were in the construction documents which the builder followed.

Mr. McGlennon asked about the environmental proffer requirement.

Discussion ensued.

Mr. McGlennon noted the responsibility regarding this project involved holding whomever

worked on it to a level of accountability. He questioned the enforceability of this project.

Mr. Hipple said staff would enforce that accountability.

Mr. McGlennon noted that was per the 2008 proffers. He further noted that HHHunt would meet higher standards.

Mr. Hipple noted those standards would be better meeting the 2006 requirements.

Ms. Larson noted some work had been done and asked about that.

Mr. Cramer noted some survey on groundwork might need to be done. He further noted HHHunt wanted to get moving on this project.

Ms. Larson asked staff about the timeframe on this type of application and impacts on schools and other areas.

Mr. Kinsman noted staff was limited in reviewing the application given to them. He further noted the change was based on the garage location, not the whole development for impact. He noted if the addition of another house, exceeding the original 15 homes, was being proffered, then that one could be considered under the newer standards.

Ms. Larson noted "Wow … there's probably a lot out there that's been sitting and we have no idea what's ahead." She further noted this was not new construction, but rather approval on existing homes to have attached garages.

Ms. Dowdy, Planning Commissioner, addressed the Board noting the Commission's support and focus had been on the change regarding the attached garages. She commented on the great feedback and comments from the Board.

Mr. McGlennon noted ultimately he could support this proposal, but felt the need to "tighten up" some expectations. He further noted experience had shown instances after rezoning changes were approved that ownership changed. He added he wanted confirmation that the vision shown matched the commitment. Mr. McGlennon noted a need for clarification in the proffer language, particularly in the environmental area.

Mr. Hipple disagreed. He noted the language addressed detached versus attached garages and not the whole development. He further noted the record of HHHunt and the quality of homes built in the area. Mr. Hipple added his support.

Ms. Sadler noted she agreed with Mr. Hipple that the decision was based on the garages. She further noted "properties that have been sitting for all these years and now they're finally going to do something with it" and commended them for the project. She offered her support.

Ms. Larson expressed her concern about items on the books and asked if Planning could notify the Board of situations like this coming forward.

Mr. Icenhour noted previously he had voted against this project and cited environmental concerns as well as traffic impact. He further noted Mr. McGlennon's point and decisions on property. He noted some decisions were outdated over time and there was a gross disproportionality on impacts. Mr. Icenhour noted a need for forward thinking and "it would be nice if the General Assembly gave us some authority to say there is some timeframe." He supported the change citing the garage change. Mr. Icenhour stressed the need to review these decisions going forward.

At approximately 7:03 p.m., the Board of Supervisors recessed for a short break.

At approximately 7:08 p.m., the Board of Supervisors reconvened.

3. Initiation of Abandonment of a Portion of Jolly Pond Road

A motion to Approve was made by Michael Hipple, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Kinsman addressed the Board referencing its indication for Initiation of Abandonment on a portion of Jolly Pond Road near the dam. He noted with the adoption of that resolution in the Agenda Packet then that process would begin.

Mr. McGlennon asked about the process and a public hearing if requested.

Mr. Kinsman noted if a public hearing was requested then yes. He further noted this action started the process of advertisement in various locations over 30 days. Mr. Kinsman noted if no public hearing was requested, then the Board concluded the process by adoption of the resolution or abandonment of the process.

Mr. McGlennon noted this was initiating the process, but added if any thoughts that people had on it, this meant "the clock was ticking" and to come forward.

Mr. Hipple questioned if this was just the asphalt of the road.

Mr. Kinsman confirmed yes. He noted the County owned the asphalt.

Ms. Larson asked Mr. Stevens if the Kanes wanted to discuss anything.

Mr. Stevens said no, but noted there had been a lot of discussion with the Kanes and some Jolly Pond area residents.

Mr. Hipple noted discussion with the Kanes, residents, and staff. He further noted the history of the dam, the cost, and other factors.

Ms. Larson noted many people had been impacted by this closure. She expressed her appreciation of staff time, the Kanes, and the local residents on Jolly Pond Road. She noted her frustration about the initial opening and confusion for residents who thought the road would remain open. Ms. Larson expressed a desire for a plan if a similar situation arose. She referenced a dam in her neighborhood and VDOT's original paperwork on the privately owned dam, which was under the homeowners association. Ms. Larson noted "it is very difficult to put public money into something that is private when you know that public money is needed some places where the public are able to use it."

Ms. Sadler echoed similar sentiments and noted the traffic concerns near Stonehouse Elementary School and the use of funding. She noted prioritization of funding and the Board's responsibility to citizens.

Mr. McGlennon noted he welcomed thoughts and ideas and "it's really painful to see a piece of infrastructure go away when it's still being utilized by citizens." He further noted no reasonable cost option had been presented yet.

Mr. Hipple noted Jolly Pond Road was in his district and this was a painful decision, but one that needed to be made to start the process.

4. Amend Adopted Meeting Calendar to Add Joint Capital Improvements Program Meeting with Williamsburg-James City County Schools nad the City of Williamsburg in December 3, 2019, at 9 a.m., at Legacy Hall

A motion to Approve was made by Michael Hipple, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Icenhour asked if the Comprehensive Plan Town Hall meeting on November 18, 2019, needed to be amended.

Mr. Holt noted it would not be a collective meeting, but five different locations with one in each Board representative's district. He asked for confirmation from the County Attorney.

Mr. Kinsman confirmed "you're separate, you're okay."

Ms. Larson requested if regularly planned meetings could be put on the calendar. She noted adjustments and rescheduling came up, but having those meetings on the calendar would be great.

Mr. Stevens noted that for next year.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Hipple attended the Hampton Roads Transportation Accountability Commission (HRTAC) budget meeting for this month. He noted his honor to speak to the Plantation Club about transportation in the County and the region. He further noted attendance at HRTAC, Hampton Roads Transportation Planning Organization, and Hampton Roads Planning District Commission meetings. Mr. Hipple noted attendance at the Powhatan ferry celebration. He apologized to his fellow Board members as invitations from VDOT had not been received, but he noted he picked up commemorative coins for Board members and several staff members.

Ms. Larson noted she and Mr. McGlennon had volunteered at Local Officials Day at the Food Bank. Ms. Larson said she received a card from the organization highlighting the distribution of 230 backpack bags to children per week at seven elementary schools in Williamsburg-James City County. She cited the growth and highlighted awareness of this issue. Ms. Larson noted the Williamsburg House of Mercy had requested supplies. She further noted the holidays and an Advent calendar that promoted a daily food item donation in lieu of candy. Ms. Larson added she and Mr. McGlennon had attended a panel for the Williamsburg Area Association of Realtors with the Honorable Monty Mason, Virginia Senator, the Honorable Tommy Norment, Virginia Senator, the Honorable Brenda Pogge, Virginia House of Delegates representative, and the Honorable Walter Zaremba, York County Board of Supervisors. She noted they also read a letter from Ms. Sadler. Ms. Larson noted her attendance with Mr. Stevens, several staff members from Stormwater and Resource Protection, as well as the Chesapeake Bay Foundation, on the James River Cruise. She further noted how educational the program was as well as attendance from York County, Virginia Beach, Hampton, Norfolk, and others. Ms. Larson highlighted the work being done and the clean water programs and encouraged others to attend. She noted her attendance at Laurel Lane Elementary School to talk with the 3rd-grade students about the Civics unit. She thanked Brian, a local Laurel Lane Elementary School student, who recognized and spoke to her at the grocery store. Ms. Larson noted receiving recent calls and asked Mr. Kinsman about neighborhood deer

concerns. She questioned the controlled hunt process.

Mr. Kinsman noted the Police Department and the Department of Game & Inland Fisheries (DGIF) handled controlled hunts.

Ms. Larson asked about bow hunting.

Mr. Kinsman responded the County did not regulate bow hunting, but stressed responsible bow hunting. He noted the County had two bow hunting seasons.

Ms. Larson asked if neighbors had to be notified of bow hunting in their area.

Mr. Kinsman responded no, but with caution.

Mr. Purse noted an upcoming Podcast would be posted within two weeks that addressed hunting regulations. He further noted the Podcast guests consisted of County and DGIF staff.

Mr. Hipple noted Urban Archery season ran from October through March which allowed urban hunting.

Ms. Sadler highlighted the upcoming events in her district: Fish Fry at Station 1 - Oct. 12; Chickahominy Day - Oct. 26.

Mr. McGlennon noted his honor at representing the Board at Thomas Nelson Community College's 10th Anniversary at the Historic Triangle campus. He highlighted events of the celebration. He noted he had handed out National Parks Conservation Association challenge coins to his fellow Board members in appreciation of their efforts to prevent the overhead power lines over the James River. Mr. McGlennon stated a Public Hearing on remediation was slated for October 22 regarding the U.S. Army Corps of Engineers who violated the requirements of the law when a permit was issued to Dominion Energy. Mr. McGlennon noted Judge Royce Lamberth, U.S. Circuit Court of Appeals for the District of Columbia, would take testimony on how to remediate the violation. Mr. McGlennon noted the annual Virginia Association of Counties (VACo) meeting at The Homestead. He further noted a designated representative from the locality had to be elected and added Mr. Icenhour would be in attendance at the VACo meeting. Mr. McGlennon made a motion to elect Mr. Icenhour as the County's representative.

Mr. Icenhour noted an alternate needed to be elected.

A motion to Appoint James Icenhour as the Voting Delegate and Ruth Larson as the Alternate was made by John McGlennon, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. McGlennon noted discussion with Mr. Kinsman on concerns about vaping. He further noted a death in Virginia and lung injuries related to vaping. He added Mr. Kinsman and Ms. Parman were already working on this issue. Mr. McGlennon noted reviewing the regulation of authority for vaping establishments and proximity to schools or prohibition of such establishments within certain zoning districts where they were currently permitted. He referenced the earlier discussion on underground utilities and the possible consideration of a fund in the CIP process for dedicated funding based on the CIP priorities. He noted favorable issues with underground utilities.

Mr. Hipple noted this was a good thing. He further noted previously there was a program.

Mr. McGlennon replied yes; it was a half penny program.

Mr. Hipple added Dominion Energy buried lines in his area and would be burying additional lines also. He noted accessing the former power line pole for an eagle's nest. He further noted Dominion Energy had a free program that established an eagle nest there.

Ms. Larson referenced meeting with Dominion Energy in the Route 5 area where numerous power outages occurred as well as the number of dead trees in that location. She noted VDOT shared statistics on that area.

Mr. Icenhour noted discussion with some Board members and Mr. Kinsman regarding retaining walls in New Town as part of Best Management Practices (BMP). He further noted some of the BMPs had walls 35-40 feet in height and in close proximity to housing and children. He noted the difficulty encountering homeowners associations and required administrative approval. Mr. Icenhour requested staff review potential problem areas, compile a list, and offer some potential language on prevention of the build-up of retaining walls. He noted the walls in New Town were high so space was not compromised and houses were built to those walls. He further noted a height change be required and possible Ordinance changes to address the issue.

Ms. Larson asked if there was a requirement about the fence. She noted that a citizen had asked about the danger and a fence at Settlement at Powhatan.

Mr. Purse noted the difference between the BMP and retaining walls. He further noted BMPs did not require fencing and some BMPs were very steep.

Mr. Icenhour noted this created a safety issue. He asked the Board if there was a consensus to have staff review this point and provide information for future thought.

Ms. Larson asked if changes were introduced would it only apply to future BMPs and retaining walls.

Mr. Kinsman confirmed yes.

Mr. Hipple suggested reaching out to the engineering community for information.

Ms. Larson noted a retaining wall failure at the Villas at Five Forks and the cost for that homeowners association.

Discussion ensued regarding safety and the proper structure without financial burden to homeowners associations.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens noted he had two items. He further noted the upcoming November election. Mr. Stevens added Ms. Dianna Moorman, Director of Elections, had requested a reminder for voter registration deadline for the general election was October 15, 2019; absentee ballot deadline by mail, October 29; absentee voting in person, Monday-Friday during normal voting registration office hours as well as October 26 and November 2; and deadline for absentee voting in person, November 2. He noted if questions, call 757-259-4949. Mr. Stevens added the upcoming Boo Bash at the Beach on October 19, 1-4 p.m. He noted $5 cost per car.

L. CLOSED SESSION

None.

M. ADJOURNMENT

1. Adjourn until 4 p.m., October 22, 2019, for the Work Session

   A motion to Adjourn was made by Ruth Larson, the motion result was Passed.
   AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
   Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

   At approximately 7:43 p.m., Mr. Icenhour adjourned the Board of Supervisors.

M I N U T E S
JAMES CITY COUNTY BOARD OF SUPERVISORS
WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
October 22, 2019
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

Michael J. Hipple, Vice Chairman, Powhatan District
Ruth M. Larson, Berkeley District
P. Sue Sadler, Stonehouse District
John J. McGlennon, Roberts District
James O. Icenhour, Jr., Chairman, Jamestown District

Scott A. Stevens, County Administrator
Adam R. Kinsman, County Attorney

C. BOARD DISCUSSIONS

1. Joint Session with Economic Development Authority

ROLL CALL - Economic Development Authority (EDA)

Lynn Meredith
Thomas G. Tingle, Vice Chair
Robin B. Bledsoe, Chair
Carlton Stockton
William Turner
Vincent A. Campana

Mr. Stevens recognized Mr. Christopher Johnson as the Director of Economic Development.

Members of both Boards applauded their congratulations.

Mr. Stevens gave an overview of the PowerPoint presentation included in the Agenda Packet. He referenced a State Code that provides a list of the powers of the EDA and noted the following:

- Pursue and comply with the goals and objectives set forth in the Comprehensive Plan;

- To advise the Board of Supervisors through the County Administrator of any application made by an agent or representative of a prospective facility requesting the Authority to issue bonds;

- And to advise the governing body of James City County of the potential location of the facility.

Mr. Stevens reiterated the mission of the Authority was to assist and support James City

County and the Office of Economic Development (OED) in fostering the development and expansion of a diversified and healthy base of primary businesses and industry to balance the tax base, increase job opportunities, enhance the quality of life in James City County, and perform required statutory roles. He noted the Authority had gone beyond some of the initial areas mentioned: such as being a landholder and leaseholder for a number of facilities or properties within the County; EDA members serving as community ambassadors for the County whether ribbon cuttings, community events, serving on other community boards; or being those extra sets of eyes and ears in the community to report back concerns or issues. He recognized overseeing of EDA funds and expenditures; having oversight for monies in terms of budgeting; determining where funds were to be spent for Economic Development activities in the County; and being a sponsor of the Ladies Professional Golf Association, along with the County. He referenced a slide that listed each member's names as well as terms appointed and noted Mr. Jeff Scott had tenured his resignation and efforts for his replacement were ongoing. Mr. Stevens mentioned the Economic Development Director reported to him and staff activities were administered through him. He discussed the slide depicting a list of several duties of the Director. He noted several things happening due to being part of conversations and being known in the community as well as many economic development related partnerships. He stated all the items shown on the slide were significant with four involving a significant amount of time and attention. He briefly discussed the four items: 1) Virginia Economic Development Partnership; 2) Greater Williamsburg Partnership (GWP); 3) Launchpad, the Greater Williamsburg Business Incubator; and 4) Eastern Virginia Regional Industrial Facility Authority (RIFA). He commented there was a lot of excitement around the region with the peninsula entities joining as well as interest from Southside localities to join the RIFA. He noted the point of that particular slide was to show the partnerships as well as where Mr. Johnson and his staff spent a large amount of time in an effort to be known so that James City County was known, and also to make known what was going on in the Economic Development world in the Southside peninsula statewide region.

Mr. Johnson discussed the survey that was conducted earlier in the year at the request of the Board and noted it was intended to be a starting point for conversations for everyone in the room from Administration, Board, and EDA, to staff in Economic Development. He noted this starting point was to help identify needs, challenges, and priorities of Economic Development in an effort to step back and observe where we were individually, as boards, and organizations collectively. He further noted this was not meant to be any sort of right or wrong answer report card, but instead a starting point for discussions here and going forward. He explained that beyond the Board and the EDA, six members of Executive Staff were included in the response with a total of 16 responses. Mr. Johnson reviewed the survey's eight questions and discussed the results of each question as noted in the slideshow presentation included in the Agenda Packet. He referred to Question No. 1 which referenced the ideal economic target and noted that 11 of the 16 responses fell into targeting industrial/manufacturing as the favored choice. He referenced Question No. 2 which regarded a preferred wage rate for businesses to attract to the County and noted 75% above the County's prevailing average wage of approximately $38,700 was overwhelmingly favored with 11 out of 16 responses. He referenced Question No. 3 which regarded preferred employment size targeted businesses that were more established and had 26-99 full-time employees. He stressed any project that came in to the Economic Development office received personalized attention regardless of its size. He noted "if we had our preference, then the size of the industry we are going after to attract would be in the industrial established companies that pay a significantly higher than our County average wage." He commented Question No. 4 dealt with the greatest challenges going forward. He remarked the largest number of responses to that question fell into the category of "Attracting a Younger Workforce", mostly divided on housing issues; there was a renounced notation for the lack of economic diversity, with many other responses being "protecting natural resources." Mr. Johnson continued on to Question No. 5 which dealt with what the top Economic Development priorities for the County should be over the next 3-5 years. He noted this was where it could be seen on the chart that the responses tended to be a wide cross-

section. He explained there were five responses which totaled over 80% and were anywhere from "Businesses Retention and Expansion" to "Recruitment and Attracting New Businesses" being in the top two responses, with the next three trailing not too far behind with just a single or two responses. He remarked Question No. 6 dealt with industry expansion potential in the County and asked responders to name up to three industries. He further remarked that not all responders included three industries; however, a strong majority fell into advanced manufacturing materials, with sports, tourism, food and beverage, and professional technical services following closely behind. He explained the good news with that result was of the three target sectors, advanced materials and manufacturing, food and beverages, and professional technical services were right in line with the GWP study from a few years back which identified those as target sectors that were a good fit for the County and Williamsburg region in general. Mr. Johnson continued forward with Question No. 7 and stated this question dealt with an overall of perceptions as a strength and weakness. He further stated fortunately no response ranked "Business Tax Rate" as a weakness in the County; the "Timeliness of the Administrative Application Review Process (Conceptual Plans, Site Plans, Subdivisions)" was identified as a weakness by seven responders; the top two weaknesses were perceived as "Availability of Skilled Workforce" and "Availability of Qualified Employees" as well as the top two strengths being "Availability of Office Space" and "Availability of Retail Space." Mr. Johnson concluded with Question No. 8 and stated it dealt with naming the top five initiatives in terms of where staff should be directing its time and resources over the coming years, noting this question had a very wide and diverse number of responses. He stated the top two responses by percentage fell under the "Actively Recruit Appropriate Business Prospects" being the first place category with "Help Retain and Expand Existing Businesses" and "Provide Incentives to Recruit New Businesses" being tied for second place categories. He further stated in summarization it was interesting that one of the perceived priorities of attracting a younger workforce also was identified as one of the principal weaknesses. He noted that was an area that should be a priority going forward whereby additional resources were going to have to be identified and made available. Mr. Johnson concluded his portion of the presentation commenting that overall nothing was a great surprise and asked if there were any questions.

Ms. Bledsoe expressed her thanks to the Board of Supervisors for inviting the EDA to the meeting. She stated the EDA was poised to assist as needed in areas the OED was involved. She continued the slideshow presentation and gave an overview of the EDA portion which housed the following topics: Business Recruitment; Business Retention; and Workforce Development Models. She stated the purpose of the EDA at the meeting was to play a supporting role in the partnership with the OED. She discussed three successes the EDA had due to the facilitation of the partnership with the OED. These successes included: 1) the selling of an EDA asset at the James River Commerce Center; 2) the first EDA workforce summit whereby she acknowledged Ms. Kate Sipes, Assistant Director of Economic Development and Ms. Robin Carson, past Vice Chair of EDA, for their involvement in the project; 3) EDA members were involved in at least 10 different organizations or activities relating to the EDA, such as GO Virginia, RIFA, Workforce Housing Task Force, and the Sports Tourism Board. Ms. Bledsoe referenced Mr. Johnson's previous overview and stated there were several items identified by Mr. Johnson that the OED does on a regular basis. She further stated when those items were combined with the survey, the EDA determined it could provide the most help to the OED in the areas of Business Recruitment, Business Retention, and Workforce Development Models as well as serve the County at the same time. She briefly discussed each of the three topics. In regard to "Business Recruitment" she commented this was identified in the survey several different ways. She felt the EDA could help with business recruitment by continuing with its site readiness at the James River Commerce Center and referenced past allocated funding for the EDA to prepare and move those sites to the highest level possible. She briefly discussed ideas and plans to utilize in preparing parcels to be site ready in an effort for businesses to locate to the County, which would also support business retention in the local area for businesses looking to expand. In regard to "Business Retention" she commented this would be done through the EDA as ambassadors in the community, the eyes and ears with

local businesses as previously mentioned, where members listen and report back to the OED. She noted the business retention aspect of this would be geared toward Mr. Johnson giving the EDA specific direction with a business and asking "do you have time to go visit with this person" in an effort to let the business feel valued by the County. In regard to "Workforce Development Models" she commented "as you heard in the survey, there was concern regarding a fluid pipeline of workers in this area for a number of reasons as we all know, and we think it would be beneficial for the EDA to use some of the expertise that sits around our table every month to look at different EDA models, only models, then research them and present what we find to you, to see if there is something out there that you are interested in and then you can do with that as you wish after that, whether we are still involved in the process or not." She briefly discussed a food and beverage model the EDA currently had in place. She concluded the PowerPoint slideshow commenting "these are three things we think we can be most effective and helpful to the OED. Depending on what you decide today, if you say these are great press on, we will then go to our Retreat in December and develop a strategy on how to address all of this. It is very important to receive your direction so that when we meet in December we know what you need us to do."

Mr. Icenhour opened the conversation for discussion.

Ms. Larson expressed her kudos to the Workforce Development and noted she would like more information in an effort to partner with other community partners. She hoped this would be a topic of conversation at the December EDA retreat. She expressed her appreciation for the work with business retention. She discussed that businesses like people to stop in for more than just "when can we cut your ribbon" interests. She noted that if there were "road blocks," Mr. Johnson filled the role with the business piece to try and help with those road blocks. She expressed her appreciation for any ambassador work the EDA performed. She inquired if small retail was something that should be sought and expressed concern when an existing store closed and created vacant retail space. She stated she would like discussion regarding retail and what direction Economic Development felt that was going.

Ms. Meredith stated attrition had happened forever as well as stores coming and going. She commented this provided opportunities for new stores to open as community and customer needs changed. She briefly discussed looking at available opportunities, other communities, and stores overbuilding.

Mr. McGlennon inquired about an average vacancy timespan.

Ms. Meredith replied there was always an opportunity for new stores. She discussed that recently a national tenant was not available due to timing and local tenants had been brought in allowing new local products, and opportunities for entrepreneurs to expand creating an opportunity to test the market.

Discussion ensued regarding this topic.

Ms. Bledsoe suggested transient retail being a topic at the December EDA Retreat.

Ms. Larson confirmed she would like to have that type of information.

Mr. Campana discussed businesses competing with online retailers. He stated they were mainly backfilling retail with service oriented businesses noting "you can't get a haircut online." He further stated trying to retain the small mom and pop shops was difficult.

Mr. Tingle commented "you take a business like Ace Peninsula Hardware, a very successful business that does a great job of competing with large box and even online, and most of us find ourselves at one of their stores on Saturday or Sunday. It is all because they know their

customer. They are service oriented, so they found a niche market that is different than going to a big box retailer or Amazon."

Discussion ensued.

Ms. Bledsoe inquired if there were any other questions.

Mr. McGlennon stated the idea of going out and actively soliciting opinions and concerns from current businesses was a great idea. He remarked service positions were well established and the County did not do a lot of active recruiting of small retail businesses. He noted "what I see in the community generally is that when somebody comes from outside and works with our staff they generally will let us know that this has been a really easy experience compared to a lot of other communities in which they may operate." He stated if the EDA and the OED want to be successful it was going to require saying "yes, we are going to try to do everything, but we are really going to emphasize certain aspects of what we are about." He encouraged contacting the Greater Peninsula Workforce Consortium because it was doing the exact same thing.

General discussion ensued.

Mr. Turner spoke in regard to Thomas Nelson Community College (TNCC) and referenced previously mentioned initiatives in the healthcare industry. He stated the participants in those initiatives included Williamsburg-James City County schools; therefore, part of solving the workforce development problem was not just at the community college level, but the types of course offerings presented in the school system. He noted the school system had been an active participant and felt there would be tremendous results. He commented TNCC wanted to go beyond those initiatives being discussed, such as construction and technical services, and consider either creating a local facility or transporting students to the Peninsula Workforce Development Center located in Hampton. He further stated "I think some of those discussions are underway, there is a recognition that there is an issue, a need, among our business community. I think one of the things that we have to do is find out from the business community exactly what skills they are looking for. That is some of the work that we are going to continue to do and that is part of the whole business retention strategy. In addition to what can the County do to help you, what are the other problems you are facing and how can we address some of those. I come at this from a background of community and economic development mostly taking place in other parts of the country, so seeing successful models I get to see models of how people are doing things elsewhere and hopefully apply some of those here."

Ms. Larson inquired about the president of TNCC leaving office.

General discussion ensued.

Ms. Sadler expressed her gratitude to the EDA for attending the work session and commented she had seen great strides over the past year(s). She expressed her appreciation to Ms. Bledsoe for gathering everyone in an effort to put ideas together and receive direct input "to you and from you" for clear direction. She expressed her thanks to everyone who put the survey together, as it allowed "something to put our eyes on and get our brains wrapped around what we are looking at and our successes." She stated it had been very successful in some areas and challenging in others; but, gave a clear idea of what needed to be done to be even more successful. She again expressed her thanks to the EDA and felt everyone was doing a wonderful job representing James City County.

Mr. Hipple stated as a business owner for +30 years in James City County he had noticed many of the things discussed. He further stated it was tough to keep things moving and locate what was needed when a company was just starting out. He briefly discussed his professional

background and inquired where new entrepreneurs in the community find information such as: how to start their own business; how to grow their business; and what did they need to have in place. He spoke about the benefits of businesses sharing knowledge. He asked how do we take the business community and start making more business relationships. He briefly discussed developing entrepreneurial skills and getting to the next level in a business.

Ms. Bledsoe briefly discussed an EDA member visiting a struggling business in the community and the member asked the business owner if they had spoken with the Service Corps of Retired Executives. The response was no; therefore, the member set them up and not only did they figure out where the problem was but the business was currently doing fine. She stated it was not always an OED fix.

Mr. Icenhour expressed his thanks to everyone for participating in the survey. He stated that when he began reviewing the survey a few things struck him right off the bat: 1) there was not any significant difference in responses between the three different groups; the EDA, Board of Supervisors, and Executive Leadership Team. He expressed concern that at first they might have a varying difference of opinions at odds with each other; 2) the survey was remarkably focused. He expressed his appreciation to the detail on the survey. He stated his experience had been that the Board had been a little removed from this and felt the EDA and the Local Economic Development (LED) sometimes operate independently and do not necessarily talk with each other very well. He noted he did not think that was presently the case. He commented one of the things to do as a Board in order to make this work session productive, was to try to provide a little guidance without "getting into the weeds" although the problem was how to provide guidance without "getting into the weeds." He remarked "we want to provide guidance and let staff sort out the details." He stated this survey summary gave an overall plan of where it might be helpful to put some of the emphasis when the opportunity arose. He discussed three approaches if he was to offer guidance: 1) diversify the economic base; 2) make certain the resources and people were adequate for the task; and 3) continue an atmosphere of involvement between the Board, EDA, and staff.

Mr. Hipple stated "don't forget the County, we need good qualified people in the workforce. We are looking at ways to develop a workforce to replace the ones that are retiring and it comes in groups were you hire a bunch and in 30 years that bunch is retiring." He commented the EDA could help in developing a succession plan and promoting County business.

Ms. Larson suggested the EDA speak with Mr. Doug Powell, Manager of James City Service Authority (JCSA). She noted that Mr. Powell and the JCSA could share some of the frustration experienced in the past regarding vacant positions left with no one trained to fill.

Ms. Sadler inquired if the three suggestions previously offered by Mr. Icenhour could be taken as direction.

General discussion ensued.

Ms. Larson referenced the recent merge between the GWP and the Williamsburg Business Council and inquired if Ms. Bledsoe was still going to serve on the GWP.

Ms. Bledsoe replied yes, she currently was a Board member. She noted the role of the GWP had not changed, it had just been housed in a place that made more sense with resources it had access to. She further noted the GWP would continue to gather projects, information, and promote the three localities regionally. She felt it was a perfect landing spot for Launchpad Greater Williamsburg Business Incubator.

Mr. Icenhour briefly discussed the handout provided by the EDA and given out to Board members, which concerned an outline for properties. He inquired about resources and

timeframes.

General discussion ensued regarding this subject.

Mr. Icenhour stated he would like to have an annual joint meeting with the EDA and OED; however, the interim in between those annual meetings, a work session that provided updates would be appreciated. He noted the Board was in consensus with the three points previously mentioned. He asked Mr. Stevens, Mr. Johnson, and fellow Board members if there was anything else to discuss.

There were no further questions.

At approximately 5:00 p.m., the Joint Session with Economic Development Authority concluded.

At approximately 5:01 p.m., the Board of Supervisors took a break.

At approximately 5:07 p.m., the Board of Supervisors reconvened.

2. Contract Award - Benefit Consulting Services - $98,300

A motion to Approve was made by Ruth Larson, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Note: Item No. 2 of the Board Discussions followed Item No. 3

Mr. Patrick Teague, Human Resources Director, gave an overview of the memorandum and resolution included in the Agenda Packet. He noted contracting a benefit consultant was an important step as staff approached the budget season. He further noted if the Board needed more time to consider this item, staff was prepared to defer to the November meeting.

Ms. Larson inquired when the last time was benefits consulting was done.

Mr. Teague replied approximately five years ago and noted it had been running on one-year extensions since that period of time.

Mr. McGlennon inquired how the contract compared to the expenditures and range of services.

Mr. Teague referenced the range of services and noted this would be going from a regional partner in benefit consulting to a national partner. He stated USI provided benefit consulting services for jurisdictions such as Newport News schools as well as York County. He noted it had a lot of local connections and offered an amazing service not found from many of its competitors. He further elaborated that this service was a five-day-a-week, eight-hour-a-day benefit resource center. He explained if there was a problem with a claim or difficulty understanding a bill, the consultant would research it and return with an answer.

Mr. McGlennon inquired if the individual employee or Human Resources staff would speak with the benefit consulting service.

Mr. Teague replied it could work either way, but the more efficient way to utilize the service would be for Human Resources staff to make that contact in order to be aware if there are any permutations happening.

Mr. McGlennon referenced the $100,000 and asked what the estimated amount of benefit expenditure was this year.

Mr. Teague replied this would represent less than 5% of the total benefit expenditures in a year.

3. Voter Registrar Space Needs for Fall 2020 Election

Note: Item No. 3 of the Board Discussions followed Item No. 1

A Voter Registration Space Needs PowerPoint Presentation, compiled by the Department of General Services, was presented by Ms. Grace Boone, Director of General Services, and Ms. Dianna Moorman, General Registrar, and included in the Agenda Packet. The slideshow consisted of topics such as: Change in Legislation; Challenges with Current Space; New Space Considerations; as well as a chart depicting various sites for consideration.

Ms. Boone concluded the presentation with the recommendation that the Voter Registrar should remain in the current location for the fall 2020 election with use of one of the James City County Recreation Center meeting rooms for the actual seven-day No Excuse Absentee Voting. She stated Ms. Moorman believed the seven-day period would be extended to 21-45 days in the near future. She suggested continuing this discussion in an effort to allow extra time to look more in-depth at the options and ensure not rushing into something too quickly.

Mr. Icenhour asked "as it stands right now, Fall of 2020, seven days, if there were to be any changes instituted by the General Assembly in the January or February timeframe that could go into effect in July."

Ms. Moorman replied "Fall of 2020." She commented she had spoken with the Senator who actually put the bill that passed forward and noted there were two very similar bills that passed through the House and the Senate. She further stated the Senator said he fully intended to change the seven days to 21 or 45 days and have it go into effect for the Presidential Election.

Mr. Icenhour clarified there were at least seven and possibly as many as 45 days.

Ms. Moorman replied correct.

Mr. Icenhour stated that whatever was done now to accommodate Fall 2020 needed to be able to accommodate that range.

Ms. Moorman replied yes.

Mr. Icenhour clarified beyond that would allow the opportunity to evaluate more options for a more permanent solution.

Ms. Moorman replied correct. She stated there would always be the possibility of a special election that standardly could happen in June or November. She further stated the seven days or the Early No Excuse Absentee Voting would go for the Presidential Election and then it would go before every election from that point forward.

Mr. McGlennon remarked "not the Presidential Primaries next year."

Ms. Moorman replied no and explained "we tried for that and were told that would be too soon to get everybody established for all 133 localities and they did take that into

consideration and then we tried to go forward for June and that failed as well, so the compromise was going for the Presidential." She stated she had handouts with information the Board had previously requested and passed them to the Board members. She explained the numbers were true numbers based on what North Carolina had done as well as our numbers based on the 2016 Presidential Election. She noted "if we do 30% turnout, which would be extremely low, we would be looking in the neighborhood of having approximately 15,000 a day come through the office. If it is on the high side of what North Carolina historically is, every election with the 60%, we are looking in the neighborhood of 31,000 coming through the office in an eight-hour timespan." She explained "if you look at the 10-, 20-, 30-day breakdown, I did not include the 45 day, but you can kind of extract that out and see what the numbers would be. They would be diluted a bit, but it would be irresponsible of us to not take the largest number into consideration."

General discussion ensued regarding voting days and times, absentee voting, and voter turnout numbers.

Ms. Moorman stated she was in favor of voters being able to cast their ballots, but would rather it would not have been an unfunded mandate.

Mr. McGlennon commented about the number of people during a concentrated period during those days and inquired what type of parking problems would exist at the Recreation Center.

Ms. Boone replied "we have the piece of property across the street, so something temporary may have to be done with that space."

Mr. Stevens commented he did a daytime drive by the Recreation Center to gauge the availability of parking spaces on an average day. He stated the Recreation Center appeared busy and had approximately 100 spaces on the outer parts of the parking lot that were not being utilized and noted with the voters coming there would be turnover. He noted the possibility of the Recreation Center being closed during that timeframe that commented logistics were still being figured out on that or any other County-owned facility.

Ms. Moorman briefly discussed the current use of the Recreation Center during times of voting as well as the flow of traffic.

Mr. McGlennon inquired about the timespan in line for voters waiting to cast their votes.

Ms. Moorman replied that in her opinion the wait was directly proportional to the amount of voting booths in the County. She noted staff had the power to control the wait and line length with the number of booths in a precinct. She further noted the average locality put between two and five laptops; whereas, in the larger County precincts there were seven and if additional were needed, the Virginia Election Law states there must be one voting booth for every 425 voters. She stated that total calculation was done for each precinct and then an additional five voting booths were added. She further stated in the event of a line getting backed up, more voting booths could immediately be added. Ms. Moorman referenced the Code and remarked there must be one machine per 4,000 voters; therefore, there were plans on having an additional voting machine and noted "we absolutely intend on having two machines in the facility so that they can continue to be processed."

Mr. McGlennon inquired if Ms. Moorman was referring to scanners.

Ms. Moorman replied yes, the optical scanner. She stated there would be spares in the back in the event those should go down as well as four machine technicians on standby.

Mr. McGlennon stated it was great the County provided more opportunities and referenced

the technology used by various other states.

General discussion ensued regarding the reporting of absentee votes and voter privacy.

Ms. Larson stated "I'm not loving this idea just because we're displacing people that use those meeting rooms at the Recreation Center."

Ms. Boone replied staff had reached out already to Parks and Recreation to try and reserve that room.

General discussion ensued regarding different sites for voting, future permanent voter registrar office space year-round utilization, and equipment security.

Mr. Icenhour suggested blocking off parking directly in front of Room A at the Recreation Center which would be designated for voters to park.

Ms. Larson inquired about the cost to the County in regard to increased staff as well as the 7-21-45 timeframe as well as what was worked out with the schools for the Presidential Primary.

Ms. Moorman replied, a two-hour delay in starting school. She stated she was working with the Parent Teacher Association and it was getting volunteers to line the hallways to make sure the voters got to the right places and did not have access to any other parts of the building.

Mr. Stevens stated this was an effort to have a discussion and make the Board aware of some of the challenges. He expressed his appreciation to Ms. Moorman and her fellow Board members, as they had been involved in the process and participated in many discussions. He felt this was the short-term solution and after November would continue looking for what happens as the year's progress and there were more of these early voting situations.

The Board expressed its appreciation to Ms. Moorman and Ms. Boone.

4. Appointment of Animal Control Officer

A motion to Approve was made by Ruth Larson, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Kinsman gave an overview of the memorandum and resolution appointing Ms. Shelby Eyer as Animal Control Officer included in the Agenda Packet.

Ms. Larson inquired about the Animal Control staff.

Mr. Kinsman deferred to the County Administrator.

Mr. Stevens replied this brought the full-time staff to two Animal Control Officers (ACO). He stated one position had been vacant for a very long time and now the full-time staff consisted of two officers. He further stated the part-time position beyond that would help substitute. He commented "I think that would get us to where we say we are fully staffed, whether that's adequate is something for the Chief and I to talk about a little more, but at least it gets them much better than they have been."

Ms. Larson suggested perhaps making the part-time position a full-time ACO.

5. 2020 Legislative Agenda

Mr. Kinsman gave the Board members a handout and stated there were two versions, a short version and a long version. He stated he would like to go through the direct legislation on the first page and see if that met the Board's ideas of what it wants to do on the 2020 legislation. The handout listed and explained the following:

Part I. Legislation Introduced on Behalf of the County

1-1 DISTRIBUTION OF ONLINE SALES TAX BY PHYSICAL ADDRESS

1-2 AMEND SECTION 9.1-101 OF THE VIRGINIA CODE TO INCLUDE SPECIAL CONSERVATORS OF THE PEACE EMPLOYED BY A LOCALITY IN THE DEFINITION OF "CRIMINAL JUSTICE AGENCY"

1-3 AMEND THE VIRGINIA CODE TO ALLOW LOCALITIES TO PROHIBIT E-CIGARETTE STORES FROM LOCATING WITHIN 1,000 FEET OF A PUBLIC SCHOOL

1-4 AMEND SECTION 58.13720 ET SEQ. OF THE VIRGINIA CODE TO ALLOW THE IMPOSITION OF LICENSE TAX ON AMUSEMENT MACHINES THAT TAKE PAYMENT IN FORMS OTHER THAN COINS

1-5 AMEND THE VIRGINIA CODE TO REQUIRE THAT ABSENTEE VOTES BE REPORTED BY PRECINCT WHEN THERE ARE MORE THAN 25 SUCH VOTES CAST IN THAT PRECINCT

Part II. Position/Legislation Supported by the County

2-1 AIRPORT ROAD - RICHMOND ROAD INTERSECTION IMPROVEMENTS

2-2 IMPACT FEES

2-3 PRIMARY DATE

2-4 NONPARTISAN REDISTRICTING

2-5 LEGISLATIVE PROGRAMS OF VML/VACO/VIRGINIA COALITION OF HIGH GROWTH COMMUNITIES

2-6 STATE FUNDING

Mr. Kinsman briefly discussed Part I, Item 1-1 and stated this topic was mentioned at the January 22, 2019, Board of Supervisors meeting. He commented "I know that there is a good bit of horse trading at the end of the year trying to figure out what money goes to which locality." He moved to Part I, Item 1-2 and stated that currently the Park Rangers in the Parks and Recreation Department are Special Conservators of the Peace. He stated the Park Rangers would like to have access to the Virginia Criminal Information Network in order to call in and obtain the history of someone that they have pulled over. He further stated this is currently not allowed unless the officer is associated with the Police Department. He commented "this would be an opportunity to see if the General Assembly would amend that definition to allow Special Conservators of the Peace to do so."

Mr. Hipple asked if they would still have to have a purpose or reason to run a license plate.

Mr. Kinsman replied yes, there would be the exact same regulations as on the Police Officers. He moved on to Part I, Item 1-3 and briefly discussed its meaning.

Mr. McGlennon inquired if the Board currently had the authority to essentially zone out vaping from the County. He stated "if it is beyond our ability to do then do we have an ability to say 'not within a quarter mile of a school.'"

Mr. Kinsman stated he was not comfortable with saying the Board had the authority to zone them out, but some localities allowed Special Use Permits for these types of stores. He further stated he would feel more comfortable if there was direct legislation that said "yes, we can do that."

General discussion ensued regarding e-cigarettes, cigarettes, and Cannabidiol (CBD) oil.

Mr. Kinsman moved on to Part I, Item 1-4 and commented "some of you may have heard in the news, games of skill, Queen that is now appearing in various bars and whatnot. It is basically a video game variation on Tic-Tac-Toe and it has been found that it involves some skill and is therefore not gambling in Virginia. It is this one machine that has qualified and it is Queen Gaming Systems." He briefly discussed this item. Mr. Kinsman continued and moved on to Part I, Item 1-5.

Mr. McGlennon mentioned the issue of privacy, especially in smaller precincts, and suggested preferred wording regarding absentee voting.

General discussion ensued regarding precincts and absentee voting.

Mr. Kinsman referenced the handout and stated "that's the bulk of your direct legislations and the remainder of the pages are position."

Ms. Larson stated she still would like to see something about the length of time it takes for something to be completed.

Mr. Kinsman replied he would be happy to do that and stated "I think they would point back to the references to residential houses that have taken an inordinate amount of time, in some cases decades, to be finished. I think that one of the legislatives is going to point to that particular section of the Code and say that we can limit something to three years to be completed and have we tried that yet and we are in that process, I am more than happy, this is your agenda, I am happy to put that on there for you."

Ms. Larson stated "so we haven't done our part yet."

Mr. Kinsman replied correct and for that particular one we are planning on filing suit soon.

Ms. Larson was appalled that a particular home in the County had taken +20 years to be completed and commented the next door neighbors had shown a tremendous amount of restraint.

General discussion ensued regarding this item.

Ms. Larson inquired if the Board could regroup the next legislative program season and review this subject.

Mr. Kinsman replied yes and stated we would be speaking from a position of better authority.

Ms. Sadler referenced Stonehouse Elementary School and noted the Virginia Department of

Transportation (VDOT) repeatedly said a stoplight was not warranted. She asked if there was anything legislatively that could be done that says "if you have this XXX situation going on in front of a school, specifically a school, if that can play any kind of role in a VDOT study."

Ms. Larson noted another accident that occurred at Route 5 and Centerville Road; whereas, a vehicle was hit from behind and the road was closed down.

Mr. Kinsman referenced the handout and stated "with nothing further on direct legislation you are left with the couple of pages on positions supported." He referenced Part II, Item 2-1 and noted it was relatively new and came from Mr. Stevens.

Mr. McGlennon commented Airport Road and Richmond Road was a bad intersection and noted its location was on the border of York County and James City County.

Mr. Icenhour stated it was his understanding that York County placed this on its priority list.

Mr. McGlennon inquired if this was legislative agenda or road requests.

Mr. Hipple stated this should be moved through transportation and through the Commonwealth Transportation Board direction. He noted the intersection was James City County and just up from it was York County.

Mr. Icenhour stated the most congestion was the part that ran between the two traffic lights, which was in James City County, although the congestion backed up into York County. He felt this might take some sort of legislative action due to the railroads being involved and the expense.

General discussion ensued regarding traffic flow in this congested area, potential light rail in the future, and possible options.

Mr. Kinsman stated the remainder of the legislation on Part 2 really was carryover from years past. He further stated he had prepared a short form; whereby, he recommended pulling Part II, Items 2-1 through 2-4 which were all from last year, and recommended Item 2-5 and support of the Virginia Municipal League (VML), the Virginia Association of Counties (VACo), and the Virginia Coalition of High Growth.

Mr. Hipple stated "I would look at Part II, Item 2-7 if we are going to support anything as far as transportation, I would rather have I-64 through James City County. I am going to continue to fight that and get that out of here one way or the other, but I would like to keep that in full front as much as possible since we have written letters and gotten the Planning District Commission and the Transportation Planning and Organization position themselves behind this as well."

General discussion ensued on the Position/Legislation Supported by the County items.

Mr. Kinsman stated "for your next meeting which is the one that you will adopt this, I will bring the short form, I'll include what we've changed tonight, plus the 2-7 which is our interstate and VML, VACo, and High Growth Coalition which generally covers the rest of what's on your long form."

Mr. McGlennon stated he would like to add one more thing to the short form. He stated there were several items for emphasis for state funding that were listed as individual items. He suggested highlighting a particular interest for the County in some of those areas as one item, such as restoring education funding, stormwater local assistance funding, and tourism funding for the state. He remarked items that would not necessarily be on every locality's list, but

would reflect some budgetary priorities.

Mr. Kinsman noted he would put the James City County specific funding components together into one item rather than separating them out.

6. Building Safety and Security

Mr. Stevens stated Ms. Joanna Ripley, Assistant Director of General Services, led a team of employees looking at different buildings and following up on information from years past. He further stated there would be some safety improvements made and wanted to talk through the process of where we were going forward and provide the Board the opportunity to ask questions.

Ms. Ripley gave an overview of the PowerPoint presentation included in the Agenda Packet. Ms. Ripley introduced Ms. Michelle Toutaint, Firefighter IV, who served as a member on the Committee. The slideshow focused on topics such as: 1) Committee processes; 2) employee preferences and survey results; 3) Committee criteria; 4) review Committee recommended priority buildings; 5) review recommended security enhancements; 6) funding security recommendations; and 7) Police/Fire calls for service data. She referenced the following questions from the survey: 1) in order to enhance safety and security what are some changes you would like to see in your facility; 2) in order to enhance safety and security what are some changes you would like to see in policies, procedures, and protocols; and 3) are there any other thoughts or suggestions you have about safety and security. She commented approximately 20% of the County staff responded to the survey. She noted that to analyze the data comparatively all the employee requests in response to the open-ended questions were put into categories' and the results are that the vast majority of County staff want more training for all types of emergencies. She further noted staff would like additional swipe card access to employee only areas, cameras installed in public areas, separation between front desk staff and the public, windows that open and close for additional egress, and additional parking lot lightening. She moved along to the 14 weighted questions and responses portion of the survey and noted there were many positives to focus on in the County workplace. She further noted questions whose "scaled total responses" were 3.5 or less were areas that needed attention. She stated many of the questions that scored 3.5 or less had been addressed through the Committee developed All Hazards Emergency Action Plan, Active Threat training, and the expansion of training for new hires and refresher courses. She reviewed the Committee recommendations for each of the priority buildings, funding security, and the Calls for Service (Police and Fire).

General discussion ensued regarding the Calls for Service (Police & Fire) portion of the presentation.

Mr. Stevens referenced the Funding Security Recommendations slide and commented "what we didn't want to do was to have you think we weren't moving forward, we have funding that we have identified that we can move forward with that does not necessarily need any Board action. I just didn't want you seeing these projects we're doing that weren't specifically budgeted and not make you aware that we had the funding out there from these other sources to do that." He further commented "If you were to say, that's not quite whatever the total amount is, you're right, if you gave it all today it would still take some time to do it, so there is no value yet of giving us the $260,000 if that is what we need to do. We wanted to work through what we need and push along as we get to a point of needing more money we would come back, because I also don't want to wait unnecessarily for a budget cycle for something that's security related that might make sense to go ahead and do today." He continued "If you are comfortable with that, we are going to press on with many of these. We've done a few of them and we've had some concerns in areas. We've added some cameras and other things

that were within our budgeted funds. We've done some of those things already, but our intent is to move on and do some of these other improvements. The most extensive will be over here in the HR area, all the soft walls there will need some reconfiguration to make real walls that aren't so easy to hop over or maybe push through."

Mr. Hipple mentioned that various localities were creating bullet proof safety rooms for employees to gather in the event of a tragic event. He discussed creating a bulletproof safety area in the Board meeting room behind the dais for Board members to gather if necessary.

Ms. Larson expressed her appreciation for the presentation and concerns addressed. She inquired if employees felt empowered to call 911 if they did not feel safe.

Ms. Toutaint stated employees were being taught if they felt threatened to call 911 and get help en route. She further stated if they needed to cancel for any reason just to call back and let them know.

Ms. Larson mentioned the issue of security for staff and attendees during events hosted in County buildings. She suggested having a practice in place dealing with those types of situations and inquired about periodic updates regarding building safety and security.

Mr. Stevens replied updates could be provided.

D. BOARD REQUESTS AND DIRECTIVES

None

E. CLOSED SESSION

None

F. ADJOURNMENT

1. Adjourn until 5 p.m. on November 12, 2019, for the Regular Meeting

A motion to Adjourn was made by Sue Sadler, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

At approximately 6:37 p.m., Mr. Icenhour adjourned the Board of Supervisors.

AGENDA ITEM NO. G.2.

ITEM SUMMARY

DATE: 11/12/2019

TO: Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Grant Award - Medicaid Expansion - $3,000

ATTACHMENTS:

	Description	Type
🗋	Grant Award - Medicaid Expansion - $3,000	Cover Memo
🗋	Grant Award - Medicaid Expansion - $3,000	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	10/29/2019 - 4:37 PM
Publication Management	Burcham, Nan	Approved	10/29/2019 - 4:39 PM
Legal Review	Kinsman, Adam	Approved	10/30/2019 - 9:13 AM
Board Secretary	Day, Sharon	Approved	11/5/2019 - 9:08 AM
Board Secretary	Purse, Jason	Approved	11/5/2019 - 9:17 AM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 9:59 AM

M E M O R A N D U M

DATE: November 12, 2019

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Grant Award - Medicaid Expansion - $3,000

The Williamsburg Health Foundation's Annual Awards Committee has awarded $3,000 in unrestricted funding to James City County Social Services in support of the agency's work on Medicaid expansion.

The expanded Medicaid coverage began in January 2019. Under state projections it was anticipated that James City County would enroll 1,676 new adults, which is 30% of the uninsured population. As of October 2019, 1,995 adults have been enrolled, which is a 19% increase in the expected enrollment numbers. This number reflects over 40% of the uninsured population of James City County who now have access to quality healthcare.

In order to effectively manage the increase in caseloads, Social Services plans to use the funding to pay for a web-based switchboard that will help to ensure we are providing timely customer service to individuals who have questions regarding their benefits.

Staff respectfully requests that the Board accepts the $3,000 and appropriate the funding in the Special Projects/Grants Fund.

RV/nb
GA-MedicaidExp-mem

Attachment:
1. Resolution

R E S O L U T I O N

GRANT AWARD - MEDICAID EXPANSION - $3,000

WHEREAS, the Williamsburg Health Foundation's Annual Awards Committee has awarded $3,000 in unrestricted funding to James City County Social Services in support of the agency's work on Medicaid expansion; and

WHEREAS, Social Services plans to use the funding to pay for a web-based switchboard that will help to ensure the provision of timely customer service to individuals who have questions regarding their benefits.

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

Revenue:

WHF - Medicaid Expansion	$3,000

Expenditure:

WHF - Medicaid Expansion	$3,000

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

GA-MedicaidExp-res

AGENDA ITEM NO. G.3.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Grant Award - Justice Assistance - $10,710

ATTACHMENTS:

	Description	Type
	Memorandum	Cover Memo
	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Police	Rinehimer, Bradley	Approved	10/1/2019 - 10:26 AM
Police	Rinehimer, Bradley	Approved	10/1/2019 - 10:27 AM
Publication Management	Burcham, Nan	Approved	10/1/2019 - 10:39 AM
Legal Review	Kinsman, Adam	Approved	10/1/2019 - 10:41 AM
Board Secretary	Day, Sharon	Approved	10/28/2019 - 10:04 AM
Board Secretary	Purse, Jason	Approved	11/5/2019 - 9:16 AM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 9:58 AM

M E M O R A N D U M

DATE: November 12, 2019

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Grant Award - Justice Assistance - $10,710

The James City County Police has been awarded a Justice Assistance Grant through the Department of Justice/Bureau of Justice Assistance for $10,710.

The funds will be used for the purchase of trunk organizers for patrol vehicles. The trunk organizers, which are specifically designed for patrol vehicles, will allow officers to arrange equipment and supplies so that items may be located quickly.

Staff recommends acceptance of the funds and adoption of the attached resolution.

BJR/nb
GA-JusticeAsst-mem

Attachment

R E S O L U T I O N

GRANT AWARD - JUSTICE ASSISTANCE - $10,710

WHEREAS, the James City County Police Department has been awarded a Justice Assistance Grant (JAG) through the Department of Justice/Bureau of Justice Assistance for $10,710; and

WHEREAS, funds will be used for the purchase trunk organizers for patrol vehicles; and

WHEREAS, the grant is a direct allocation and requires no match.

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

Revenue:

Federal - JAG Local Solicitation	$10,710

Expenditure:

JAG Local Solicitation	$10,710

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

GA-JusticeAsst-res

AGENDA ITEM NO. G.4.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Award - Four-for-Life Fund Adjustment - $15,423

ATTACHMENTS:

	Description	Type
	Memorandum	Cover Memo
	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Fire	Ashe, Ryan	Approved	10/15/2019 - 3:25 PM
Publication Management	Daniel, Martha	Approved	10/15/2019 - 3:30 PM
Legal Review	Kinsman, Adam	Approved	10/16/2019 - 8:32 AM
Board Secretary	Day, Sharon	Approved	10/28/2019 - 9:53 AM
Board Secretary	Purse, Jason	Approved	11/5/2019 - 9:16 AM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 9:58 AM

M E M O R A N D U M

DATE: November 12, 2019

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Award - Four-for-Life Fund Adjustment - $15,423

The Office of Emergency Management Services (EMS) receives funding allocated from the Four-for-Life program annually. This funding is legislated by the Code of Virginia § 46.2-694 which stipulates that an additional $4 per year is charged and collected at the time of vehicle registration and set aside as a special fund to be used only for EMS purposes.

The County's Fire Department uses the funds to purchase emergency medical equipment, supplies, and to provide training. Historically, this grant has been included in the original budget based on estimated awards amounts; however, the actual awards received to date has resulted in a net difference of $15,423.

The attached resolution appropriated the additional funds received of $15,423. Staff recommends approval of the attached resolution appropriating funds to the Special Projects/Grants Fund.

RTA/md
GA-4LifeAdjustmt-mem

Attachment

R E S O L U T I O N

GRANT AWARD - FOUR-FOR-LIFE FUND ADJUSTMENT - $15,423

WHEREAS, the Office of Emergency Management Services (EMS) receives funding allocated from the Four-for-Life program annually. This funding is legislated by the Code of Virginia § 46.2-694 which stipulates that an additional $4 per year is charged and collected at the time of vehicle registration and set aside as a special fund to be used only for EMS purposes; and

WHEREAS, the funds are used to purchase emergency medical equipment and provide training; and

WHEREAS, an estimate of the distribution amount of these funds has been adopted in previous years' budgets; and

WHEREAS, an adjustment is needed in order to correctly align budgeted amounts with actual awards.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates additional funds in the amount of $15,423 to the Special Projects/Grants:

Revenue:

State - Four-for-Life	$15,423

Expenditure:

Four-for-Life	$15,423

James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

GA-4LifeAdjustmt-res

AGENDA ITEM NO. G.5.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Award - Radiological Emergency Preparedness - $30,000

ATTACHMENTS:

	Description	Type
	GA-RadEmerPrep20-mem	Cover Memo
	GA-RadEmerPrep20-res	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Fire	Ashe, Ryan	Approved	10/15/2019 - 3:25 PM
Publication Management	Daniel, Martha	Approved	10/15/2019 - 3:33 PM
Legal Review	Kinsman, Adam	Approved	10/16/2019 - 8:32 AM
Board Secretary	Day, Sharon	Approved	10/21/2019 - 4:53 PM
Board Secretary	Purse, Jason	Approved	11/5/2019 - 9:17 AM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 9:59 AM

M E M O R A N D U M

DATE: November 12, 2019

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Award - Radiological Emergency Preparedness - $30,000

Each Virginia locality within 10 miles of a nuclear power plant receives pass-through funding annually from Dominion Energy through the Virginia Department of Emergency Management (VDEM) to support Radiological Emergency Preparedness (REP).

The James City County (JCC) Fire Department's Emergency Management Division has been awarded $30,000 in radiological emergency preparedness funds from Dominion Energy through VDEM due to the County's proximity to the Surry Power Station nuclear power plant. This funding is part of VDEM's 2020 package.

The funds are to be used for planning and response for public protective actions related to the Surry Power Station nuclear plant. The County uses the funds to maintain emergency response plans, participate in readiness drills and exercises, provide REP training, make improvements to the Emergency Operations Center, purchase and maintain radiological response equipment, and support the JCC Alert County emergency notification system.

This grant requires no local match.

Staff recommends adoption of the attached resolution to appropriate funds.

RTA/md
GA-RadEmerPrep20-mem

Attachment

R E S O L U T I O N

GRANT AWARD - RADIOLOGICAL EMERGENCY PREPAREDNESS - $30,000

WHEREAS, the James City County Fire Department's Emergency Management Division has been awarded pass-through funds in the amount of $30,000 to support Radiological Emergency Preparedness (REP) from the Virginia Department of Emergency Management (VDEM); and

WHEREAS, the funds are to be used for planning and response for public protective actions related to the Surry Power Station nuclear plant; and

WHEREAS, the grant requires no 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 appropriation to the Special Projects/Grants fund:

Revenue:

Radiological Emergency Preparedness Funds - VDEM	$30,000

Expenditure:

Radiological Emergency Preparedness Funds - VDEM	$30,000

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of October, 2019.

GA-RadEmerPrep20-res

AGENDA ITEM NO. G.6.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Grant Award - Bulletproof Vest Partnership - $34,997

ATTACHMENTS:

	Description	Type
	Memorandum	Cover Memo
	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Police	Rinehimer, Bradley	Approved	10/1/2019 - 10:33 AM
Police	Rinehimer, Bradley	Approved	10/1/2019 - 10:33 AM
Publication Management	Burcham, Nan	Approved	10/1/2019 - 10:38 AM
Legal Review	Kinsman, Adam	Approved	10/1/2019 - 10:41 AM
Board Secretary	Day, Sharon	Approved	10/28/2019 - 9:54 AM
Board Secretary	Purse, Jason	Approved	11/5/2019 - 9:16 AM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 9:58 AM

M E M O R A N D U M

DATE: November 12, 2019

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Federal Grant Award - Bulletproof Vest Partnership - $34,998

The James City County Police Department has been awarded a Bulletproof Vest Partnership (BVP) grant from the Office of Justice Programs' Bureau of Justice Assistance for $34,998 ($17,499 federal funds; $17,499 local match). The funds are to be used to purchase approximately 31 new and replacement bulletproof vests for officers.

BVP has typically been a recurring grant program made available each year to law enforcement agencies throughout the United States. This grant expires August 31, 2021, which allows us to replace vests as needed, or purchase vests for new officers throughout the grant period.

Each sworn officer within the Department is offered a bulletproof vest as part of their normal issued equipment. Unless recalls are made or the vest is damaged, the lifespan of vests is typically five years. The vests used by the Department are engineered for superior performance and integrate high-performance ballistic materials with a temperature regulating carrier for maximum comfort.

The grant requires a match of $17,499, which is available in the General Fund.

Staff recommends adoption of the attached resolution to appropriate funds.

BJR/nb
GA-BulletpfVst-mem

Attachment

R E S O L U T I O N

FEDERAL GRANT AWARD - BULLETPROOF VEST PARTNERSHIP - $34,998

WHEREAS, the James City County Police Department has been awarded a Bulletproof Vest Partnership (BVP) grant from the Office of Justice Programs' Bureau of Justice Assistance for $34,998 ($17,499 federal funds; $17,499 local match); and

WHEREAS, the grant requires a match of $17,499, which is available in the General Fund; and

WHEREAS, the funds are to be used to purchase approximately 31 new and replacement bulletproof vests for officers.

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 appropriation amendment to the Special Projects/Grants Fund:

Revenues:

Federal - BVP - Fiscal Year 2019	$17,499
Local Match	$17,499
Total	$34,998

Expenditure:

BVP - Fiscal Year 2019	$34,998

_____

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

GA-BulletprVst-res

AGENDA ITEM NO. G.7.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Awards - State Homeland Security Program - $38,600

ATTACHMENTS:

	Description	Type
	GA-SHSP2019-mem	Cover Memo
	GA-SHSP2019-res	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Fire	Ashe, Ryan	Approved	10/22/2019 - 11:23 AM
Publication Management	Burcham, Nan	Approved	10/22/2019 - 11:24 AM
Legal Review	Kinsman, Adam	Approved	10/22/2019 - 12:30 PM
Board Secretary	Day, Sharon	Approved	10/28/2019 - 10:08 AM
Board Secretary	Purse, Jason	Approved	11/5/2019 - 9:17 AM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 9:59 AM

M E M O R A N D U M

DATE: November 12, 2019

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Awards - State Homeland Security Program - $38,600

The James City County Fire Department's Emergency Management Division has been awarded two grants totaling $38,600 from the Commonwealth of Virginia Department of Emergency Management (VDEM) State Homeland Security Program (SHSP).

The grants include a 2019 SHSP grant in the amount of $25,100 and a 2019 SHSP grant in the amount of $13,500. Both grants were awarded by VDEM using funds from the United States Department of Homeland Security Federal Emergency Management Agency.

The $25,100 award is designated for the support of the regional Citizens Corps programs. These programs include the Citizens Emergency Response Team and the Community Animal Response Team. These teams are made up of citizens trained in various emergency management functions including mass search and rescue, mass care and sheltering, and first aid and logistics. This award will support the training and equipment needs for both the James City County and the City of Williamsburg programs. Many of the training activities will be coordinated cooperatively between both jurisdictions.

The $13,500 award is designated to support equipment needs for the County's sheltering program. These funds will be used to develop a joint shelter plan and exercise for James City County and the City of Williamsburg.

These awards do not require a local match.

Staff recommends adoption of the attached resolution to appropriate funds.

RTA/md
GA-SHSP2019-mem

Attachment

R E S O L U T I O N

GRANT AWARDS - STATE HOMELAND SECURITY PROGRAM - $38,600

WHEREAS, the James City County Fire Department's Emergency Management Division has been awarded two grants totaling $38,600 from the Commonwealth of Virginia Department of Emergency Management (VDEM); and

WHEREAS, the grants include a 2019 State Homeland Security Program (SHSP) grant in the amount of $25,100 and a 2019 SHSP grant in the amount of $13,500. Both grants were awarded by VDEM using funds from the United States Department of Homeland Security Federal Emergency Management Agency; and

WHEREAS, the funds will be used to purchase equipment for emergency shelters, and to support cooperative Citizens Corps programs with James City County and the City of Williamsburg; and

WHEREAS, the SHSP grants do 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 these grants and the following appropriation to the Special Projects/Grants Fund:

Revenues:	
2019 SHSP Regional CERT Project	$25,100
2019 SHSP Regional Preparedness	13,500
Total	$38,600

Expenditures:	
2019 SHSP Regional CERT Project	$25,100
2019 SHSP Regional Preparedness	13,500
Total	$38,600

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

GA-SHSP2019-res

AGENDA ITEM NO. G.8.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Nathan Green, Commonwealth Attorney

SUBJECT: Grant Award - Commonwealth Attorney - Virginia Domestic Violence Victim Fund - $65,473

ATTACHMENTS:

	Description	Type
	Memorandum	Cover Memo
	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	10/21/2019 - 11:09 AM
Board Secretary	Purse, Jason	Approved	10/28/2019 - 8:49 AM
Board Secretary	Day, Sharon	Approved	10/28/2019 - 10:53 AM
Board Secretary	Purse, Jason	Approved	11/5/2019 - 9:16 AM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 9:58 AM
Publication Management	Daniel, Martha	Approved	11/5/2019 - 10:09 AM
Legal Review	Kinsman, Adam	Approved	11/5/2019 - 10:15 AM
Board Secretary	Day, Sharon	Approved	11/5/2019 - 3:10 PM
Board Secretary	Purse, Jason	Approved	11/5/2019 - 3:24 PM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 3:26 PM

M E M O R A N D U M

DATE: November 12, 2019

TO: The Board of Supervisors

FROM: Nathan R. Green, Commonwealth Attorney

SUBJECT: Grant Award - Commonwealth Attorney - Virginia Domestic Violence Victim Fund - $65,473

The Commonwealth Attorney has been awarded a $65,473 grant (state share $41,030 and County match $24,443) from the Virginia Domestic Violence Victim Fund through the State Department of Criminal Justice Services. The state grant will fund the personnel costs of an existing attorney position to assist in the prosecution of misdemeanors and felonies involving domestic violence, sexual abuse, stalking, and family abuse. The Commonwealth Attorney has been successful in obtaining this grant in previous 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, 2020.

Staff recommends adoption of the attached resolution.

NRG/nb
GA-DViolenceFY20-mem

Attachment

R E S O L U T I O N

GRANT AWARD - COMMONWEALTH ATTORNEY -

VIRGINIA DOMESTIC VIOLENCE VICTIM FUND - $65,473

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a $65,473 grant, which is awarded annually from the Virginia Domestic Violence Victim Fund (state share $41,030; County match $24,443) through the State Department of Criminal Justice Services (DCJS); and

WHEREAS, this grant would fund the personnel costs for a position in the prosecution of misdemeanors and felonies involving domestic violence, sexual abuse, stalking, and family abuse through June 30, 2020; and

WHEREAS, the grant requires a local match of $24,443, 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 through June 30, 2020, for the purposes described above:

Revenues:	
Fiscal Year 2020 Virginia Domestic Violence Victim Fund - DCJS	$41,030
James City County Matching Funds	24,443
Total	$65,473

Expenditure:	
Fiscal Year 2020 Virginia Domestic Violence Victim Fund	$65,473

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

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Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

GA-DViolenceFY20-res

AGENDA ITEM NO. G.9.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Contract Award - Child Health Initiative Management System - $116,540

ATTACHMENTS:

	Description	Type
🗋	Contract Award - Child Health Initiative Management System - $116,540	Cover Memo
🗋	Contract Award - Child Health Initiative Management System - $116,540	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	10/28/2019 - 12:51 PM
Publication Management	Daniel, Martha	Approved	10/28/2019 - 1:30 PM
Legal Review	Kinsman, Adam	Approved	10/28/2019 - 3:34 PM
Board Secretary	Day, Sharon	Approved	10/29/2019 - 8:10 AM
Board Secretary	Purse, Jason	Approved	11/5/2019 - 9:15 AM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 9:58 AM

M E M O R A N D U M

DATE: November 12, 2019

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Contract Award - Child Health Initiative Management System - $116,540

In Fiscal Year 2019, James City County, through the Department of Social Services, implemented a new program, the James City County Child Health Initiative. The program is a collaborative effort between the Williamsburg Health Foundation, Child Development Resources, Williamsburg-James City County Public Schools, Williamsburg Department of Human Services, James City Department of Social Services, and Olde Towne Medical and Dental Center.

The Williamsburg Health Foundation provides the funding for the establishment of a Care Team, which serves families enrolled in the program in order to improve health outcomes for children by eliminating barriers and promoting positive social determinants of health.

Proposals were solicited from qualified vendors for a Child Health Initiative Management System that would provide a child and family support software solution to facilitate a streamlined and cohesive process for services administration and tracking across the respective organizations and local government departments. Through a competitive process, Athena Software was chosen for its Penelope Case Management Software.

The funding for the software will be provided by leftover funding from the first year of the grant (per approval by the Williamsburg Health Foundation) and must be expended by December 31, 2019. Additional funds will be provided by the Williamsburg Child Health Initiative, which will enter into a Memorandum of Understanding (MOU) in order to facilitate joint use of the software.

Staff respectfully requests that the Board approve the contract award to Athena Software, as well as authorize the County Administrator to sign a MOU for joint use of the software with the City of Williamsburg.

RV/md
CA-ChildHlthInit-mem

Attachment:
1. Resolution

R E S O L U T I O N

CONTRACT AWARD - CHILD HEALTH INITIATIVE MANAGEMENT SYSTEM - $116,540

WHEREAS, the Williamsburg Health Foundation seeks to continue the James City County Child Health Initiative, the goal of which is to improve health outcomes for children by eliminating barriers and promoting positive social determinants of health; and

WHEREAS, the program is a collaborative effort between the Williamsburg Health Foundation, Child Development Resources, Williamsburg-James City County Public Schools, Williamsburg Department of Human Services, James City County Department of Social Services, and Olde Towne Medical and Dental Center; and

WHEREAS, the Williamsburg Health Foundation provides the funding to James City County to continue implementation of the James City County Child Health initiative, to include a Child Health Initiative Management System that would provide a child and family support software solution; and

WHEREAS, through a competitive process, Athena Software was chosen for its Penelope Case Management Software.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby directs the County Administrator to execute the Grant contract and further authorizes the County Administrator to sign a Memorandum of Understanding with the City of Williamsburg to facilitate joint use of the software.

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

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Teresa J. Fellows
Deputy Clerk to the Board

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Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

CA-ChildHlthInit-res

AGENDA ITEM NO. G.10.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Award - Virginia Fire Programs Fund - $244,057

ATTACHMENTS:

	Description	Type
	GA-VaFirePgmFds-mem	Cover Memo
	GA-VaFirePgmFds-res	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Fire	Ashe, Ryan	Approved	10/15/2019 - 3:25 PM
Publication Management	Daniel, Martha	Approved	10/15/2019 - 3:34 PM
Legal Review	Kinsman, Adam	Approved	10/16/2019 - 8:31 AM
Board Secretary	Day, Sharon	Approved	10/21/2019 - 4:50 PM
Board Secretary	Purse, Jason	Approved	11/5/2019 - 9:17 AM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 9:59 AM

M E M O R A N D U M

DATE: November 12, 2019

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Award - Virginia Fire Programs Fund - $244,057

The Fire Department receives funding annually from the Virginia Department of Fire Programs Aid to Localities program. These funds are initially collected from the private insurance industry by the State Corporation Commission, and are used to fund the Virginia Department of Fire Programs and are also passed through to localities in the Commonwealth.

The County's Fire Department uses the funds to purchase firefighting equipment and to provide training. Historically, this grant has been included in the original budget based on estimated award amounts. We have removed it from the budget to eliminate the need for adjustments.

The attached resolution appropriated the additional funds received of $244,057. Staff recommends approval of the attached resolution appropriating funds to the Fire Programs Fund.

RTA/nb
GA-VaFirePgmFds-mem

Attachment

R E S O L U T I O N

GRANT AWARD - VIRGINIA FIRE PROGRAMS FUND - $244,057

WHEREAS, the James City County Fire Department receives grant funding annually as part of the Virginia Department of Fire Programs Aid to Localities program; and

WHEREAS, the funds are used to purchase firefighting equipment and provide training.

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 appropriation to the Special Projects/Grants Fund for the Fire Programs Fund:

Revenue:

Virginia Department of Fire Programs	$244,057

Expenditure:

Virginia Department of Fire Programs	$244,057

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James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

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Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

GA-VaFirePgmFds-res

AGENDA ITEM NO. G.11.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Contract Award - Replacement Fire Pumper - $708,937

ATTACHMENTS:

	Description	Type
	CA-RepmtPumper-mem	Cover Memo
	Ca-RepmtPumper-res	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Fire	Ashe, Ryan	Approved	10/23/2019 - 2:53 PM
Publication Management	Daniel, Martha	Approved	10/23/2019 - 3:04 PM
Legal Review	Kinsman, Adam	Approved	10/23/2019 - 3:26 PM
Board Secretary	Day, Sharon	Approved	10/28/2019 - 10:51 AM
Board Secretary	Purse, Jason	Approved	11/5/2019 - 9:15 AM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 9:58 AM

M E M O R A N D U M

DATE: November 12, 2019

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Contract Award - Replacement Fire Pumper - $708,937

The Fiscal Year 2020 Capital Improvements Program budget includes funds for the purchase of one replacement fire pumper.

The Fire Department, Fleet, and Purchasing staff examined different options and determined the most efficient procurement method for this purchase is to use a cooperative purchasing contract issued by the Houston-Galveston Area Council (HGAC) to Atlantic Emergency Solutions. The HGAC contract contains wording allowing other localities to purchase from the contract. By participating in the cooperative procurement action, staff believes the County will increase efficiency, reduce administrative expenses, and benefit from an accelerated delivery process.

The HGAC Fire Service Apparatus cooperative contracts offer 20+ vendors for various rescue and fire apparatus. Base bid items are listed on the specific product pages. Almost all contracts include a wide array of additional configurations, optional equipment, and accessories that are available to allow localities to configure equipment/services to suit their unique requirements. These items were included with the contractor's bid/proposal response and are part of the recommended contract.

Fire Department technical staff researched the design, construction, and field performance of the Pierce Velocity PUC Pumper, worked closely with Atlantic Emergency Solutions to design a vehicle that will meet the Department's needs and provide increased operational capabilities. Fire Department and Purchasing staff negotiated a total price of $736,282 for the replacement pumper. Should the County choose to provide a 90% pre-payment of 90% of $662,654, the vendor offers a pre-payment discount of $27,345 thus reducing the total contract amount to $708,937. The cost of the contract is within the funds allotted.

Final placement may differ based on call volume and the condition of other units at the time of delivery. The proposed replacement pumper is consistent with the newer model pumpers already in service and will standardize all five fire stations with similar equipment. The Fire Department will take the oldest reserve pumper out of service and shift the oldest non-reserve pumper to reserve status. The former pumpers may be sold or used elsewhere by the County in a non-emergency capacity.

Staff recommends adoption of the attached resolution authorizing the contract award to Atlantic Emergency Solutions in the amount of $708,937 for a Pierce Velocity PUC Pumper.

RTA/nb
CA-RepmtPumper-mem

Attachment

R E S O L U T I O N

CONTRACT AWARD - REPLACEMENT FIRE PUMPER - $708,937

WHEREAS, funds are available in the Fiscal Year 2020 Capital Improvements Fund budget for the purchase of a replacement pumper; and

WHEREAS, cooperative procurement action is authorized by Chapter 1, Section 5, of the James City County Purchasing Policy and the Virginia Public Procurement Act, and the Houston-Galveston Area Council issued a cooperative purchasing contract to Atlantic Emergency Solutions as a result of a competitive sealed Invitation for Bid; and

WHEREAS, Fire Department, Fleet, and Purchasing staff determined the contract specifications meet the County's performance requirements for a pumper and negotiated a price of $736,282 with Atlantic Emergency Solutions for a Pierce Velocity PUC Pumper; and

WHEREAS, Atlantic Emergency Solutions has also offered a discount of $27,345 in exchange for a 90% prepayment of the contract, bringing the discounted total price to $708,937.

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 Atlantic Emergency Solutions for a Pierce Velocity PUC Pumper in the amount of $708,937.

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James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

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Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

Ca-RepmtPumper-res

AGENDA ITEM NO. G.12.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Grant Award - Urban Areas Security Initiative - $279,148

ATTACHMENTS:

	Description	Type
	Memorandum	Cover Memo
	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Police	Rinehimer, Bradley	Approved	10/15/2019 - 9:58 AM
Police	Rinehimer, Bradley	Approved	10/15/2019 - 9:58 AM
Publication Management	Burcham, Nan	Approved	10/15/2019 - 10:06 AM
Legal Review	Kinsman, Adam	Approved	10/16/2019 - 8:31 AM
Board Secretary	Day, Sharon	Approved	10/21/2019 - 4:51 PM
Board Secretary	Purse, Jason	Approved	11/5/2019 - 9:17 AM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 9:59 AM

M E M O R A N D U M

DATE: November 12, 2019

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Grant Award - Urban Areas Security Initiative - $279,148

The James City County Police Department (JCCPD) has been awarded a 2019 Urban Area Security Initiative (UASI) grant in the amount of $279,148. The funds are to be used to purchase an armored rescue and critical incident response vehicle. The UASI program assists high-threat, high density Urban Areas in efforts to build, sustain, and deliver the capabilities necessary to prevent, protect against, mitigate, respond to, and recover from acts of terrorism.

This vehicle will be housed with and maintained by James City County Police Department, but available to James City County Fire Department and other regional public safety partners.

In addition to the threats law enforcement agencies are now facing with regard to domestic terrorists/active shooters, JCCPD has been faced with additional high-risk situations. Within the last year, law enforcement in the Historic Triangle Area have responded to at least two incidents involving improvised explosive devices (IEDs) and numerous barricaded and high-risk warrant service situations where suspects were found to be in possession of high-powered weapons.

This project addresses man-made and natural vulnerabilities by providing a vehicle that would allow both safe entry into a fluid active shooter type environment, entry into areas that may be affected by accidental or intentional chemical, biological, radiological, nuclear and explosive hazardous materials, and also safe entry into flooded/high water areas or areas with roadways unnavigable due to ice/snow or downed trees either for purposes of evacuation or to provide food/water supplies - and supplies to our special needs populations.

This grant is allocated by the Virginia Department of Emergency Management from the U.S. Department of Homeland Security Federal Emergency Management Agency. The project period is October 1, 2019-June 30, 2021.

The grant requires no match.

Staff recommends adoption of the attached resolution to appropriate funds.

BJR/md
GA-UASI2019-mem

Attachment

R E S O L U T I O N

GRANT AWARD - URBAN AREAS SECURITY INITIATIVE - $279,148

WHEREAS, the James City County Police Department has been awarded a 2019 Urban Area Security Initiative (UASI) grant in the amount of $279,148; and

WHEREAS, the grant is allocated by the Virginia Department of Emergency Management from the U.S. Department of Homeland Security Federal Emergency Management Agency; and

WHEREAS, the funds are to be used to purchase an armored rescue and critical incident response vehicle; and

WHEREAS, the grant requires no 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 appropriation amendment to the Special Projects/Grants Fund:

Revenues:

Federal Fiscal Year 2019 UASI	$279,148

Expenditure:

Fiscal Year 2019 UASI	$279,148

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

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Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

GA-UASI2019-res

AGENDA ITEM NO. G.13.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Toni Small, Director of Stormwater and Resource Protection Division

SUBJECT: Grant Award - Virginia Environmental Endowment James River Water Quality Improvement Fund - $396,000

ATTACHMENTS:

	Description	Type
	Memo	Cover Memo
	Resolution	Resolution
	Map	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Stormwater	Small, Toni	Approved	10/21/2019 - 10:08 AM
General Services	Boone, Grace	Approved	11/5/2019 - 10:11 AM
Publication Management	Daniel, Martha	Approved	11/5/2019 - 10:15 AM
Legal Review	Kinsman, Adam	Approved	11/5/2019 - 10:17 AM
Board Secretary	Day, Sharon	Approved	11/5/2019 - 3:09 PM
Board Secretary	Purse, Jason	Approved	11/5/2019 - 3:24 PM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 3:26 PM

M E M O R A N D U M

DATE: November 12, 2019

TO: The Board of Supervisors

FROM: Toni Small, Director of Stormwater and Resource Protection

SUBJECT: Grant Award - Virginia Environmental Endowment (VEE) James River Water Quality Improvement Fund - $396,000

On October 4, 2019, James City County was awarded a James River Water Quality Improvement Fund grant from the Virginia Environmental Endowment in the amount of $396,000. The purpose of this grant is to help fund the construction of a stream restoration project to restore two heavily eroded stream segments within the Grices Run watershed, which flows directly into the James River.

For FY2020, $646,000 was included in the Capital Projects budget for the Church Lane Stream Restoration project that will no longer be moving forward. Staff request that these funds be transferred to the Columbia Drive Stream Restoration project that was previously planned for a future year.

The Columbia Drive Stream Restoration project is estimated at $1,042,000, of which $646,000 will be funded locally and $396,000 will be funded by the VEE grant.

It is hereby requested the Board of Supervisors approves the project transfer noted above and accepts and appropriates the $396,000 VEE grant to the Capital Projects Fund.

TS/md
GA-VEEJRWtrQual-mem

Attachment:
1. Resolution
2. Project Location Map

RESOLUTION

GRANT AWARD - VIRGINIA ENVIRONMENTAL ENDOWMENT JAMES RIVER

WATER QUALITY IMPROVEMENT FUND GRANT - $396,000

WHEREAS, in Fiscal Year 2020, the Stormwater and Resource Protection Division was awarded $396,000 by the Virginia Environmental Endowment James River Water Quality Improvement Fund; and

WHEREAS, the grant will be used for the Columbia Drive Stream Restoration project; and

WHEREAS, staff request that $646,000 previously appropriated for the Church Lane Stream Restoration project now be used to fund this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the project transfer of $646,000 and accepts and appropriates $396,000 to the Capital Projects Fund for the Columbia Drive Stream Restoration Project.

Revenue:

State – VEEJR Water Quality Improvement Grant	$396,000

Expenditures:

Columbia Drive Stream Restoration	$396,000

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_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

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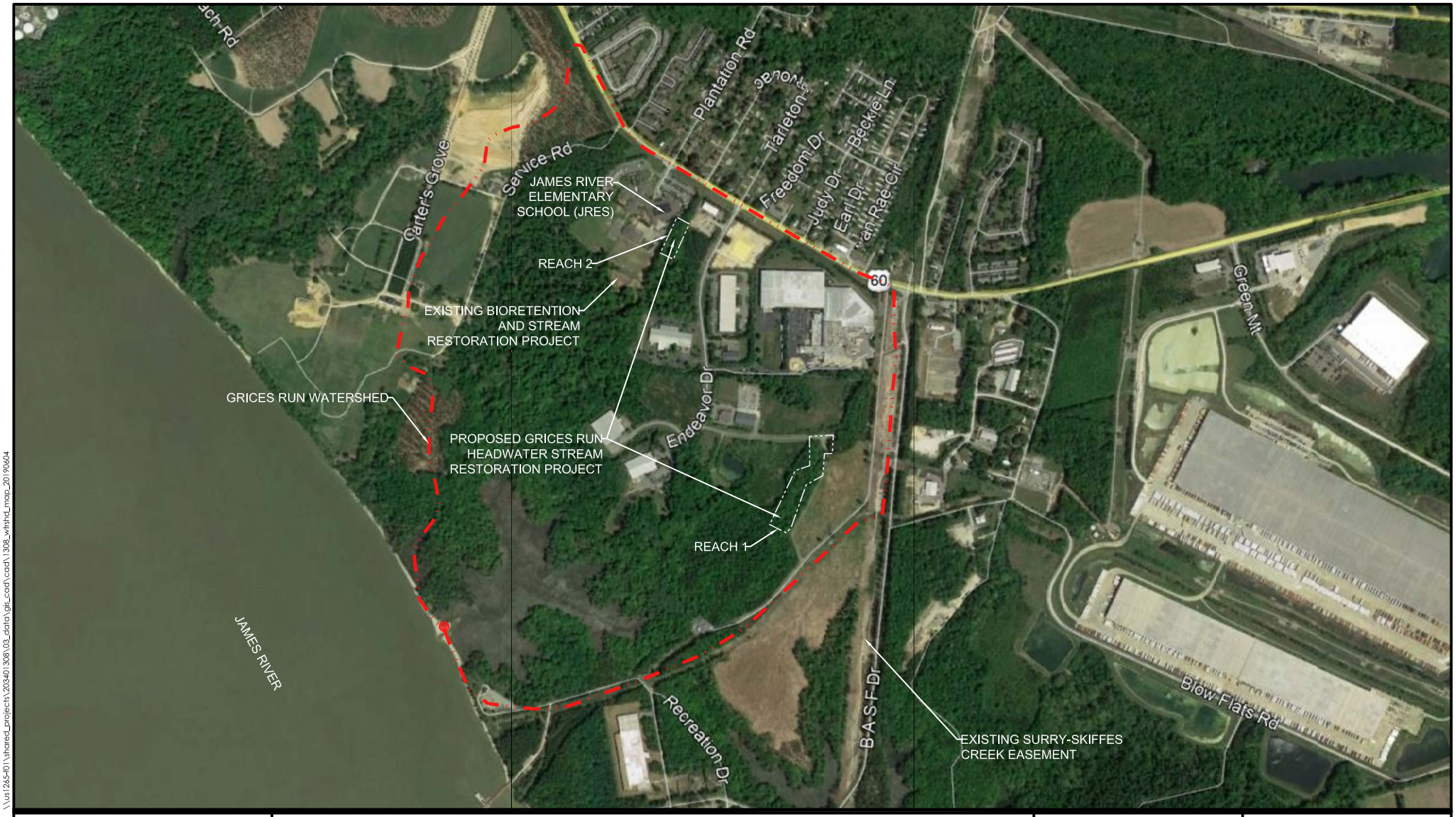
Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

GA-VEEJRWtrQual-res

Appendix A: Project Location Map



Stantec

Stantec Consulting Services Inc.
5209 Center Street
Williamsburg VA 23188-2680
Tel: (757) 220-6869
www.stantec.com

Notes

Client/Project
JAMES CITY COUNTY

GRICES RUN WATERSHED PROJECT

Project No.
203401308

Title
GRICES RUN WATERSHED MAP

Revision
0

Date
2019.05.14

Reference Sheet
1 of 1

Figure No.
1

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AGENDA ITEM NO. H.1.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Terry Costello, Deputy Zoning Administrator/Senior Planner

SUBJECT: SUP-19-0016. 3021 Ironbound Road Tourist Home

ATTACHMENTS:

	Description	Type
	Staff Report	Staff Report
	Resolution	Resolution
	Location Map	Exhibit
	Master Plan	Exhibit
	SUP-0004-2018 (expired)	Exhibit
	Unapproved minutes of the October 2, 2019 Planning Commission Meeting	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	10/17/2019 - 1:23 PM
Development Management	Holt, Paul	Approved	10/17/2019 - 1:25 PM
Publication Management	Daniel, Martha	Approved	10/17/2019 - 1:53 PM
Legal Review	Kinsman, Adam	Approved	10/17/2019 - 2:43 PM
Board Secretary	Fellows, Teresa	Approved	10/21/2019 - 11:12 AM
Board Secretary	Purse, Jason	Approved	11/5/2019 - 9:18 AM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 10:00 AM

SUMMARY FACTS

Applicant:	Ms. Sharon Dennis
Land Owner:	Mr. Mark Collins
Proposal:	To allow for the short-term rental of an entire two-bedroom residential home as a tourist home. The owner will live off-site. There was a previously approved Special Use Permit (SUP) for a tourist home which expired due to a condition not being met within the required time frame.
Location:	3021 Ironbound Road
Tax Map/Parcel No.:	4710100067
Project Acreage:	± 0.69 acres
Zoning:	R-2, General Residential
Comprehensive Plan:	Low Density Residential
Primary Service Area:	Inside
Staff Contact:	Terry Costello, Deputy Zoning Administrator/Senior Planner

PUBLIC HEARING DATES

Planning Commission: October 2, 2019, 6:00 p.m.

Board of Supervisors: November 12, 2019, 5:00 p.m.

FACTORS FAVORABLE

1. With the proposed conditions, staff finds the proposal to be compatible with the surrounding zoning and development.
2. With the proposed conditions, the proposal is consistent with the recommendations of the Comprehensive Plan.
3. Adequate off-street parking is provided.
4. The applicant has acknowledged that, should this application be approved, she will obtain the proper licensing and inspections through the County and will be subject to appropriate use-based taxes.
5. Impacts: See Impact Analysis on Pages 3-4.

FACTORS UNFAVORABLE

1. Impacts: See Impact Analysis on Pages 3-4.

SUMMARY STAFF RECOMMENDATION

Approval, subject to the conditions in the attached resolution.

PLANNING COMMISSION RECOMMENDATION

At its October 2, 2019 meeting, the Planning Commission recommended approval of this application by a vote of 6-0.

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

None.

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.

PROJECT DESCRIPTION

- This proposal is to allow for the short-term rental of an existing two-bedroom home as a tourist home. The owner will not be present during the time of the rentals and the property is not the owner's primary residence. The proposal includes no changes to the size or footprint of the dwelling.

- The Zoning Ordinance defines a tourist home as "a dwelling where lodging or lodging and meals are provided for compensation for up to five rooms which are open to transients." The proposed conditions limit the number of bedrooms available for rent to two, as there are two bedrooms in the existing home. Should a future expansion add another bedroom, an SUP amendment would be required.

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PLANNING AND ZONING HISTORY

- There was an approved SUP for a tourist home on the property. This SUP expired July 10, 2019, due to the condition that a new Certificate of Occupancy be obtained within 12 months of the issuance of the SUP.

SURROUNDING ZONING AND DEVELOPMENT

North: R-8, Rural Residential

East: R-8, Rural Residential

South: R-8, Rural Residential

West: R-8, Rural Residential

The property is located across the street from Coleman Nursery and Farmer's Market (3000 Ironbound Road) and approximately 100 feet south of the Williamsburg Unitarian Universalist Church (3051 Ironbound Road). An adjacent property, 3001 Ironbound Road, has an SUP for a tourist home to rent a three-bedroom single-family dwelling. The subject property is partially surrounded by a separate parcel that is owned by the applicant and is currently unimproved.

COMPREHENSIVE PLAN

The property is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map, as are all of the surrounding parcels. Appropriate primary uses recommended by the Comprehensive Plan include single-family homes, multifamily units, accessory units, and cluster housing. Limited commercial uses may also be considered appropriate should the proposal meet the following standards:

- Complements the residential character of the area. Staff finds the proposal consistent with the residential character of the area, as no exterior changes to the home or property are proposed.

- Have traffic, noise, lighting, and other impacts similar to surrounding residential uses. Staff finds that impacts will be similar to nearby residential uses. Traffic is anticipated to be typical of a residential home, the subject property must adhere to the County's Noise Ordinance, and the proposed SUP conditions will restrict commercial signage and exterior lighting. Future expansions of the use would require an SUP amendment.

- Generally be located on collector or arterial roads at intersections. This property is located on, and takes access from, Ironbound Road. This segment of Ironbound Road is classified by the Virginia Department of Transportation as a major collector road.

- Provide adequate screening and buffering to protect the character of nearby residential areas. Staff finds that existing vegetation and

fencing provide adequate screening from adjacent properties. Additionally, staff notes that this use inherently retains the same visual character as nearby residences.

Impacts/Potentially Unfavorable Conditions	Status *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
Public Transportation: Vehicular	No Mitigation Required	-The proposal is not anticipated to generate traffic exceeding a typical residential use. -The subject property is located on a major collector road, as recommended in the Comprehensive Plan for commercial uses in areas designated Low Density Residential. -No changes anticipated to Level of Service on Ironbound Road.
Public Transportation: Pedestrian/Bicycle	No Mitigation Required	-Pedestrian/bicycle accommodations are not triggered when there are no changes proposed to the building footprint.
Public Safety	No Mitigation Required	-Subject property is located within a six-minute radius of Fire Station 3. -The proposal does not generate impacts that require mitigation to the County's emergency services or facilities.
Public Schools	No Mitigation Required	-The proposal will not generate school children.
Public Parks and Recreation	No Mitigation Required	-The proposal does not generate impacts that require mitigation to the County's parks and recreation services or facilities.
Public Libraries and Cultural Centers	No Mitigation Required	-The proposal does not generate impacts that require mitigation to public libraries or cultural centers.
Groundwater and Drinking Water Resources	No Mitigation Required	-The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.
Watersheds, Streams, and Reservoirs	No Mitigation Required	-The Stormwater and Resource Protection Division has reviewed this application and had no objections. No new impervious surface is proposed as part of this SUP request. Should exterior site improvements be made in the future, such as a deck expansion or paved parking area, those improvements would be subject to additional environmental review at that time.

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
Cultural/Historic	No Mitigation Required	-The subject property has been previously disturbed and has no known cultural resources on site.
Nearby and Surrounding Properties	No Mitigation Required	-The subject property is located near both residential and commercial uses. -Traffic is anticipated to be typical of a residential home, the subject property must adhere to the County's Noise Ordinance, and the proposed SUP conditions will restrict commercial signage and exterior lighting. Future expansions of the use would require an SUP amendment.
Community Character	No Mitigation Required	-This segment of Ironbound Road is in a Community Character Corridor (CCC). -Existing façade and landscaping maintain the property's residential character, and parking is not located directly on the CCC as recommended by the Comprehensive Plan.

PROPOSED SUP CONDITIONS

Proposed conditions are provided as Attachment No. 1.

STAFF RECOMMENDATION

Approval, subject to the conditions in the attached resolution.

TC/md
SUP19-16-3021IrnbdRd

Attachments:
1. Resolution
2. Location Map
3. Master Plan
4. SUP-0004-2018 (expired)
5. Unapproved Minutes of the October 2, 2019 Planning Commission Meeting

RESOLUTION

CASE NO. SUP-19-0016. 3021 IRONBOUND ROAD TOURIST HOME

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

WHEREAS, Ms. Sharon Dennis has applied for an SUP to allow for the operation of a tourist home located on property consisting of approximately 0.69 acres zoned R-8, Rural Residential, located at 3021 Ironbound Road, further identified as James City County Real Estate Tax Map Parcel No. 4710100067 (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on October 2, 2019, recommended approval of Case No. SUP-19-0016 by a vote of 6-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-19-0016; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2035 Comprehensive Plan Land Use Map designation for the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-19-0016 as described herein with the following conditions:

1. *Master Plan*: This SUP shall permit a tourist home on property located at 3021 Ironbound Road, further identified as James City County Real Estate Tax Map Parcel No. 4710100067 (the "Property"). The use and layout of the Property shall be generally consistent with the document titled "JCC SUP-19-0016: 3021 Ironbound Road Tourist Home" and date stamped August 19, 2019 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended. This condition does not restrict improvements typical of a residential property as determined by the Director of Planning.

2. *Commencement*: An updated Certificate of Occupancy and evidence of a business license shall be provided to the Director of Planning within twelve (12) months from the issuance of this SUP, or this SUP shall automatically become void.

3. *Number of Rental Rooms and Occupants*: There shall be no more than two (2) bedrooms available for rent to visitors, and no more than six (6) rental occupants total at any one time.

4. *Contracts per Rental Period*: There shall not be simultaneous rentals of the Property under separate contracts.

5. *Signage*: No signage related to the tourist home shall be permitted on the Property.

6. *Parking*: Off-site parking for the tourist home shall be prohibited. No oversized commercial vehicles associated with rental occupants of the tourist home such as, but not limited to, buses, and commercial trucks and trailers shall be allowed to park on the Property.

7. *Severance Clause*: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

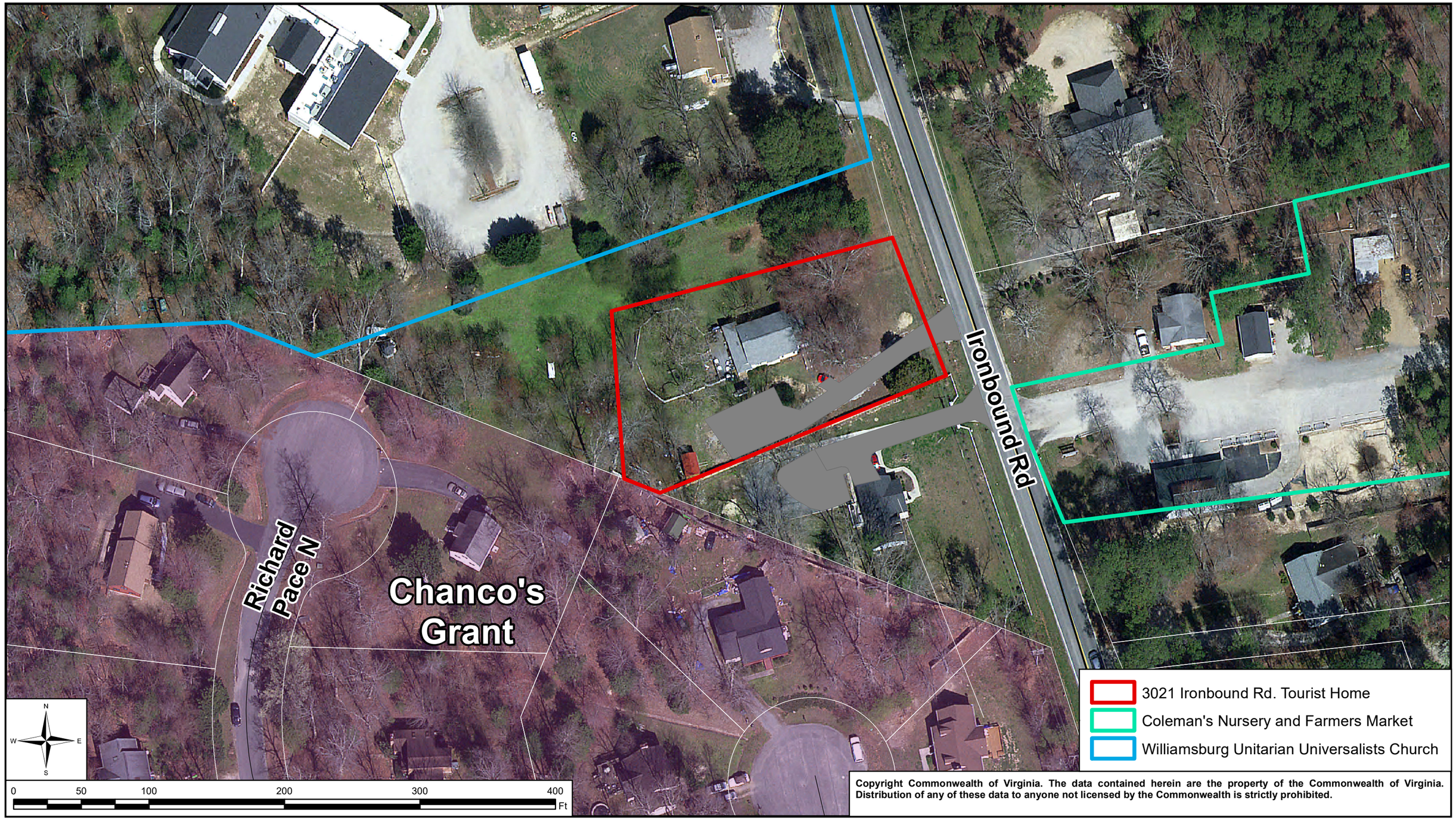
_____
Teresa J. Fellows
Deputy Clerk to the Board

VOTES

	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

JCC SUP-19-0016
3021 Ironbound Rd. Tourist Home



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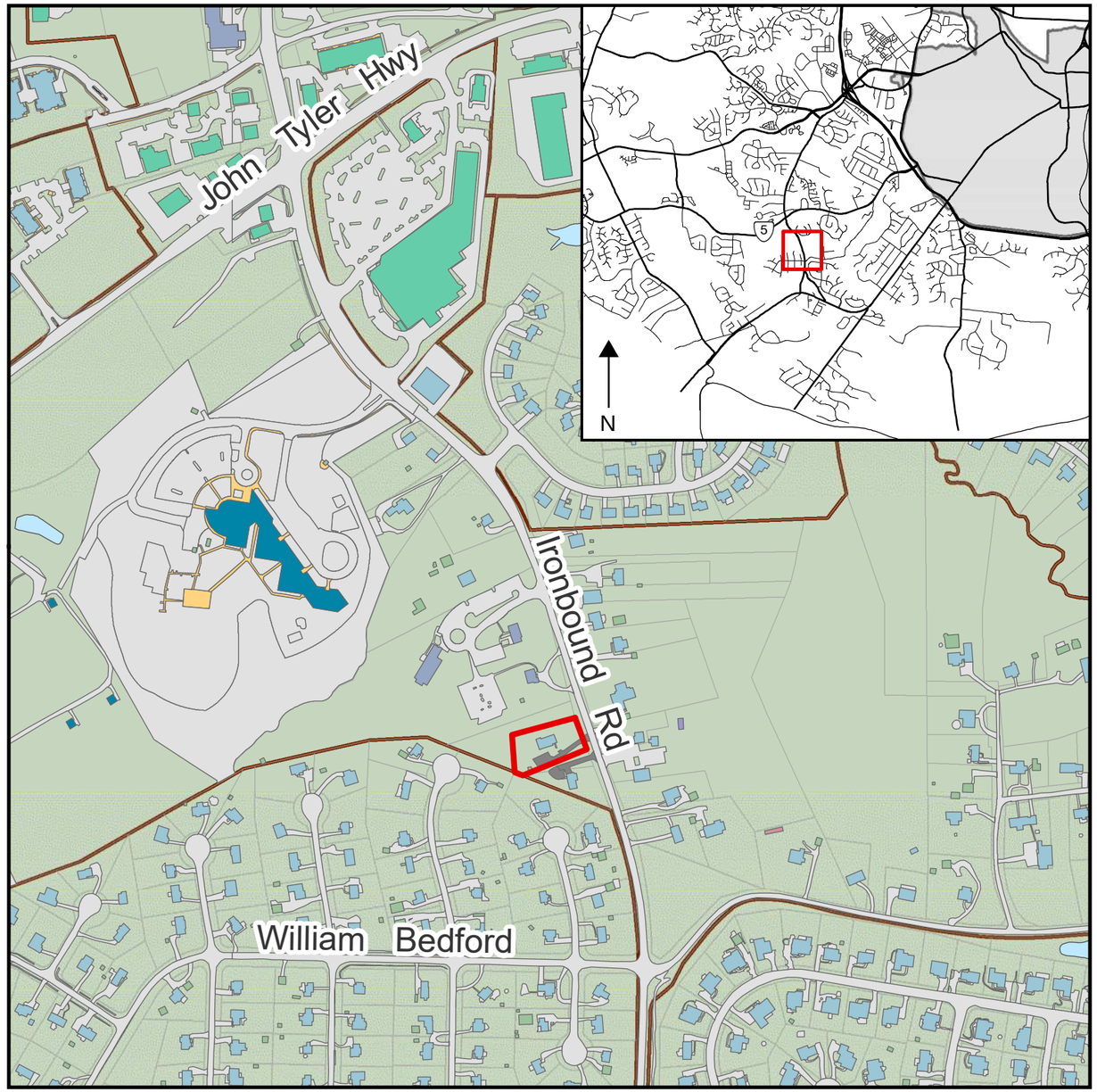
SUP-19-0016, 3021 Ironbound Rd. Tourist Home Master Plan

Property Information

4710100067
Mark Collins
3021 Ironbound Road
Williamsburg, VA 23185
Zoning: R8, Rural Residential
Comp. Plan: Low Density Residential
Acres: ±0.69

General Notes

1. Site is served by public water and sewer.
2. Property is not located in a FEMA Floodplain zone.
3. Property does not contain Resource Protection Area.
4. Property has an existing gravel driveway.
5. A minimum of two parking spots shall be provided (one parking spot per bedroom).



Maps Not To Scale

Adjacent Properties

4710100067A
Sharon Dennis
3025 Ironbound Road
Williamsburg, VA 23185
R8, Rural Residential

4710400036
Phana Tung
2908 Robert Hunt North
Williamsburg, VA 23185
R8, Rural Residential

4710100073
Ryan Newsom
3020 Ironbound
Williamsburg, VA 23185
R8, Rural Residential

4710100074
Clockwork Angels LLC
3004 Ironbound Road
Williamsburg, VA 23185
R8, Rural Residential

4710100068
Armando Holdings LLC
3001 Ironbound Road
Williamsburg, VA 23185
R8, Rural Residential

4710100075
Clockwork Angels LLC
3000 Ironbound Road
Williamsburg, VA 23185
R8, Rural Residential

Sheet Index

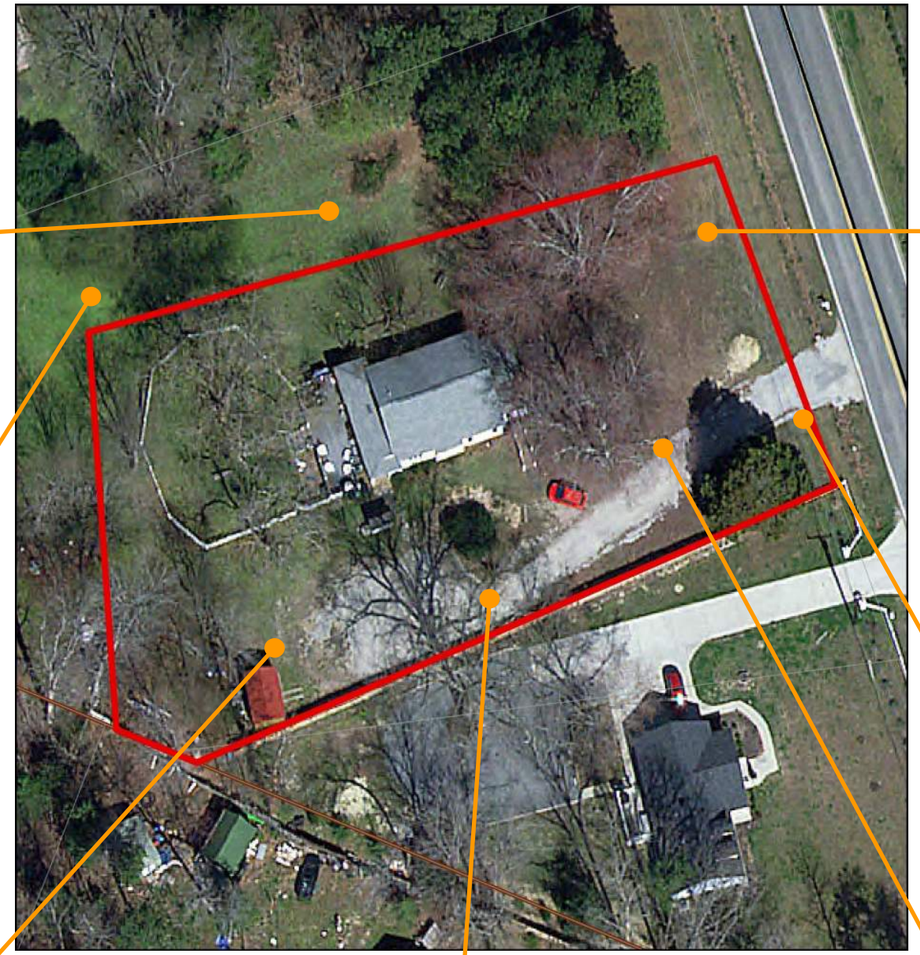
1. Cover Page
2. Site Photos

Planning Division

Aug 19 2019

Received

JCC SUP-19-0016
3021 Ironbound Rd. Tourist Home



RESOLUTION

CASE NO. SUP-0004-2018. 3021 IRONBOUND ROAD TOURIST HOME

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

WHEREAS, Ms. Sharon Dennis has applied for an SUP to allow for the operation of a tourist home on property consisting of approximately 0.69 acres zoned R-8, Rural Residential, located at 3021 Ironbound Road and further identified as James City County Real Estate Tax Map Parcel No. 4710100067; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. SUP-0004-2018; and

WHEREAS, the Planning Commission, following its public hearing on June 6, 2018, voted 6-0 to recommend approval of this application; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the recommendations of the Comprehensive Plan adopted in 2015, "*Toward 2035: Leading the Way*."

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the County Code, hereby approves the issuance of SUP-0004-2018 as described herein with the following conditions:

1. **Master Plan:** This SUP shall permit a tourist home on property located at 3021 Ironbound Road and further identified as James City County Real Estate Tax Map Parcel No. 4710100067 (the "Property"). The use and layout of the Property shall be generally as shown on the document entitled "JCC SUP-0004-2018: 3021 Ironbound Rd. Tourist Home Master Plan" and date stamped May 21, 2018 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended. This condition does not restrict improvements typical of a residential property as determined by the Director of Planning.

2. **Commencement:** An updated Certificate of Occupancy and evidence of a business license shall be provided to the Director of Planning within 12 months from issuance of this SUP or this SUP shall become void.

3. **Number of Rental Rooms Occupants:** There shall be no more than two bedrooms available for rent to visitors and no more than six rental occupants total at any one time.

4. **Signage:** No signage related to the tourist home shall be permitted on the Property.

5. **Parking:** Off-site parking for the tourist home shall be prohibited. No oversized commercial vehicles, such as but not limited to buses, commercial trucks and

trailers associated with rental occupants of the tourist home shall be allowed to park on the Property.

6. **Contracts per Rental Period:** There shall not be simultaneous rentals of the Property under separate contracts.

7. **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

James O. Icenhour, Jr.
Vice Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
MCGLENNON	✓			
ICENHOUR	✓			
SADLER	✓			
HIPPLE	✓			
LARSON				✓

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July, 2018.

SUP04-18-3021IrnbndRd-res

Unapproved Minutes of the October 2, 2019
Planning Commission Regular Meeting

SUP-19-0016. 3021 Ironbound Road Tourist Home

Ms. Terry Costello, Deputy Zoning Administrator, stated that Ms. Sharon Dennis has applied for an SUP to allow the operation of a Tourist Home at 3021 Ironbound Road. Ms. Costello stated that the SUP will allow for the short-term rental of a 2-bedroom home with no changes to the size or footprint of the home. Ms. Costello further stated that the property is zoned R-8, Rural Residential, is designated Low Density Residential on the Comprehensive Plan Land Use map, and is located inside the Primary Service Area (PSA), as are all surrounding parcels.

Ms. Costello stated that staff considered the home's location, parking provisions, and screening to be favorable factors in the evaluation of this application. Ms. Costello further stated that the property has an existing driveway and parking area sufficient to accommodate guests, and is screened from adjacent properties through fencing and vegetation. Ms. Costello stated that staff is recommending conditions which are intended to mitigate the impacts of the use and preserve the residential character of the home. Ms. Costello stated that such conditions include limitations on the number of rooms rented and total number of rental occupants per stay.

Ms. Costello stated that staff notes that there was a previously approved SUP for a tourist home which expired due to a condition not being met within the required time frame.

Ms. Costello stated that staff finds the proposal to be compatible with the 2035 Comprehensive Plan, Zoning Ordinance, and surrounding development, and recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the conditions included in tonight's packet.

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearing.

As no one wished to speak, Mr. Haldeman closed the Public Hearing.

Mr. Haldeman opened the floor for questions from the Commission.

Mr. Krapf made a motion to recommend approval of the application.

On a roll call vote, the Commission voted to recommend approval of SUP-19-0016. 3021 Ironbound Road Tourist Home. (6-0)

AGENDA ITEM NO. H.2.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Elizabeth Parman, Assistant County Attorney

SUBJECT: Ordinance to Amend County Code Section 15-5 to Require Fencing around Junkyards

---

ATTACHMENTS:

	Description	Type
	Memo	Cover Memo
	Ordinance	Ordinance
	Final Ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	10/21/2019 - 1:47 PM
Publication Management	Daniel, Martha	Approved	10/21/2019 - 1:51 PM
Legal Review	Kinsman, Adam	Approved	10/21/2019 - 1:53 PM
Board Secretary	Fellows, Teresa	Approved	10/28/2019 - 8:46 AM
Board Secretary	Purse, Jason	Approved	11/5/2019 - 9:17 AM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 9:59 AM

M E M O R A N D U M

DATE: November 12, 2019

TO: The Board of Supervisors

FROM: Elizabeth Parman, Assistant County Attorney

SUBJECT: Ordinance to Amend County Code Section 15-5 to Require Fencing around Junkyards

---

Va. Code § 15.2-903 permits localities to regulate "the maintenance and operation of places commonly known as automobile graveyards and junkyards."

County Code Section 15-5 currently requires persons operating an automobile graveyard, as defined in Va. Code § 33.2-804, to obtain a special use permit, pay a license tax, and maintain a fence or hedge around any part of the automobile graveyard that is within 1,000 feet of any highways compromising the state highway system. This section of the County Code does not have any requirements for junkyards though Va. Code § 15.2-903 allows localities to regulate junkyards.

The proposed ordinance revises County Code Section 15-5 to require fencing around portions of junkyards that are within 1,000 feet of a highway.

EP/md
OA-S15-5JnkydFnce-mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, OFFENSES-MISCELLANEOUS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 15-5, AUTOMOBILE GRAVEYARDS REGULATED, AND MADE SUBJECT TO LICENSE TAX.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 15, Offenses-Miscellaneous, is hereby amended and reordained by amending Section 15-5, Automobile graveyards regulated, and made subject to license tax.

Chapter 15. Offenses-Miscellaneous

Sec. 15-5. Automobile graveyards*, and junkyards regulated*, and made subject to license tax.

An automobile graveyard is, as defined in *Code of Va. §* ~~Section~~ 33.2~~1~~-*804,*~~348 of the Code of Virginia,~~ any lot or place which is exposed to the weather and upon which more than five motor vehicles of any kind *that are*~~,~~ incapable of being operated~~,~~ and which it would not be economically practical to make operative, are placed, located or found.

A junkyard is, as defined in Code of Va. § 33.2-804, an establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk or for the maintenance or operation of an automobile graveyard. "Junkyard" includes garbage dumps and sanitary landfills.

Junk, as defined in Code of Va. § 33.2-804, means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, or waste; junked, dismantled, or wrecked automobiles or parts thereof; and old or scrap iron, steel, or other ferrous or nonferrous material.

The location of any automobile graveyard within this county shall require a special use permit issued by the board of supervisors and shall be subject to a quarterly license tax in the amount of $50.00. No automobile graveyard shall commence or continue to operate without payment of such quarterly license tax.

Any person who maintains a site, lot or place as an automobile graveyard *or as a junkyard*, any part of which is within 1,000 feet of any highway comprising a part of the state highway system, shall erect and maintain a fence or hedge around such automobile graveyard *or junkyard*.

Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

(1-31-64; Ord. No. 56A-4, 12-2-85)

State law reference - Authority of county to enact this section, Code of Va., § 15.2-903; for state law applicable to automobile graveyards and junkyards, Code of Va., § 33.2~~1~~-*804*~~348~~.

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa Fellows
Deputy Clerk to the Board

VOTES	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

OA-S15-5JnkydFnce-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, OFFENSES-MISCELLANEOUS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 15-5, AUTOMOBILE GRAVEYARDS REGULATED, AND MADE SUBJECT TO LICENSE TAX.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 15, Offenses-Miscellaneous, is hereby amended and reordained by amending Section 15-5, Automobile graveyards regulated, and made subject to license tax.

Chapter 15. Offenses-Miscellaneous

Sec. 15-5. Automobile graveyards, and junkyards regulated, and made subject to license tax.

An automobile graveyard is, as defined in Code of Va. § 33.2-804, any lot or place which is exposed to the weather and upon which more than five motor vehicles of any kind that are incapable of being operated and which it would not be economically practical to make operative, are placed, located or found.

A junkyard is, as defined in Code of Va. § 33.2-804, an establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk or for the maintenance or operation of an automobile graveyard. "Junkyard" includes garbage dumps and sanitary landfills.

Junk, as defined in Code of Va. § 33.2-804, means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, or waste; junked, dismantled, or wrecked automobiles or parts thereof; and old or scrap iron, steel, or other ferrous or nonferrous material.

The location of any automobile graveyard within this county shall require a special use permit issued by the board of supervisors and shall be subject to a quarterly license tax in the amount of $50.00. No automobile graveyard shall commence or continue to operate without payment of such quarterly license tax.

Any person who maintains a site, lot or place as an automobile graveyard or as a junkyard, any part of which is within 1,000 feet of any highway comprising a part of the state highway system, shall erect and maintain a fence or hedge around such automobile graveyard or junkyard.

Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

(1-31-64; Ord. No. 56A-4, 12-2-85)

State law reference - Authority of county to enact this section, Code of Va., § 15.2-903; for state law applicable to automobile graveyards and junkyards, Code of Va., § 33.2-804.

OA-S15-5JnkydFnce-ord-final

AGENDA ITEM NO. H.3.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Elizabeth Parman, Assistant County Attorney

SUBJECT: Conveyance of Real Property – 1653 Green Mount Parkway

---

ATTACHMENTS:

	Description	Type
	Memo	Cover Memo
	Exhibit	Exhibit
	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	10/22/2019 - 12:31 PM
Publication Management	Burcham, Nan	Approved	10/22/2019 - 1:28 PM
Legal Review	Kinsman, Adam	Approved	10/22/2019 - 1:32 PM
Board Secretary	Fellows, Teresa	Approved	10/28/2019 - 8:46 AM
Board Secretary	Purse, Jason	Approved	11/5/2019 - 9:15 AM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 9:58 AM

M E M O R A N D U M

DATE: November 12, 2019

TO: The Board of Supervisors

FROM: Elizabeth Parman, Assistant County Attorney

SUBJECT: Conveyance of Real Property - 1653 Green Mount Parkway

---

James City County (the "County") currently owns a certain parcel of land located in the County of James City at 1653 Green Mount Parkway and further identified as James City County Real Estate Tax Map Parcel No. 6010100004B (the "Property").

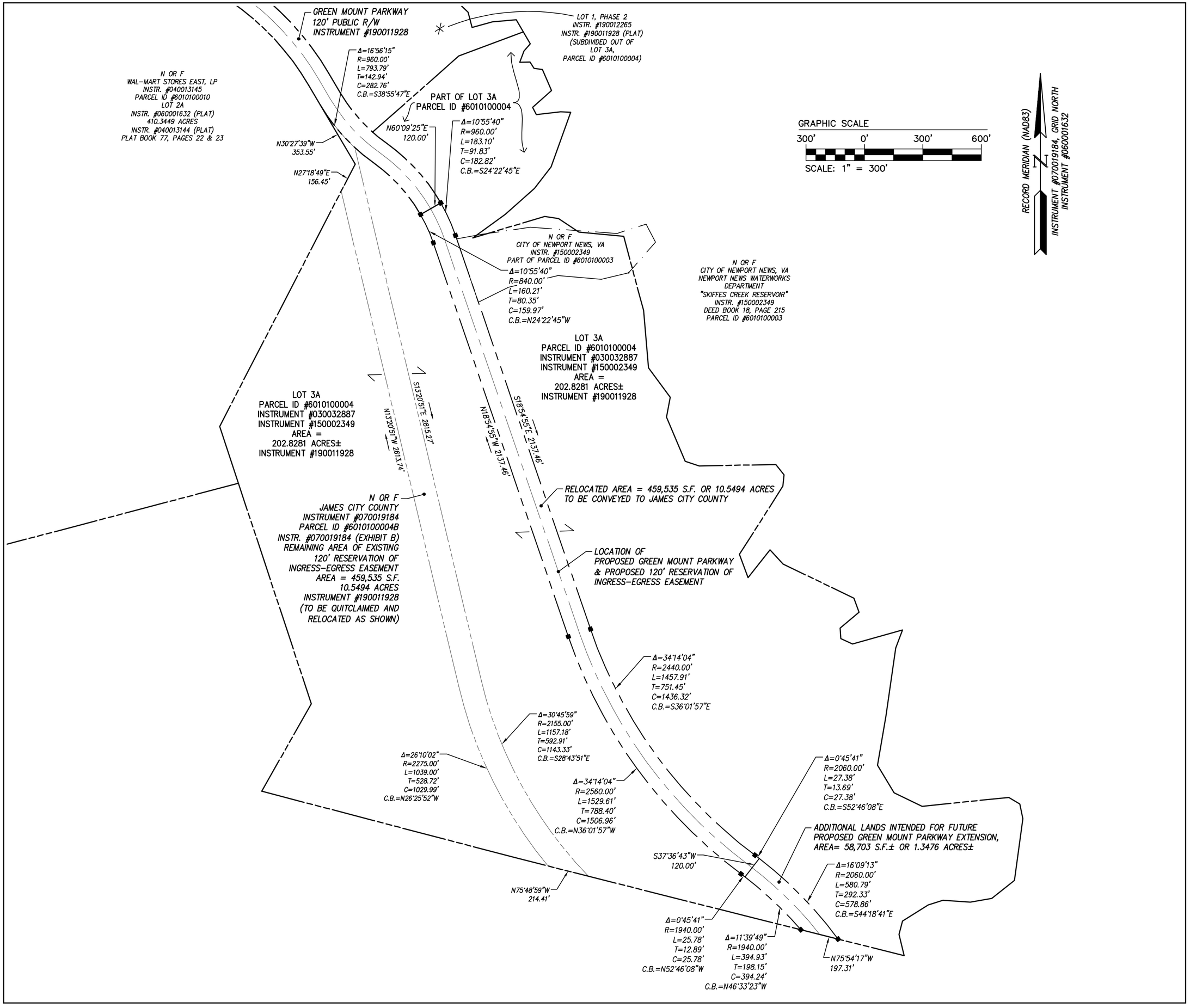
Green Mount Associates, L.L.C. ("Green Mount") conveyed the Property to the County in 2007 for a road. The Property is not best suited for road construction and the County desires to exchange the Property for a comparably sized parcel situated approximately 400 feet to the east to better serve the surrounding industrial zone.

Therefore Green Mount proposes to convey to the County the land designated as "Relocated Area" in exchange for the Property as depicted on the attached exhibit (the "Exhibit"). Green Mount proposes to reserve a 120-foot ingress egress easement so that it may continue to traverse the Relocated Area.

Staff recommends that the Board of Supervisors authorize the County Administrator to convey the Property designated for quitclaim on the Exhibit and authorize the County Administrator to sign those documents necessary to accept the Relocated Area as designated on the Exhibit.

EP/nb
ConvyRP-1653GMtPky-mem

Attachment



Rev.	Date	Description	Reviewed By
1	10-17-19	UPDATED PER REQUESTED REVISIONS	SJB

AES CONSULTING ENGINEERS
5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 253-0040
Fax: (757) 220-8994
www.aesva.com
Hampton Roads | Central Virginia | Middle Peninsula

EXHIBIT SHOWING RELOCATED JAMES CITY COUNTY 120' RESERVATION OF INGRESS-EGRESS EASEMENT AND ADDITIONAL LANDS ADDED INTO 120' RESERVATION OF INGRESS-EGRESS EASEMENT

ROBERTS DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	SJB / CMA
Project Number:	W10231-10
Scale: 1" = 400'	Date: 10-15-2019
Sheet Number	1 OF 1

R E S O L U T I O N

CONVEYANCE OF REAL PROPERTY - 1653 GREEN MOUNT PARKWAY

WHEREAS, James City County (the "County") currently owns a certain parcel of land located in the County of James City at 1653 Green Mount Parkway and further identified as James City County Real Estate Tax Map Parcel No. 6010100004B (the "Property"); and

WHEREAS, the County purchased the Property on June 29, 2007, from Green Mount Associates, L.L.C. ("Green Mount") for a planned public road; and

WHEREAS, the Property is not best suited for road construction and the County desires to exchange the Property for a comparably sized parcel situated approximately 400 feet to the east (the "Relocated Area"); and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that the County should convey the Property to Green Mount in exchange for the Relocated Area.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute those documents necessary to convey the Property to Green Mount Associates, L.L.C. and to accept the Relocated Area.

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

ConvyRP-1653GMtPky-res

AGENDA ITEM NO. H.4.

ITEM SUMMARY

DATE:	11/12/2019
TO:	The Board of Supervisors
FROM:	Adam R. Kinsman, County Attorney and Paul D. Holt, Director of Community Development
SUBJECT:	Amendment of JCC Code 13-13.1 and creation of 13-13.2 to Regulate Motorized Skateboards and Scooters

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ATTACHMENTS:

	Description	Type
	memo	Cover Memo
	ordinance (final)	Ordinance
	ordinance (markup)	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	10/25/2019 - 7:42 AM
Publication Management	Daniel, Martha	Approved	10/25/2019 - 8:14 AM
Legal Review	Kinsman, Adam	Approved	10/28/2019 - 8:36 AM
Board Secretary	Fellows, Teresa	Approved	10/28/2019 - 8:45 AM
Board Secretary	Purse, Jason	Approved	11/5/2019 - 9:15 AM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 9:57 AM

M E M O R A N D U M

DATE: November 12, 2019

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney
Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Amendment to County Code 13-13.1 and Creation of County Code 13-13.2

At its 2019 session, the General Assembly amended the Virginia Code to grant localities the option of regulation of the operation of motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire, provided that such regulations are in place by January 1, 2020. There are currently no such companies operating in James City County, but it is expected that one or more will seek to do so in the near future, so it is important to have regulations in place prior to their arrival. The County Code already prohibits the use of motorized skateboards and scooters on designated sidewalks or crosswalks in the County and the proposed regulations will allow the Board to consider conditions associated with their use on undesignated (i.e., such use is permissible) sidewalks or crosswalks.

Additionally, we have proposed several changes to existing County Code Section 13-13.1 that bring it into conformance with the Virginia Code. The most notable change is to address and limit the use of "electric personal assistive mobility devices" (e.g., Segways) and "electric personal delivery devices" (e.g., robotic delivery devices) on sidewalks and crosswalks.

We recommend adoption of the attached Ordinance.

ARK/PDH/md
ORD13-1-2Skbd-Sctr-mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 13-13.1, OPERATION OF BICYCLES, ROLLER SKATES, SKATEBOARDS, MOTORIZED SKATEBOARDS OR SCOOTERS, MOTOR-DRIVEN CYCLES, AND ELECTRIC POWER-ASSISTED BICYCLES ON SIDEWALKS, CROSSWALKS, AND SHARED-USE PATHS; AND BY ADDING SECTION 13-13.2, LICENSE FOR THE OPERATION OF MOTORIZED SKATEBOARDS OR SCOOTERS, BICYCLES, OR ELECTRIC POWER-ASSISTED BICYCLES FOR HIRE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by Amending Article I, In General, Section 13-13.1, Operation of bicycles, roller skates, skateboards, motorized skateboards or scooters, motor-driven cycles, and electric power-assisted bicycles on sidewalks, crosswalks, and shared-use paths; and by adding Section 13-13.2, License for the operation of motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire.

Chapter 13. Motor Vehicles and Traffic

Article I. In General

Sec. 13-13.1. Operation of bicycles, roller skates, skateboards, motorized skateboards or scooters, motor-driven cycles, and electric power-assisted bicycles on sidewalks, crosswalks, and shared-use paths.

(a) The use of roller skates, skateboards and electric personal delivery devices and/or the riding of bicycles, electric personal assistive mobility devices, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycles is prohibited on designated sidewalks or crosswalks, including those of any church, school, recreational facility, or any business property open to the public where such activity is prohibited. Signs indicating any prohibition shall be conspicuously posted in general areas where use of roller skates, skateboards, and electric personal delivery devices, and/or bicycle, electric personal assistive mobility devices, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycle riding is prohibited.

(b) A person riding a bicycle, electric personal assistive mobility device, motorized skateboard or scooter, motor-driven cycle, or an electric power-assisted bicycle on a sidewalk, shared-use path, or across a roadway on a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian. An electric personal delivery device shall yield the right-of-way to any pedestrian.

(c) No person shall ride a bicycle, electric personal assistive mobility device, motorized skateboard or scooter, motor-driven cycle, or an electric power-assisted bicycle or operate an electric personal delivery device on a sidewalk, or across a roadway on a crosswalk, where such use of bicycles, electric personal assistive mobility devices, electric personal delivery devices, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycles is prohibited by official traffic control devices. No person shall park a bicycle, electric power-assisted bicycle, or motorized skateboard or scooter in a manner that impedes the normal movement of pedestrian or other traffic or where such parking is prohibited by official traffic control devices.

(d) A person riding a bicycle, electric personal assistive mobility device, motorized skateboard or scooter, motor-driven cycle, or an electric power-assisted bicycle on a sidewalk, shared-use path, or across a roadway on a crosswalk, shall have all the rights and duties of a pedestrian under the same circumstances. An electric personal delivery device operated on a sidewalk or shared-use path or across a roadway on a crosswalk shall have all the rights and duties of a pedestrian under the same circumstances.

(e) Upon application, the county administrator or his designee may designate those public sidewalks in the county upon which all or any part of such prohibition shall apply.

(f) A violation of any ordinance adopted pursuant to this section shall be punishable by a civil penalty of $50.

Sec. 13-13.2. License for the operation of motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire.

(a) Definitions.
   1. "Shared Mobility Device" (SMD) means any motorized skateboard or scooter, bicycle, or electric power-assisted bicycle which is offered by the owner thereof for rent to the public for a fee.
   2. The terms "motorized skateboard or scooter," "bicycle," and "electric power-assisted bicycle" shall have the meaning set out for those terms in Code of Virginia, § 46.2-100.
   3. "Shared Mobility Program" (SMP) means the method by which the owner of one or more SMDs makes devices available for rental by the public.

(b) Application Procedure:
   1. Any individual, organization, or entity may apply to the clerk of the board of supervisors for a license to operate a SMP and/or locate one or more SMDs in the county.
   2. At a minimum, each license application shall include the following:
      i. The full legal name of the individual, organization, or entity making the application;
      ii. The type and number of SMDs to be operated in the county;
      iii. Each sidewalk to be used by SMDs; and
      iv. An application fee of $250.00.
   3. Following consideration of the application, the board of supervisors may approve or deny the license application. In approving the application, the board of supervisors may limit the area of operation of the SMDs and/or may impose conditions it deems necessary to protect the health, safety, and welfare of the citizens of the county.

(c) Any individual, organization, or entity found to be operating a SMP in the County without first obtaining a license shall be punishable by a civil penalty of $50.00 per unpermitted SMD. Each day of violation shall constitute a separate offense.

State law reference - Code of Va. § 46.2-1315.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 13-13.1, OPERATION OF BICYCLES, ROLLER SKATES, SKATEBOARDS, MOTORIZED SKATEBOARDS OR SCOOTERS, MOTOR-DRIVEN CYCLES, AND ELECTRIC POWER-ASSISTED BICYCLES ON SIDEWALKS, CROSSWALKS, AND SHARED-USE PATHS; AND BY ADDING SECTION 13-13.2, LICENSE FOR THE OPERATION OF MOTORIZED SKATEBOARDS OR SCOOTERS, BICYCLES, OR ELECTRIC POWER-ASSISTED BICYCLES FOR HIRE.

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Chapter 13. Motor Vehicles and Traffic

Article I. In General

Sec. 13-13.1. Operation of bicycles, roller skates, skateboards, motorized skateboards or scooters, motor-driven cycles, and electric power-assisted bicycles on sidewalks, crosswalks, and shared-use paths.

(a) ~~No person shall use or ride~~*The use of* roller skates*,* ~~or~~ skateboards *and electric personal delivery devices and/or the riding of*~~,~~ bicycles, *electric personal assistive mobility devices,* motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycles *is prohibited* on designated sidewalks or crosswalks, including those of any church, school, recreational facility, or any business property open to the public where such activity is prohibited. Signs indicating any prohibition shall be conspicuously posted in general areas where use of roller skates, ~~and~~ skateboards*, and electric personal delivery devices* ~~and~~*, and/*or bicycle, *electric personal assistive mobility devices,* motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycle riding is prohibited.

(b) A person riding a bicycle, *electric personal assistive mobility device,* motorized skateboard or scooter, motor-driven cycle, or an electric power-assisted bicycle on a sidewalk, shared-use path, or across a roadway on a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian. *An electric personal delivery device shall yield the right-of-way to any pedestrian.*

(c) No person shall ride a bicycle, *electric personal assistive mobility device,* motorized skateboard or scooter, motor-driven cycle, or an electric power-assisted bicycle or *operate an electric personal delivery device* on a sidewalk, or across a roadway on a crosswalk, where such use of bicycles,

electric personal assistive mobility devices, electric personal delivery devices, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycles is prohibited by official traffic control devices. *No person shall park a bicycle, electric power-assisted bicycle, or motorized skateboard or scooter in a manner that impedes the normal movement of pedestrian or other traffic or where such parking is prohibited by official traffic control devices.*

(d) A person riding a bicycle, *electric personal assistive mobility device,* motorized skateboard or scooter, motor-driven cycle, or an electric power-assisted bicycle on a sidewalk, shared-use path, or across a roadway on a crosswalk, shall have all the rights and duties of a pedestrian under the same circumstances. *An electric personal delivery device operated on a sidewalk or shared-use path or across a roadway on a crosswalk shall have all the rights and duties of a pedestrian under the same circumstances.*

(e) Upon application, the county administrator or his designee may designate those public sidewalks in the county upon which all or any part of such prohibition shall apply.

(f) A violation of any ordinance adopted pursuant to this section shall be punishable by a civil penalty of $50.

Sec. 13-13.2. License for the operation of motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire.

(a) Definitions.
1. *"Shared Mobility Device" (SMD) means any motorized skateboard or scooter, bicycle, or electric power-assisted bicycle which is offered by the owner thereof for rent to the public for a fee.*
2. *The terms "motorized skateboard or scooter," "bicycle," and "electric power-assisted bicycle" shall have the meaning set out for those terms in Code of Virginia, § 46.2-100.*
3. *"Shared Mobility Program" (SMP) means the method by which the owner of one or more SMDs makes devices available for rental by the public.*

(b) Application Procedure:
1. *Any individual, organization, or entity may apply to the clerk of the board of supervisors for a license to operate a SMP and/or locate one or more SMDs in the county.*
2. *At a minimum, each license application shall include the following:*
   i. *The full legal name of the individual, organization, or entity making the application;*
   ii. *The type and number of SMDs to be operated in the county;*
   iii. *Each sidewalk to be used by SMDs; and*
   iv. *An application fee of $250.00.*
3. *Following consideration of the application, the board of supervisors may approve or deny the license application. In approving the application, the board of supervisors may limit the area of operation of the SMDs and/or may impose conditions it deems necessary to protect the health, safety, and welfare of the citizens of the county.*

(c) Any individual, organization, or entity found to be operating a SMP in the County without first obtaining a license shall be punishable by a civil penalty of $50.00 per unpermitted SMD. Each day of violation shall constitute a separate offense.

State law reference - Code of Va. § 46.2-1315.

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR			

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

ORD13-1-2Skbd-Sctr-ord

AGENDA ITEM NO. H.5.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Tom Leininger, Planner

SUBJECT: AFD-19-0001. 7150 Richmond Road, Hill Pleasant Farm AFD Withdrawal

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ATTACHMENTS:

	Description	Type
	Staff Report	Staff Report
	Ordinance	Backup Material
	Location Map	Backup Material
	Hill Pleasant Farm Adopted Resolution	Backup Material
	Policy Governing the Withdrawals of Property from AFDs	Backup Material
	Rochambeau Solar AFD Narrative	Backup Material
	Master Plan	Backup Material
	Unapproved AFD Advisory Committee Minutes	Backup Material
	Unapproved October 2, 2019 Planning Commission Minutes	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	10/24/2019 - 8:00 AM
Development Management	Holt, Paul	Approved	10/24/2019 - 8:01 AM
Publication Management	Burcham, Nan	Approved	10/24/2019 - 8:08 AM
Legal Review	Kinsman, Adam	Approved	10/24/2019 - 8:13 AM
Board Secretary	Fellows, Teresa	Approved	10/28/2019 - 8:45 AM
Board Secretary	Purse, Jason	Approved	11/5/2019 - 9:15 AM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 9:57 AM

SUMMARY FACTS

Applicant:	Mr. Ben Vollmer, Strata Solar Development
Land Owner:	Hill Pleasant Farm, Inc.
Proposal:	Withdrawal of 192.76 acres of 391.30 total acre parcel from Hill Pleasant Farms Agricultural and Forestal District (AFD).
Location:	7150 Richmond Road
Tax Map/Parcel No.	2410100005
Parcel Size:	391.30 acres
Zoning:	A-1, General Agricultural
Comprehensive Plan:	Economic Opportunity Rural Lands
Primary Service Area (PSA):	Outside
Staff Contact:	Tom Leininger, Planner

PUBLIC HEARING DATES

AFD Advisory Committee:	July 25, 2019, 4:00 p.m.
Planning Commission:	October 2, 2019, 6:00 p.m.
Board of Supervisors:	November 12, 2019, 5:00 p.m.

FACTORS FAVORABLE

1. Request meets several of the criteria set forth in the Board of Supervisors' policy governing the withdrawal of property from AFDs.

FACTORS UNFAVORABLE

1. Request does not fully meet all four criteria set forth in the Board's policy. See attached staff analysis.

STAFF RECOMMENDATION

The adopted Board of Supervisors' policy governing withdrawal of property from AFDs states that "it is the policy of the Board to discourage the withdrawal of properties from AFDs during the terms of those districts." This withdrawal request was submitted approximately nine months after the most recent renewal of the Hill Pleasant Farm AFD in September 2018. Staff finds that this request does not fully meet all four of the criteria set forth in the Board's policy. As such, staff recommends that the Board of Supervisors deny this withdrawal application.

AFD ADVISORY COMMITTEE RECOMMENDATION

At its July 25, 2019 meeting, the AFD Advisory Committee voted 8-0 to recommend the approval of the withdrawal request to the Planning Commission and Board of Supervisors.

PLANNING COMMISSION RECOMMENDATION

At its October 2, 2019 meeting, the Planning Commission voted 4-2 to recommend approval of the withdrawal request to the Board of Supervisors.

CHANGES SINCE PLANNING COMMISSION MEETING

None.

DISTRICT HISTORY

- The Hill Pleasant Farms AFD was created in 1986 for a term of four years and originally consisted of two parcels totaling ± 504 acres.
- The District was renewed in 1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018 for periods of four years, during which time various withdrawals and additions took place.
- During the 2018 renewal process, the Williamsburg Pottery Factory withdrew 27 acres.

DISTRICT DESCRIPTION

LAND OWNERS	PARCEL ID	ACRES
Margaret S. Stevens	2410100004	105.82
Hill Pleasant Farm, Inc.	2410100005	391.30
Hill Pleasant Farm, Inc.	*2410100005*	*192.76**
Wayne A. Moyer	2410100015D	32.27
TOTAL ACRES		336.63

**Requesting Partial Withdrawal*

Except for a few residences, all acreage in this District is in agriculture or forestal uses. The properties have been managed in the past for food and fiber production and have the potential to support significant agriculture and commercial timber operations. All the land in this District is zoned A-1, General Agricultural, and is located outside of the PSA. The majority of the land in this District is designated Economic Opportunity by the adopted Comprehensive Plan, with the remainder designated Rural Lands.

WITHDRAWAL REQUESTS/WITHDRAWAL ANALYSIS

The owner of the property located at 7150 Richmond Road (Parcel ID No. 2410100005) has requested to withdraw 192.76 acres of their 391.30 total acre parcel from the AFD (Attachment No. 6). The remaining 198.54 acres would remain in the AFD. The requested withdrawal is to allow for the submittal of a Special Use Permit (SUP) for a 20-megawatt alternate current solar farm. Per Hill Pleasant Farm AFD Condition No. 3c (Attachment No. 3), no SUP shall be issued except for agricultural, forestal, or other activities and uses consistent with the Virginia Agricultural and Forestal District Act.

On September 28, 2010, the Board of Supervisors adopted a policy and withdrawal criteria for AFD parcels. That policy is enclosed (Attachment No. 4) and the withdrawal criteria are listed below with staff comments following in italics.

A. The request is caused by a change in circumstances that could not have been anticipated at the time the application was made for inclusion in the District.

   Historically, a change in circumstances has been interpreted to include "death of a property owner" as stated in the State Code, but has not included new opportunities for development of a property. The withdrawal policy, as adopted by the Board of Supervisors, states that it is the policy of the Board of Supervisors to discourage the withdrawal of properties from AFDs during the terms of those districts.

B. The request would serve a public purpose, as opposed to the proprietary interest of the landowner that could not otherwise be realized upon expiration of the AFD.

   Although the proposed solar farm would potentially provide a community benefit by supplying energy to the adjacent communities, staff finds that this does not fulfill the requirement

of Criteria B. Staff interprets "public purpose" as using the land for a public facility such as a school or fire station.

C. The request would not cause damage or disruption to the existing District.

With this withdrawal, the District will include a total of 331.63 acres, and will thus continue to meet minimum acreage requirements.

D. If the request for withdrawal is in conjunction with a proposal to convert the land use of a property to a different use than is currently in place, the new land use would be in conformance with the Comprehensive Plan.

The Comprehensive Plan designates this parcel as Economic Opportunity (EO) and Rural Lands. The location of the solar farm is located in an area designated EO. The 2035 Comprehensive Plan states that land designated EO should be developed based on a master plan for the area. Currently, a master plan has not been adopted. The proposed solar farm would have a lease agreement of 30-35 years and then the land would return to its pre-developed state based on a decommissioning plan. Although a solar farm is not directly identified as a use in the EO designation, this use may serve as a transitional land use until market forces determine a more intense economic use.

SURROUNDING ZONING AND DEVELOPMENT

Most of the surrounding land to the north of the District is zoned A-1. The property to the west of the District is a mixture of businesses, residences, and developed property within the PSA zoned LB, Limited Business; B-1, General Business; R-2, General Residential; and MU, Mixed Use. The property to the south of the District is mostly zoned M-1, Limited Business/Industrial. Although it is located in the vicinity of existing commercial development along Richmond Road, the District is separated from Richmond Road by the CSX Railway. The District borders York County to the east.

STAFF RECOMMENDATION

The adopted Board of Supervisors' policy governing withdrawal of property from AFDs states that "it is the policy of the Board to discourage the withdrawal of properties from AFDs during the terms of those districts." This withdrawal request was submitted approximately nine months after the most recent renewal of the Hill Pleasant Farm AFD in September 2018. Additionally, the use of this site would not serve a public purpose similar to a school. Staff finds that this request does not fully meet all four of the criteria set forth in the Board's policy. As such, staff recommends that the Board of Supervisors deny this withdrawal application.

TL/md
AFD19-1HPFarmWD

Attachments:
1. Ordinance
2. Location Map
3. Adopted Conditions for the Hill Pleasant Farms AFD
4. Policy Governing the Withdrawals of Property from AFDs
5. Property Owner Withdrawal Request
6. Map Showing Extent of Withdrawal Request and Proposed Solar Farm Conceptual Layout
7. Unapproved Minutes of the July 25, 2019, AFD Advisory Committee Meeting
8. Unapproved Minutes of the October 2, 2019, Planning Commission Meeting

ORDINANCE NO._____

AGRICULTURAL AND FORESTAL DISTRICT-19-0001.

HILL PLEASANT FARM WITHDRAWAL

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia (the "Board of Supervisors"), to withdraw ± 192.76 acres of land as shown on a plan titled Rochambeau Solar Electric Power Plant" dated July 12, 2019 (the "Master Plan"), which is a portion of the +/- 391.3-acre property owned by Hill Pleasant Farm, Inc., located at 7150 Richmond Road and identified as James City County Real Estate Tax Map Parcel No. 2410100005 from the Hill Pleasant Farm Agricultural and Forestal District, which is currently ± 529.39 acres (the "Application"); and

WHEREAS, at its July 25, 2019, meeting the Agricultural and Forestal District (AFD) Advisory Committee voted 8-0 to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its October 2, 2019, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the "Virginia Code"), after which the Commission voted 4-2 to recommend approval of the Application; and

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

WHEREAS, the Board of Supervisors finds that the withdrawal request meets the criteria set forth in the Board of Supervisors' Withdrawal Policy for Agricultural and Forestal Districts, dated September 28, 2010.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby removes ± 192.76 acres owned by Hill Pleasant Farm, Inc., as referenced herein, from the Hill Pleasant Farm AFD.

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

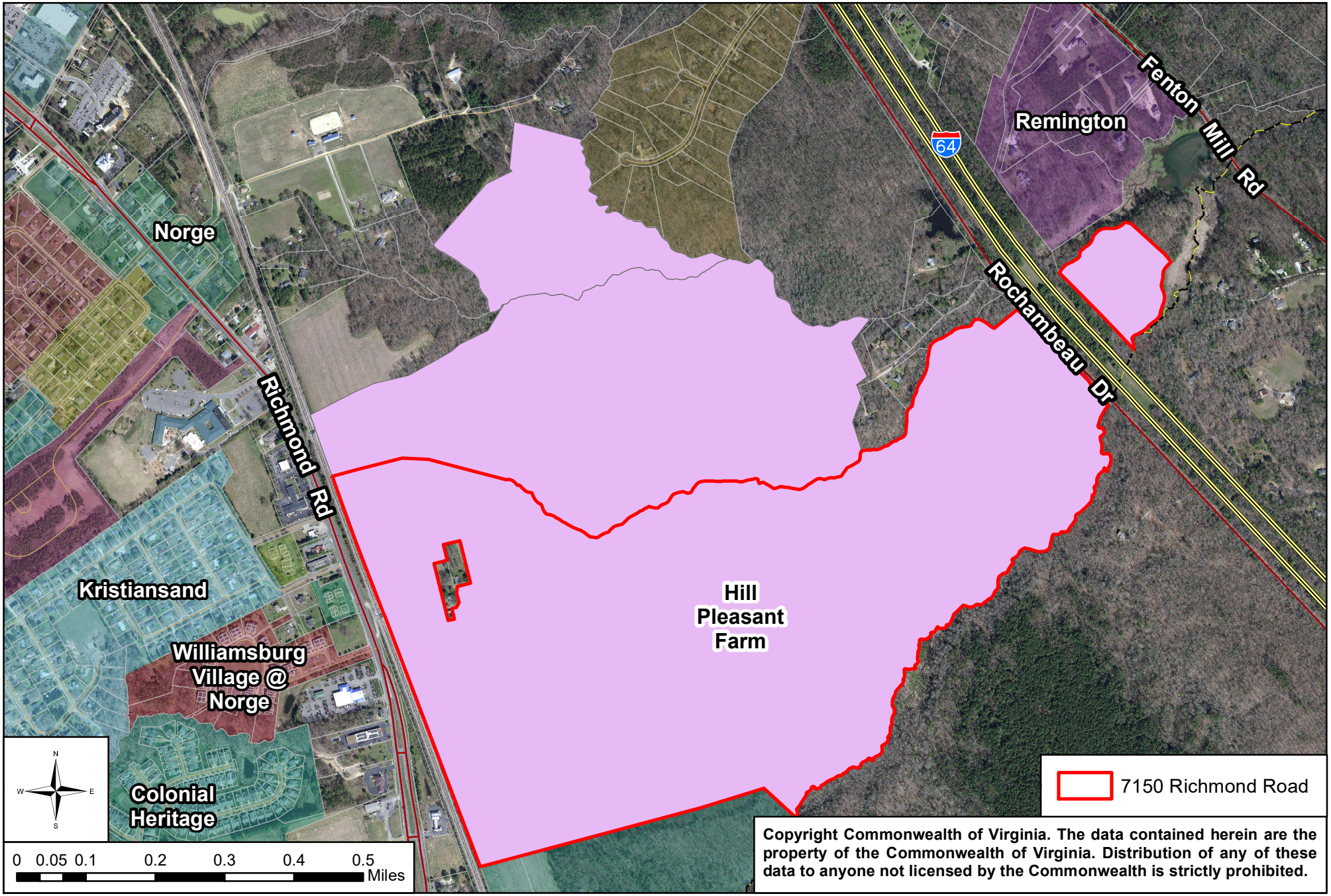
_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

AFD19-1HPFarmWD-res

JCC AFD-19-0001
Hill Pleasant Farm 7150 Richmond Road Withdrawal



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ADOPTED

SEP 11 2018

Board of Supervisors
James City County, VA

ORDINANCE NO. 165A-12

AGRICULTURAL AND FORESTAL DISTRICT-03-86-1-2018

HILL PLEASANT FARM 2018 RENEWAL

WHEREAS, James City County has completed a review of the Hill Pleasant Farm Agricultural and Forestal District (the "District"); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the District; and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 to recommend renewal of the District with the conditions listed below.

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

1. The Hill Pleasant Farm Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").

2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

Owner	Parcel No.	Acres
Margaret S. Stevens	2410100004	105.82
Hill Pleasant Farm, Inc.	2410100005	391.30
Wayne A. Moyer Revocable Trust	2410100015D	32.27
	Total:	529.39

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

   a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by

members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCFs), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

b. No land outside the Primary Service Area and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.

c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

Ruth M. Larson

Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	✓		
ICENHOUR	✓		
SADLER	✓		
HIPPLE	✓		
LARSON	✓		

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFD-HillPlstFmRnw-res

RESOLUTION

POLICY GOVERNING THE WITHDRAWALS OF PROPERTY FROM AGRICULTURAL AND FORESTAL DISTRICTS (AFDs)

WHEREAS, the Board of Supervisors has determined that Agricultural and Forestal Districts (AFDs) are a valuable tool to help protect the agricultural and forestal lands and industry in James City County; and

WHEREAS, premature withdrawals of land from the Districts is contrary to the intent of the Board in allowing the establishment of these Districts.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes the following policy relating to the withdrawal of lands from AFDs during the terms of those Districts. This policy in no way supersedes the provisions for withdrawal by right under Sections 15.2-4311 or 15.2-4314D of the Code of Virginia.

1. It is the policy of the Board of Supervisors to discourage the withdrawal of properties from AFDs during the terms of those districts.
2. The criteria for withdrawal during the terms of the districts are as follows:

   In order to establish "good and reasonable cause," a landowner requesting to withdraw property from an AFD must submit written information to demonstrate compliance with the following criteria:

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

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

James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

AFDsPolWdraw_res

July 16, 2019

Tom Leininger
101 Mounts Bay Road
Building A
Williamsburg, VA 23185

Re: Hill Pleasant Farm AFD Withdrawal Request

Mr. Leininger,

This letter supplements earlier correspondence and the formal application to remove property owned by Hill Pleasant Farm, Inc. ("HP Corporation") from the Hill Pleasant Farm Agricultural and Forestal District (the "AFD"). Strata Solar Development ("Strata") will apply for a special use permit to allow development of a solar energy generation facility on the subject property. In accordance with the September 28, 2010 James City County Policy Governing the Withdrawals of Property from Agricultural and Forestal Districts, the information below is submitted in support of the County determining that good and reasonable cause exists for the requested withdrawal.

A. The request is caused by a change in circumstances that could not have been anticipated at the time application was made for inclusion in the district.

Strata and HP Corporation entered into the agreement which led to this request after the AFD was renewed in September 2018. Thus a change in the potential use was not known to the landowner at the time of renewal. More importantly, HP Corporation and the Hunt family members who have farmed the property for generations had found no interested user of the property. Don Hunt has retired from farming, and HP Corporation has been unsuccessful in identifying a buyer or user of the farm property in 2018. The potential to benefit from use of Hill Pleasant Farm in retirement was not available to the Hunt family when the AFD was renewed.

B. The request would serve a public purpose, as opposed to the proprietary interest of the landowner that could not otherwise be realized upon expiration of the AFD.

The proposed solar farm would provide clean energy to the local community. The general public may not understand the fact that energy produced by a solar facility meets needs of the electricity users in the area of the facility. This power is not necessarily channeled into a grid to meet demand outside the community. Dominion Energy customers (present and future) drawing power from lines located in the Economic Opportunity area between Hill Pleasant Farm and the Lightfoot substation would use energy from the proposed solar farm. We estimate that most of the energy generated by this project would be used locally.

Given the Economic Opportunity Comprehensive Plan designation of the subject property, power users are slated to be located near the proposed generation facility.

It must also be recognized that solar energy is clean energy, often referred to as green power. The creation of such environmentally sensitive and renewable

sources of energy is a public benefit to the citizens of James City County and Virginia. Corporate demand for renewable energy procurement continues to grow at a rapid rate, and proximity to the generation source is considered an advantage when potential corporate citizens evaluate an area for locating or developing facilities.

C. The request would not cause damage or disruption to the existing district.
The construction of the solar farm would necessitate the removal of approximately 193 acres from the AFD. Because the District currently totals 529 acres, the remaining acreage is still well above the minimum AFD threshold of 200 acres.

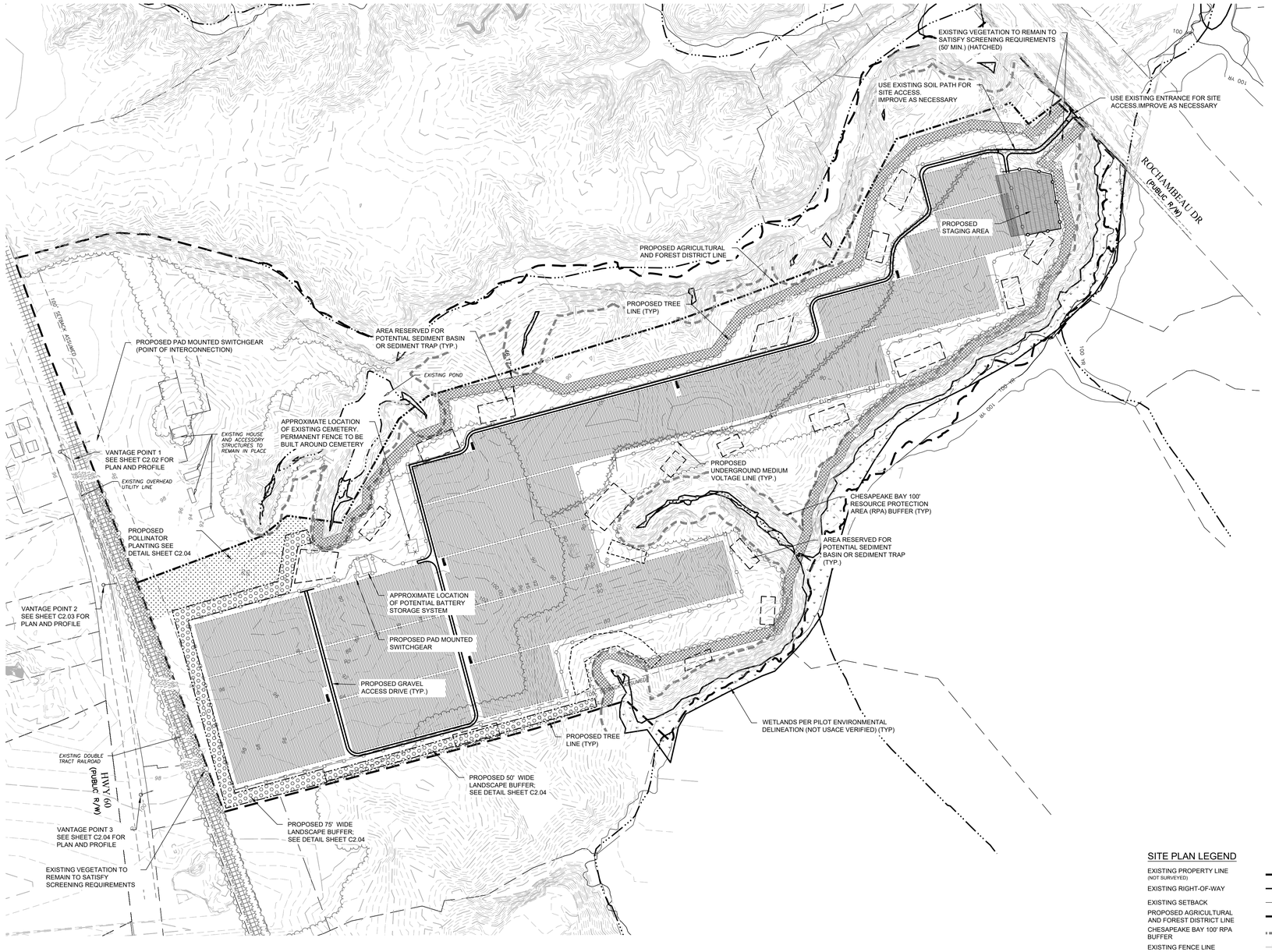
D. If the request for withdrawal is in conjunction with a proposal to convert the land use of a property to a different use than is currently in place on the property, the new land use would be in conformance with the Comprehensive Plan.
The Comprehensive Plan designates the Hill Pleasant Farm Area an Economic Opportunity area, with primary suggested uses including industrial, light industrial and office uses. Given the simplicity of decommissioning solar farms, Rochambeau Solar could be seen as a temporary (30-35 years) or holding use that could later give way to development envisioned by the Comprehensive Plan.

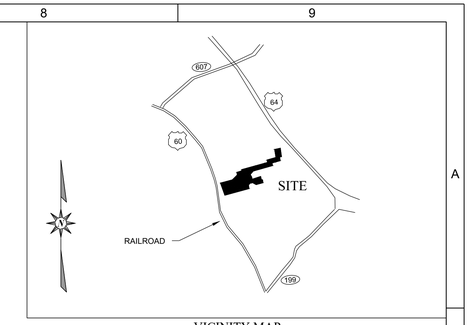
It has also become clear that extension of Mooretown Road to the HP Corporation property is not likely in the near future. Funding for that initiative awaits a substantial development which could shoulder or offset some of the costs of road construction. Thus better road access, the key to development of Hill Pleasant Farm, is a long term plan, consistent with a solar farm holding use today. This use is a revenue producing use for the County which holds the former farm land for future use protecting the property from the risk of residential development with associated traffic and burdens on county EMS, schools and infrastructure.

We look forward to discussing the matter further at the meeting on July 25th.

Best Regards,

Ben Vollmer
Development Manager
Strata Solar Development, LLC
800 Taylor St., Suite 200
Durham, NC 27701
919-960-6015 x 307
bvollmer@stratasolar.com





VICINITY MAP
NOT TO SCALE

NOTES

1. EXISTING PROPERTY INFORMATION

PIN	OWNER	LEASED ACREAGE	LAND USE
2410100005	PLEASANT HILL FARM INC	±192.76	VACANT

2. PROPOSED PARCEL AREA TO BE REMOVED FROM AGRICULTURAL AND FOREST DISTRICT: 192.76 AC (THIS INCLUDES ALL PARCEL AREA SOUTH OF AGRICULTURAL AND FOREST DISTRICT BOUNDARY SHOWN ON THIS SHEET

MINIMUM SETBACK REQUIREMENTS:
ZONING A-1
FRONT 100'
SIDE 15'
REAR 35'
100' SETBACK FROM ALL PROPERTY LINES (ASSUMED)

3. THE PURPOSE OF THIS PLAN IS FOR A SPECIAL USE PERMIT APPLICATION FOR REVIEW AND APPROVAL BY THE JAMES CITY COUNTY PLANNING COMMISSION AND BOARD OF SUPERVISORS TO CONSTRUCT A SOLAR ELECTRIC POWER PLANT. THE LOCATION OF PROPOSED IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO: FENCING, SOLAR ARRAY RACKING, INVERTERS, OVERHEAD POLES & LINES, ETC., SHOWN IS APPROXIMATE AND MAY BE SUBJECT TO MODIFICATION DUE TO SITE CONDITIONS, ADDITIONAL PERMITTING REQUIREMENTS (VDOT, VDEQ, USACOE, ETC.), EQUIPMENT SPECIFICATIONS, AND/OR OTHER CONSTRAINTS. ANY REVISIONS WILL BE SUBMITTED FOR STAFF APPROVAL PRIOR TO CONSTRUCTION TO VERIFY COMPLIANCE WITH ZONING REQUIREMENTS AND CONDITIONS AS APPROVED.

3. TOPOGRAPHIC DATA & EXISTING IMPROVEMENTS SHOWN ON THIS PLAN IS PER VGIN LIDAR TOPOGRAPHY, JAMES CITY COUNTY GIS AND AERIAL IMAGERY.

2. WATERS OF THE US SHOWN PER PILOT ENVIRONMENTAL INC. WETLAND DELINEATION DATED 8/8/2019. FEATURES ARE NOT VERIFIED BY USACE.

3. A PORTION OF THE PROPERTY SHOWN HEREON DOES CONTAIN SPECIAL FLOOD HAZARD AREAS (SFHAS) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD (I.E. 100-YR. EVENT) PER FEMA FIRM MAP PANEL NO. 51095C0126D EFFECTIVE DATE DECEMBER 16, 2015.

4. ALL RIGHT-OF-WAYS ARE PUBLIC, UNLESS NOTED OTHERWISE.

5. UTILITY LINES AND SERVICES SHOWN HEREON ARE APPROXIMATE PER AERIAL PHOTOGRAPHY OR AS REPORTED BY VARIOUS RESPONSIBLE PARTIES. LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE AND MUST BE FIELD VERIFIED. CALL BEFORE DIGGING AT 811.

6. COPIES OF ALL PERMITS AND APPROVED PLANS MUST BE KEPT ON-SITE IN A PERMIT BOX THAT IS CONSPICUOUSLY LOCATED AND EASILY ACCESSIBLE DURING CONSTRUCTION.

7. A SEDIMENT AND EROSION CONTROL AND STORMWATER MANAGEMENT PLAN WILL BE APPROVED BY JAMES CITY COUNTY PRIOR TO BEGINNING CONSTRUCTION.

8. A LAND USE PERMIT WILL BE APPROVED BY VDOT PRIOR TO BEGINNING CONSTRUCTION.

9. PROPOSED TEMPORARY LAYDOWN YARD/CONSTRUCTION STAGING AREA TO BE USED DURING SITE CONSTRUCTION. A PORTION OF THIS AREA (HATCHED) WILL BE COVERED WITH LOGGING MATS AND/OR GRAVEL TO ALLOW DELIVERY OF CONSTRUCTION MATERIALS. PRIOR TO CONSTRUCTION, THIS AREA WILL BE COMPACTED BY A SMOOTH DRUM ROLLER TO REDUCE/PREVENT RUTTING. FOLLOWING CONSTRUCTION, THE LOGGING MATS AND GRAVEL ARE TO BE REMOVED AND THE ENTIRE AREA IS RESTORED TO PRE-CONSTRUCTION CONDITIONS.

10. PROPOSED 24' ACCESS GATE (TWO 12' SECTIONS) IS 6' TALL CHAIN LINK WITH 3 STRANDS OF BARBED WIRE. GATE WILL BE LOCKED WITH STANDARD KEYED OR COMBINATION LOCK. EMERGENCY PERSONNEL (AS DESIGNATED BY JAMES CITY COUNTY) WILL BE PROVIDED A KEY OR COMBINATION FOR ACCESS.

11. NO LIGHTING IS PROPOSED FOR THIS SITE.

12. ALUMINUM SIGNS ("DANGER - HIGH VOLTAGE" AND "DANGER - NO TRESPASSING") MEASURING 14" X 10" IN SIZE, WILL BE PLACED ON PERMANENT SECURITY FENCING, ALTERNATING EVERY 100' AROUND THE ARRAY.

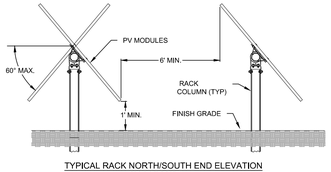
13. SYSTEMS, EQUIPMENT AND STRUCTURES WILL NOT EXCEED SIXTEEN (16) FEET IN HEIGHT WHEN GROUND MOUNTED.

14. ALL PHOTOVOLTAIC SOLAR PANELS SHALL BE MADE OF/COATED WITH ANTIREFLECTIVE MATERIALS TO REDUCE GLARE.

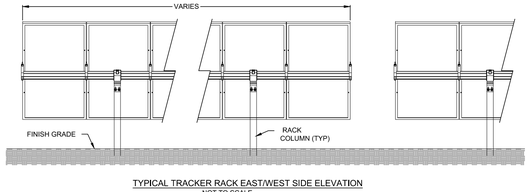
SITE PLAN LEGEND

- EXISTING PROPERTY LINE (NOT SURVEYED)
- EXISTING RIGHT-OF-WAY
- EXISTING SETBACK
- PROPOSED AGRICULTURAL AND FOREST DISTRICT LINE
- CHESAPEAKE BAY 100' RPA BUFFER
- EXISTING FENCE LINE
- PERMANENT SECURITY FENCE (6' CHAIN-LINK WITH 3 STRANDS BARBED WIRE)
- TEMPORARY SECURITY FENCE (6' CHAIN-LINK)
- EXISTING OVERHEAD POWER LINE
- PROPOSED OVERHEAD MEDIUM VOLTAGE LINE
- PROPOSED UNDERGROUND MEDIUM VOLTAGE LINE
- EXISTING TREE LINE
- PROPOSED TREE LINE
- PROPOSED SOLAR ARRAY
- PROPOSED EQUIPMENT AREA
- EXISTING UTILITY POLE

300 0 300 600
SCALE: 1" = 300'



TYPICAL RACK NORTH/SOUTH END ELEVATION
NOT TO SCALE



TYPICAL TRACKER RACK EAST/WEST SIDE ELEVATION
NOT TO SCALE

REV	DATE	REVISION DESCRIPTION	BY	CHK	APP
3	10/22/2019	PLANNING COMMISSION COMMENTS	RBJ	JRD	BTN
2	09/23/2019	FOR PLANNING COMMISSION MEETING	RBJ	JRD	BTN
1	08/16/2019	WETLAND DELINEATION	JNS	KRB	JNS

07/12/2019
DATE

PRELIMINARY SITE PLAN
DRAWING DESCRIPTION

ROCHAMBEAU
SOLAR ELECTRIC POWER PLANT
WILLIAMSBURG, VA
JAMES CITY COUNTY
PROJECT NAME AND ADDRESS

STRATA SOLAR LLC
50101 Governors Drive
Suite 280
Chapel Hill, NC 27517
919-960-6015
www.stratasolar.com
NC License No.: D-0298

COMMONWEALTH OF VIRGINIA
BRENT T. NIEMANN
Lic. No. 46413
PROFESSIONAL ENGINEER
10/22/19
SEAL

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PROJ NO: C-681-17-PLHL	DFTR: RBJ	
SIZE: 24.0" x 36.0"	CHKD: KRB	
SCALE: 1" = 300'	ENGR: BTN	
DRAWING NO.	REVISION	
C2.01	3	

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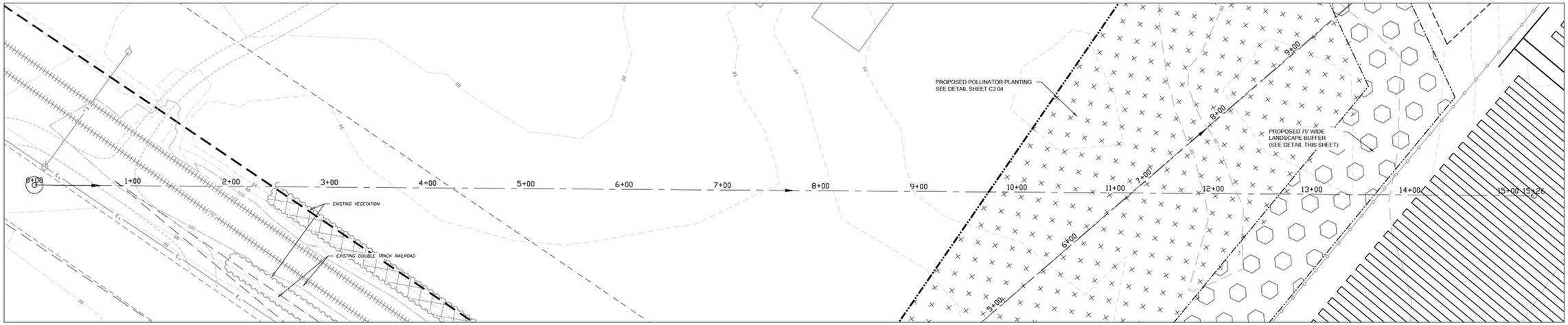
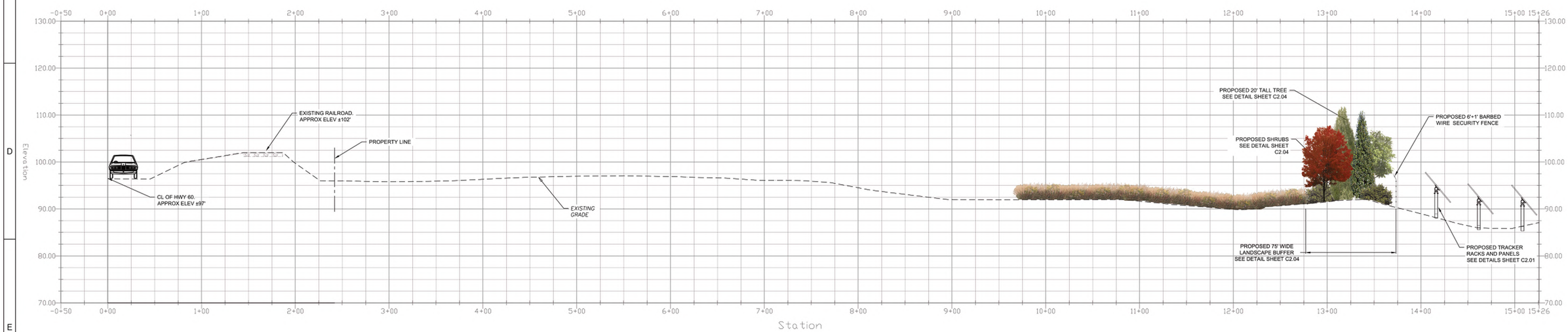


PLAN VIEW

SCALE: 1" = 50'



PROFILE VIEW

SCALE: HORIZONTAL 1" = 50'
VERTICAL 1" = 10'

NOTES

1. EXISTING GRADE PER VGIN LIDAR DATA & SUPPLEMENTED WITH GOOGLE EARTH.
2. ALL PROPOSED VEGETATION SHOWN AT MATURE HEIGHT.
3. EXISTING VEGETATION APPROXIMATE HEIGHT AND LOCATION PER GOOGLE STREETVIEW.

REV	DATE	REVISION DESCRIPTION	BY	CHK	APP
1	10/22/2019	PLANNING COMMISSION COMMENTS	RBJ	JRD	BTN

09/20/2019
DATE

DRAWING DESCRIPTION: LANDSCAPE BUFFER
VANTAGE POINT 1

PROJECT NAME AND ADDRESS: ROCHAMBEAU
SOLAR ELECTRIC POWER PLANT
WILLIAMSBURG, VA
JAMES CITY COUNTY

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SIZE: 24.0" x 36.0"	CHKD: KRB
SCALE: 1" = 50'	ENGR: BTN
DRAWING NO.	REVISION
C2.02	1

COMMONWEALTH OF VIRGINIA
BRENT T. NIEMANN
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PROFESSIONAL ENGINEER
SEAL
10/22/2019

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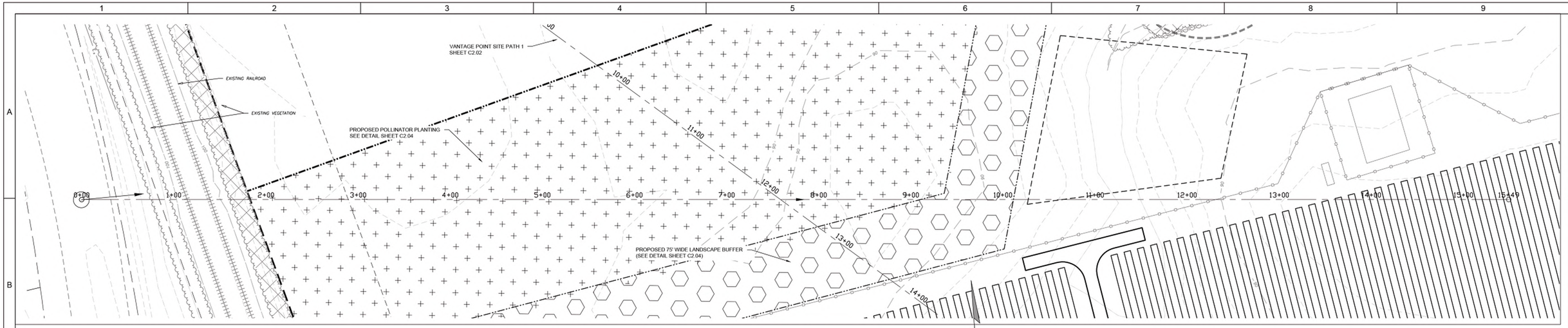
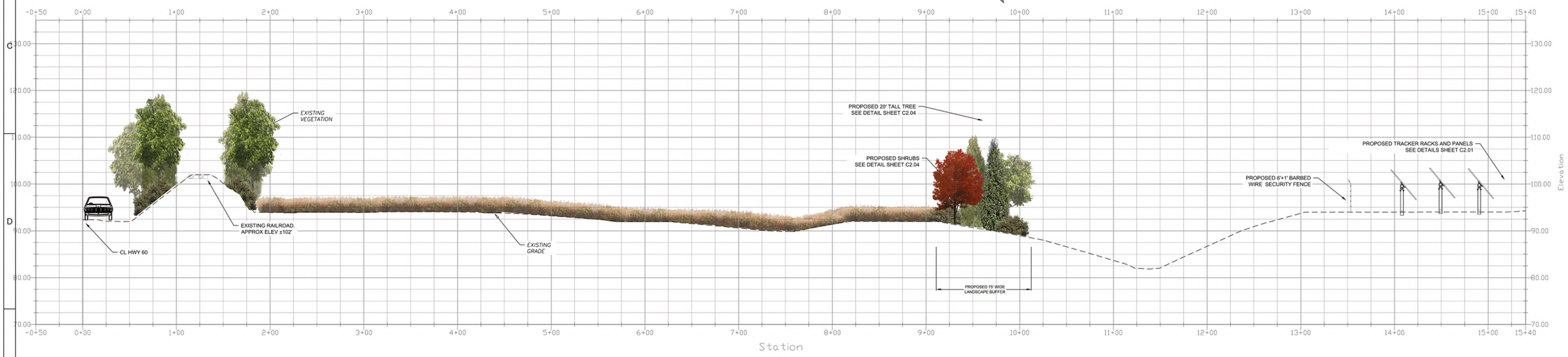


PLAN VIEW

SCALE: 1" = 50'



PROFILE VIEW

SCALE: HORIZONTAL 1" = 50'
VERTICAL 1" = 10'

NOTES

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2. ALL PROPOSED VEGETATION SHOWN AT MATURE HEIGHT.
3. EXISTING VEGETATION APPROXIMATE HEIGHT AND LOCATION PER GOOGLE STREETVIEW.

SITE PLAN LEGEND

- PROPOSED POLLINATOR PLANTING
- PROPOSED LANDSCAPE BUFFER
- EXISTING PROPERTY LINE (NOT SURVEYED)
- EXISTING RIGHT-OF-WAY
- EXISTING SETBACK
- PROPOSED AGRICULTURAL AND FOREST DISTRICT LINE
- CHESAPEAKE BAY 100' RPA BUFFER
- EXISTING FENCE LINE
- PERMANENT SECURITY FENCE (6' CHAIN-LINK WITH 3 STRANDS BARBED WIRE)
- TEMPORARY SECURITY FENCE (6' CHAIN-LINK)
- EXISTING OVERHEAD POWER LINE
- PROPOSED OVERHEAD MEDIUM VOLTAGE LINE
- PROPOSED UNDERGROUND MEDIUM VOLTAGE LINE
- EXISTING TREE LINE
- PROPOSED TREE LINE
- PROPOSED SOLAR ARRAY
- PROPOSED EQUIPMENT AREA
- EXISTING UTILITY POLE

COMMONWEALTH OF VIRGINIA
BRENT T. NIEMANN
Lic. No. 46413
PROFESSIONAL ENGINEER
SEAL
10/22/19

REV	DATE	REVISION DESCRIPTION	BY	CHK	APP
1	10/22/2019	PLANNING COMMISSION COMMENTS	RBJ	JRD	BTN

09/18/2019
DATE

DRAWING DESCRIPTION
LANDSCAPE BUFFER
VANTAGE POINT 2

PROJECT NAME AND ADDRESS
ROCHAMBEAU
SOLAR ELECTRIC POWER PLANT
WILLIAMSBURG, VA
JAMES CITY COUNTY

STRATA SOLAR LLC
50101 Governors Drive
Suite 280
Chapel Hill, NC 27517
919-960-6015
www.stratasolar.com
NC License No.: D-0298

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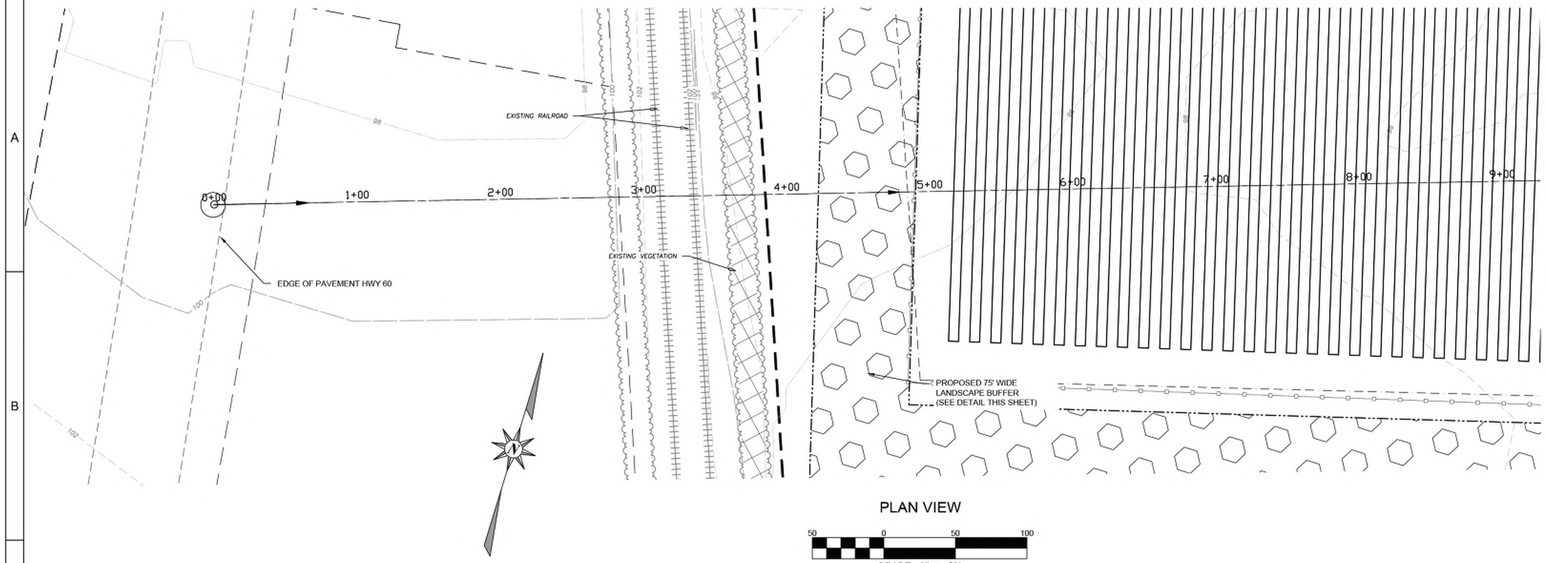
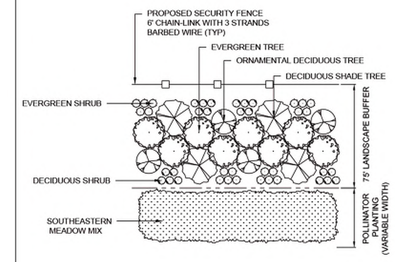


PLAN VIEW

SCALE: 1" = 50'

BUFFER YARD SCREENING DETAIL

NOT TO SCALE

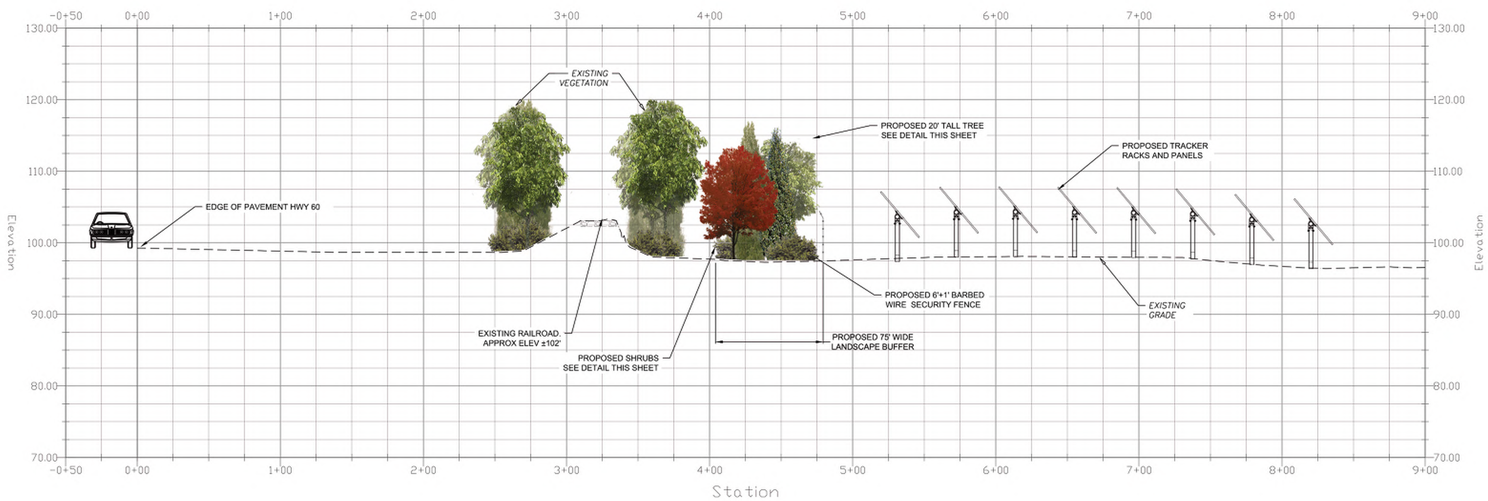


NOTES

1. PLANTING AREA WILL BE APPROXIMATELY 75' WIDE OR 50' WHERE NOTED
2. BUFFER SHALL CONSIST OF AT LEAST 1 TREE AND 3 SHRUBS PER 400 SQ. FT. OF TOTAL LANDSCAPE AREA PROVIDED
3. AT LEAST 35% OF TREES SHALL BE MIN. CALIPER OF 2.5" AT PLANTING
4. A MIN. OF 15% AND MAX. OF 35% OF TREES SHALL BE ORNAMENTAL TREES
5. AT LEAST 50% OF TREES SHALL BE EVERGREEN TREES WHICH WILL ACHIEVE A MIN. HEIGHT OF 40' AT MATURITY
6. AT LEAST 40% OF TREES SHALL BE DECIDUOUS SHADE TREES WHICH WILL ACHIEVE A MINIMUM HEIGHT OF 50' AT MATURITY
7. AT LEAST 50% OF SHRUBS SHALL BE EVERGREEN
8. EVERGREEN TREES
   - JUNIPERUS VIRGINIANA - EASTERN RED CEDAR
   - MAGNOLIA VIRGINIANA - SWEETBAY MAGNOLIA
   - PINUS TAEDA - LOBLOLLY PINE
   - THUJA 'GREEN GIANT' - GREEN GIANT ARBORVITAE
9. ORNAMENTAL DECIDUOUS TREES
   - CHIONANTHUS VIRGINICUS -FRINGE TREE
   - CERCIS CANADENSIS -EASTERN REDBUD
   - AMELANCIER ARBOREA -SERVICEBERRY
10. DECIDUOUS SHADE TREES
   - QUERCUS PHELLOS -WILLOW OAK
   - ACER RUBRUM -RED MAPLE
   - BETULA NIGRA -RIVER BIRCH
10. DECIDUOUS SHRUBS
   - ITEA VIRGINICA -VIRGINIA SWEETSPIRE
   - ILEC VERTICALLATA -WINTERBERRY HOLLY
   - ARONIA ARBUTIFOLIA -RED CHOKEBERRY
11. EVERGREEN SHRUBS
   - MORELLA CERIFERA -WAX MYRTLE
   - ILEX GLABRA -INKBERRY HOLLY
   - ILEX VOMITORIA -YAUPON HOLLY
12. SOUTHEASTERN MEADOW MIX
   - ELYMUS CANADENSIS (CANADA WILD RYE)
   - ELYMUS VIRGINICUS (VIRGINIA WILDRYE)
   - TRIPSACUM DACTYLOIDES (EASTERN GAMMAGRASS)
   - SCHIZACHYRIUM SCOPARIUM (LITTLE BLUESTEM)
   - SORGHASTRUM NUTANS (INDIAN GRASS)
   - TRIDENS FLAVUS (PURPLE TOP)
   - BIDENS ARISTOSA (BIDENS)
   - GAILLARDIA PULCHELLA (INDIAN BLANKET)
   - ACHILLEA MILLEFOLIUM (COMMON YARROW)
   - RUDBECKIA HIRTA (BLACK EYED SUSAN)
   - SENNA HEBECARPA (WILD SENNA)
   - HELIANTHUS ANGUSTIFOLIUS (SWAMP SUNFLOWER)
   - HELIANTHUS MAXIMILIANII (MAXIMILLIAN'S SUNFLOWER)
   - VERBENA HASTATA (BLUE VERVAIN)
   - ASCLEPIAS TUBEROSA (BUTTERFLY MILKWEED)
   - CHAMAECRISTA FASCICULATA (PARTRIDGE PEA)
   - COREOPSIS LANCEOLATA (LANCE LEAF COREOPSIS)
   - ECHINACEA PURPUREA (PURPLE CONEFLOWER)
   - MONARDA PUNTUATA (SPOTTED BEEBALM)
   - SYMPHYOTRICHUM PILOSUM (HEATHER ASTER)

LOW GROWING CLOVER/TURF SEED MIX*		
WARM SEASON SEEDING SCHEDULE		
DATE	TEMPORARY AND PERMANENT SEED MIX	PLANTING RATE
APRIL 1 - SEPT 15	70% HULLED COMMON BERMUDA 10% BROWNTOP MILLET 5% CENTIPEDE GRASS 15% WHITE CLOVER	75 LB/AC
COOL SEASON SEEDING SCHEDULE		
DATE	TEMPORARY AND PERMANENT SEED MIX	PLANTING RATE
SEPT 16 - MARCH 31	55% DWARF TURF-TYPE TALL FESCUE (DTT) 5% FINE FESCUE (HARD OR CHEWINGS) 5% UNHULLED COMMON BERMUDA 10% ANNUAL RYE 25% WHITE CLOVER	175 LB/AC

*PRIMARY PERMANENT STABILIZATION



PROFILE VIEW

SCALE: HORIZONTAL 1" = 50'
VERTICAL 1" = 10'

NOTES

1. EXISTING GRADE PER VGIN LIDAR DATA & SUPPLEMENTED WITH GOOGLE EARTH.
2. ALL PROPOSED VEGETATION SHOWN AT MATURE HEIGHT.
3. EXISTING VEGETATION APPROXIMATE HEIGHT AND LOCATION PER GOOGLE STREETVIEW.

SITE PLAN LEGEND

- PROPOSED POLLINATOR PLANTING
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- PROPOSED TREE LINE
- PROPOSED SOLAR ARRAY
- PROPOSED EQUIPMENT AREA
- EXISTING UTILITY POLE

REV	DATE	REVISION DESCRIPTION	BY	CHK	APP
1	10/22/2019	PLANNING COMMISSION COMMENTS	RBJ	JRD	BTN

09/18/2019
DATE

DRAWING DESCRIPTION
LANDSCAPE BUFFER
VANTAGE POINT 3

PROJECT NAME AND ADDRESS
ROCHAMBEAU
SOLAR ELECTRIC POWER PLANT
WILLIAMSBURG, VA
JAMES CITY COUNTY

COMMONWEALTH OF VIRGINIA
BRENT T. NIEMANN
LIC. NO. 46413
PROFESSIONAL ENGINEER
SEAL
10/22/19

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PROJ NO: C-681-17-PLHL	DFTR: RBJ
SIZE: 24.0" x 36.0"	CHKD: KRB
SCALE: 1" = 50'	ENGR: BTN
DRAWING NO.	REVISION
C2.04	1

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MINUTES
JAMES CITY COUNTY
AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
July 25, 2019
4:00 PM

A. CALL TO ORDER

Mr. William Taylor called the Agricultural and Forestal Advisory (AFD) Committee meeting to order at 4 p.m.

B. ROLL CALL

Present:
William Taylor, Chair
Thomas Hitchens
Loretta Garrett
William Harcum
Payten Harcum
Richard Bradshaw
Bruce Abbott
Sue Sadler

Absent:
John Grantz
Sandy Wanner

Staff:
Roberta Sulouff, Senior Planner
Tom Leininger, Planner

C. APPROVAL OF MINUTES

1. Approval of the January 24, 2019 Meeting Minutes

   Mr. Bruce Abbott moved to approve the minutes of the January 24, 2019 meeting.

   Ms. Loretta Garrett seconded the motion.

   On a voice vote, the motion was approved 6-0-2. Mr. Richard Bradshaw and Mr. William Harcum abstained from the vote since they were absent from the January 24, 2019 meeting.

D. OLD BUSINESS

1. Case No. C-18-0123. HRSD Treatment Plant Expansion within Carter's Grove AFD

   Mr. Abbott inquired whether there were any updates regarding the Hampton Roads Sanitation District (HRSD) case.

   Ms. Garrett replied that HRSD withdrew the application.

E. NEW BUSINESS

1. Case No. AFD-19-0001. 7150 Richmond Road, Hill Pleasant Farm AFD Withdrawal

   Mr. Tom Leininger addressed the Committee and stated that Mr. Ben Vollmer, applicant from Strata Solar, has applied to withdraw a 192.76-acre portion of the 391.30-acre parcel located at 7150 Richmond Road from the Hill Pleasant Farm AFD. He said the subject parcel is one of three parcels currently in the Hill Pleasant Farm AFD, which totals 529.39 acres.

   Mr. Leininger said the reason for withdrawing this portion of the parcel from the AFD is for a proposed Solar Farm. He noted that AFD withdrawals outside the renewal period must be approved by the Board of Supervisors according to a specific set of criteria.

   Mr. Leininger told the Committee that the AFD withdrawal criteria have been included in the meeting agenda packet. He said staff finds the request does not meet the first withdrawal criteria that requests should be a result of an unforeseeable change in circumstances, such as death of a property owner. Mr. Leininger said staff also finds the application does not meet the second criteria of serving a demonstrable public interest such as schools, fire or police stations.

   Mr. Leininger said the request meets the third criteria that AFD withdrawals should not result in a disruption of the existing AFD district. He said the withdrawal would not bring the overall acreage below the AFD requirement of 200 acres.

   Regarding the fourth AFD withdrawal criteria, Mr. Leininger stated that staff finds the resulting land use could be in conformance with the Comprehensive Plan's designation for that parcel. He said a solar farm could be seen as a transitional use for the Economic Opportunity (EO) designation. Mr. Leininger explained once there is a Master Plan for the area, the solar farm use could be decommissioned at the end of its lease to bring about the master-planned EO use.

   Mr. Leininger stated that, based on the evaluation of the criteria listed in the Board of Supervisor's Policy governing the withdrawal of properties from AFDs, staff recommends that the AFD Advisory Committee recommend denial of this application to the Planning Commission and the Board of Supervisors.

Mr. Leininger stated he and the applicant were available to answer any questions.

Mr. Thomas Hitchens asked if the property was in the Economic Development Program.

Mr. Leininger replied it was included for economic development in the last Comprehensive Plan update.

Mr. Taylor asked for the applicant's presentation.

Mr. Greg Davis, attorney from the law firm of Kaufman & Canoles, PC addressed the Committee and said he represents applicants Mr. Don Hunt and Strata Solar. He said they are requesting a partial withdrawal of Hill Pleasant Farm from the AFD to establish Rochambeau Solar, named after the access point from Rochambeau Drive.

Mr. Davis described Strata Solar as one of the biggest players in the solar development business with over 200 projects in North Carolina and now a few in Virginia. He said County staff recently toured the Strata facility in Gloucester County.

Mr. Davis then addressed the change of circumstance criteria for AFD withdrawal. He said Mr. Hunt retired from farming about 10 years ago, and his children have left the County. Mr. Davis explained that Mr. Hunt derives a meager income from the land by renting approximately 100 acres for planting crops such as corn, and there is also some income from renting a home and hunting rights on the property. Mr. Davis said the income Mr. Hunt receives is enough to pay the real estate taxes but is not a living income.

Mr. Davis said the goal for the property owner is to monetize or sell it. He said no farmer had come forward to buy a tract, so they requested the EO designation change in the last Comprehensive Plan update. Mr. Davis described the Mooretown Road extension project as dormant until there is a developer to shoulder the cost. He said the solar project is Mr. Hunt's first opportunity to find a user for the property.

Mr. Davis noted Mr. Hunt's lease with Strata Solar was not signed until after the Board Of Supervisor's approved the September 2018 AFD renewals. He said Mr. Hunt allowed the AFD renewal on the property since he was unsure the solar project would be approved.

Mr. Davis noted that while the County discourages AFD withdrawals, it does not prohibit them. He said one of the AFD program goals mentioned in state Code is to provide open space and aesthetics and suggested the solar project would do this as well.

Mr. Davis told the Committee he spoke to AFD Committee member Mr. Sandy Wanner who could not attend the meeting. He said Mr. Wanner gave his support and had seen the economic benefits of solar projects in Surry County and Isle of Wight. Mr. Davis also told the Committee that both Halifax and Prince William Counties have removed land

from AFDs to permit solar projects.

Mr. Davis then addressed the public purpose or benefit criteria for AFD withdrawal. He said in their request letter they pointed out that clean energy is a benefit to the County and would be used locally by current users as well as potential corporate campuses, universities, or anyone wishing to locate to the EO district. Mr. Davis said businesses considering location want to know if there is a green energy source nearby.

Mr. Davis also stated that the General Assembly enacted legislation and put targeted goals in place. He said in Richmond they want 12 percent of the power sold by Virginia Power to be green energy by 2022, primarily solar. He said locally, Dominion Energy would receive financial incentives. Mr. Davis explained that when the legislature enacted these goals, they put into the state Code that it is in the public interest for utilities to achieve these goals, and the construction or purchase by a public utility of solar generation facilities is in the public interest.

Mr. Davis noted these incentives will cease by 2022 and said now is the time for Mr. Hunt to seize the opportunity if possible, with other solar facilities likely competing for the access and capacity of the nearby Lightfoot substation in the future.

Mr. Davis also pointed out that a solar farm would not create the same traffic, school demands, or public impacts as other types of development. Instead, he described the solar project as a 30-year holding use that would be quiet and promote conservation. He said the lease would run 30 to 40 years depending on the options exercised, with no nutrient runoff, soil erosion, or impacts to the watershed or neighbors.

Regarding visibility, Mr. Davis said the solar farm will be hidden from view along Richmond Road because of the height difference and planned planted buffer. He noted that Strata is also committed to using pollinator plants. Mr. Davis stressed that more intensive development would be blocked for 30 years, and the County would receive higher real estate tax revenue on property outside the AFD.

Mr. Davis stated the decommissioning of the site is a term in the lease and likely in the County Special Use Permit (SUP) conditions. He also suggested if the Committee were concerned about other types of development, it might recommend approval of the AFD withdrawal on the condition it is a solar farm.

Mr. Davis described the project timeline. He said depending on the Committee's recommendation, they hope to go before the Planning Commission for both the AFD withdrawal and SUP application on the same night, then again to the Board of Supervisors for both issues on the same night.

Mr. Taylor thanked Mr. Davis for the presentation.

Mr. Hitchens asked how long the property has been in the AFD.

Mr. Leininger said it has been included since the beginning of the program in 1986.

Mr. Hunt confirmed since 1986 he has renewed the property in the AFD for each four-year cycle. He said he proceeded with the renewal last year in good faith and would let the Board of Supervisors decide on the withdrawal now.

Mr. Hitchens asked Mr. Hunt if he would have any issues with a condition on the withdrawal that it only be for a solar farm.

Mr. Hunt replied that he did not have any problem with such a condition. He added the solar farm lease would prevent additional development on the farm and his grandchildren would benefit.

Ms. Garrett asked Mr. Hunt if he and his wife still live on the property.

Mr. Hunt replied yes, they live in the old farmhouse and hope to make some necessary renovations and upgrades after 40 years.

Mr. Hitchens asked Mr. Hunt how long he has lived in the County.

Mr. Hunt replied he has been on the farm for 67 years, and his great-grandfather purchased Hill Pleasant Farm in 1911.

Mr. Abbott asked from a farmer's perspective, what is the difference between the proposed project and leasing to the winery for grape harvesting, for example. He said the main difference is the SUP requirement. He asked if it would be possible to keep the property in the AFD and still apply for the SUP.

Mr. Leininger replied no, per state Code the AFD definition must be met. He said the County cannot approved an SUP for something that does not meet the AFD purpose.

Ms. Roberta Sulouff stated the SUP must be for an agricultural use, and a solar farm is not considered to be an agricultural use.

Mr. Peyten Harcum remarked what was important is that Mr. Hunt needs to withdraw land from the AFD. He asked if the County would earn more tax revenue from the solar farm.

Mr. Abbott replied no, the County would not receive more tax revenue from the solar use. He said state credits prohibit most of the solar farm infrastructure from being taxed.

Mr. Hitchens commented the County would still benefit financially, and citizens would benefit by taxes not increasing for public infrastructure to support residential development or a more intense use. He stated farming is currently not profitable, and this deal is equivalent to a retirement package for Mr. Hunt. He said it will allow him to keep his farm and stay in his home. Mr. Hitchens said he does not see a problem with Mr.

Hunt leasing the property for a solar farm for 30-35 years, then see if farming is once again profitable. He said he has solar panels on his home and is in favor of green energy and solar power.

Mr. Richard Bradshaw stated the proposal also allows Mr. Hunt to keep the remainder of his property in the AFD.

Mr. Hitchens said the purpose of the AFD is to entice people to protect their land. He support the proposal.

Mr. Peyten Harcum asked if there were any negative factors to consider.

Ms. Garrett asked Mr. Hunt if he would request the property return to the AFD if the solar deal fell through.

Mr. Hunt answered yes, if this project does not come to fruition, he would request to rejoin the AFD. He said they have had a year of negotiations and felt optimistic they will achieve a benefit for all.

Ms. Garrett asked if the project would access York County.

Mr. Hunt replied his property is exclusively in James City County. He said he will maintain access from his property to Rochambeau Drive as stipulated in the lease.

Mr. Taylor asked the Committee if they wanted to attach the solar farm condition to a recommendation of approval to withdraw the property from the AFD.

Mr. Davis asked staff whether the Committee's decision changed the AFD.

Mr. Leininger stated the Committee gives a recommendation to the Planning Commission.

Ms. Sulouff said the Committee can approve a recommendation with a condition. She said the Board of Supervisors may approve or deny the withdrawal, with or without a condition.

Ms. Sue Sadler asked if the Committee felt the withdrawal criteria had been met.

Mr. Taylor summarized how the presentation by Mr. Davis had addressed the criteria concerns.

Mr. Hitchens motioned to approve the withdrawal of a 192.76-acre portion of the 391.30-acre parcel located at 7150 Richmond Road from the Hill Pleasant Farm AFD.
Mr. Abbott seconded the motion.

Ms. Garrett asked how many acres total would remain in the Hill Pleasant Farm AFD.

Mr. Leininger noted there would be 331.63 acres left in the AFD.

Ms. Garrett asked that the solar farm condition be added to the Committee's recommendation.

Mr. Hitchens amended his motion to approve the withdrawal of the 192.76-acre portion of the 391.30-acre parcel located at 7150 Richmond Road from the Hill Pleasant Farm AFD, with the Committee's recommendation contingent upon a solar farm use.

Mr. Abbott seconded the motion.

On a voice vote of 8-0, the motion was unanimously approved.

F. DISCUSSION ITEMS

There were no additional discussion items.

G. ADJOURNMENT

Mr. Hitchens motioned to adjourn the meeting.

Ms. Garrett seconded the motion.

The meeting was adjourned at 4:45 p.m. after a unanimous 8-0 voice vote.

William C. Taylor, Chair	Ellen Cook, Principal Planner

Unapproved Minutes of the October 2, 2019
Planning Commission Regular Meeting

AFD-19-0001. 7150 Richmond Road, Hill Pleasant Farm AFD Withdrawal
SUP-19-0017. Hill Pleasant Farm Solar Farm

Mr. Haldeman noted that AFD-19-0001, 7150 Richmond Road, Hill Pleasant Farm AFD Withdrawal and SUP-19-0017, Hill Pleasant Farm Solar Farm would be considered by the Commission concurrently, with one Public Hearing, but each case would require a separate vote.

Mr. Thomas Leininger, Planner, stated that Mr. Mr. Ben Vollmer has applied, on behalf of Strata Solar, for an SUP to construct a solar farm and an Agricultural and Forestal District (AFD) Withdrawal to remove a 192.76-acre portion of the 391.30-acre parcel within the Hill Pleasant Farm AFD. Mr. Leininger stated that the subject parcel is one of three currently in the Hill Pleasant Farm AFD, which total 529.39 acres. Mr. Leininger stated that the parcel is located at 7150 Richmond Road and is currently zoned A-1, General Agricultural and is designated Economic Opportunity on the 2035 Comprehensive Land Use Map and is located outside the Primary Service Area.

Mr. Leininger stated that prior to the approval of an SUP for the solar farm, the area subject to this SUP is required to be withdrawn from the AFD.

Mr. Leininger further stated that outside of the AFD renewal period, withdrawals must be approved by the Board of Supervisors according to a specific set of criteria. Mr. Leininger stated that the AFD Withdrawal was reviewed by staff, and found that it only met two of the four criteria listed in the adopted Board of Superior's Policy Governing the Withdrawal of Property from AFDs. Mr. Leininger stated that staff recommended that the AFD Advisory Committee recommend denial of the application at its July 25, 2019 meeting. Mr. Leininger further stated that the AFD Advisory Committee voted 8-0 to recommend approval of the withdrawal request to the Planning Commission and Board of Supervisors.

Mr. Leininger stated that the major elements of the proposed solar farm are the ground-mounted arrays of solar panels. Mr. Leininger stated that each array is made of a number of panels and the arrays are mounted on single-axis trackers, which are devices that automatically orient the arrays toward the direction of the sun. Mr. Leininger stated that all new utilities will be placed underground and the solar farm will connect to an existing Dominion Energy utility pole. Mr. Leininger stated that a 50-foot vegetated buffer is shown along the perimeter of the development. The buffer is increased to 75 feet along areas nearest to Richmond Road. Mr. Leininger stated that the lease will be for 30 years with two 5-year extension options. Mr. Leininger stated that the proposed solar farm will take access from Rochambeau Drive and construction activities such as pile driving, clearing and grading have limited hours per the SUP conditions.

Mr. Leininger stated that the 2035 Comprehensive Plan Land Use Map designates the property Economic Opportunity. Mr. Leininger stated that the Comprehensive Plan does not specifically identify solar power or utilities in general, in EO; therefore, staff has reviewed this application as a transitional use for the district given the limited lease.

Mr. Leininger noted that Section 15.2-2232 of the Code of Virginia requires that unless a utility facility is shown on the adopted Comprehensive Plan or other master plan for the County, the local planning commission and a governing body shall review the facility to determine whether the location, character and extent of the project is in substantial accordance with the Comprehensive Plan. Mr. Leininger stated that a Resolution of Consistency with Section 15.2-2232 of the Code of Virginia has been included for consideration.

Mr. Leininger stated that based on an evaluation of criteria listed in the Board of Supervisor's Policy Governing the Withdrawal of Properties from AFDs, staff recommends that the Planning Commission recommend denial of the AFD Withdrawal to the Board of Supervisors.

Mr. Leininger further stated that staff recommends that the Planning Commission recommend approval of the proposed SUP subject to the proposed conditions and approving Case No. AFD-19-0001 to the BOS. Mr. Leininger stated that staff recommends that the Planning Commission find this application consistent with the Code of Virginia § 15.2-2232.

Mr. Greg Davis, Kaufman and Canoles, PC, 4201 Courthouse Street, representing the applicant, made a presentation to the Commission.

Mr. Krapf inquired if the low-growing plants would be under the solar panel arrays as well as in the garden.

Mr. Davis confirmed that a clover mix would be planted under the arrays.

Mr. Krapf inquired if native grasses would be used for portions of the site.

Mr. Davis stated that the proposal is to use turf grass. Mr. Davis further stated that the clover and grass mix was chosen because it will establish quickly to minimize erosion.

Mr. Krapf inquired if the applicant would be agreeable to an SUP Condition specifying the types of plantings to be used under the arrays.

Mr. Davis confirmed that the applicant would be amenable to that condition.

Mr. Polster inquired about the location of the five acres of pollinators.

Mr. Davis confirmed that the pollinators will be located adjacent to the farmhouse as shown on the Master Plan.

Mr. Polster if the eastern buffer followed the Resource Protection Area (RPA).

Mr. Davis stated that the boundary for the parcel being withdrawn from the AFD generally follows the ravine system which is RPA.

Mr. Polster inquired if the trees within the buffer area would be preserved and protected from harvesting for the life of the lease.

Mr. Davis stated that the trees in the RPA would not be harvested; however, there would be some harvesting of trees outside the RPA among the arrays.

Mr. Polster inquired if the applicant might plant the swales of the Best Management Practice (BMP) with larger pollinator friendly plants.

Mr. Joe Davis, Civil Engineer, STRATA, stated that they had considered using pollinator friendly plants; however, the areas around the BMP are extremely steep and prone to erosion, so they need a mix that establishes quickly.

Mr. Polster inquired about how the habitat would be restored at the end of the project life.

Mr. Joe Davis stated that they would need an erosion control plan to re-stabilize the property.

Ms. Leverenz inquired if the life-expectancy of the arrays is 40 years or if significant components will need to be replaced through the life of the project.

Mr. Jackson Naftel, STRATA, stated that the solar panels have a 20 to 30 year guarantee. Mr. Naftel further stated that even after that time, the panels function at a high percentage of their original capacity. Mr. Naftel noted that components will need to be replaced throughout the life of the project; however, the process is more piecemeal rather than a massive overhaul.

Ms. Leverenz noted that in thirty or forty years technology will have evolved such that a major overhaul might be necessary.

Mr. Naftel responded that a large overhaul might be financially beneficial under those circumstances.

Mr. O'Connor inquired if there was any consideration in the lease agreement or the project design that would accommodate the Mooretown Road extension if and when it might be constructed.

Mr. Greg Davis stated that there is no accommodation for the Mooretown Road extension. Mr. Davis stated that this had been a subject of discussion with the County prior to bringing the application forward. Mr. Davis stated that the neither the State, nor the County would fund construction of a road just to make the area attractive to a developer, therefore, it would fall to the developer to fund part or all of the road construction if it would benefit their project. Mr. Davis stated that it has been ten years since the property was designated Economic Development and no one has come forward with a project that would incorporate the road extension.

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearings for AFD-19-0001. 7150 Richmond Road, Hill Pleasant Farm AFD Withdrawal and SUP-19-0017. Hill Pleasant Farm Solar Farm

As no one wished to speak, Mr. Haldeman closed the Public Hearing.

Mr. Haldeman opened the floor for discussion by the Commission.

Mr. Krapf stated that he is supportive of the AFD Withdrawal. Mr. Krapf stated that he believes the Board of Supervisors' AFD Withdrawal Policy was not established to completely prohibit withdrawals, but rather a way to discourage them. Mr. Krapf stated that he finds the solar farm use to be a public benefit. Mr. Krapf further stated that this is a small step that the community can take to reduce the carbon footprint. Mr. Krapf stated that the solar farm is an appropriate use of the land and is supportive of a number of County initiatives.

Ms. Odessa Dowdy stated that she is supportive of the application and eager for citizens to have the option for renewable energy.

Ms. Leverenz stated in light of the recent legislative changes, she finds the application to meet the three of the four criteria for withdrawal from the AFD.

Mr. O'Connor stated that he does not find the application consistent with the Comprehensive Plan. Mr. O'Connor stated that because of future development needs, he has concerns about this parcel being tied up for 30 or 40 years.

Mr. Krapf inquired about the process if the AFD Withdrawal were approved but the SUP was not approved.

Mr. Holt stated that it would have to be resolved prior to action by the Board of Supervisors.

Mr. Krapf made a motion to approve the AFD Withdrawal.

On a roll call vote, the Commission voted to recommend approval of AFD-19-0001. 7150 Richmond Road, Hill Pleasant Farm AFD Withdrawal. (4-2)

Mr. Krapf made a motion to adopt the resolution finding the general location, character, and extent of the proposed use to be substantially in accord with the adopted Comprehensive Plan.

On a roll call vote, the Commission voted to adopt the resolution finding the general location, character, and extent of the proposed use to be substantially in accord with the adopted Comprehensive Plan. (5-1)

Mr. Krapf made a motion to recommend approval of the application for an SUP subject to the associated conditions and development of additional condition regarding the type and extent of pollinator plantings along with a maintenance schedule for the life of the project which would be subject to approval by the Director of Planning at Site Plan stage.

On a roll call vote, the Commission voted to recommend approval of SUP-19-0017. Hill Pleasant Farm Solar Farm subject to the proposed conditions. (5-1)

AGENDA ITEM NO. H.6.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Tom Leininger, Planner

SUBJECT: SUP-19-0017. Hill Pleasant Farm Solar Farm

ATTACHMENTS:

	Description	Type
	Staff Report	Staff Report
	Resolution	Resolution
	Location Map	Backup Material
	Master Plan	Backup Material
	Signed Resolution for Consistency with Section 15.2-2232	Backup Material
	Unapproved October 2, 2019 Planning Commission Minutes	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	10/25/2019 - 7:56 AM
Development Management	Holt, Paul	Approved	10/25/2019 - 7:56 AM
Publication Management	Daniel, Martha	Approved	10/25/2019 - 8:29 AM
Legal Review	Kinsman, Adam	Approved	10/28/2019 - 8:35 AM
Board Secretary	Fellows, Teresa	Approved	10/28/2019 - 8:45 AM
Board Secretary	Purse, Jason	Approved	11/5/2019 - 9:18 AM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 10:00 AM

SUMMARY FACTS

Applicant:	Mr. Ben Vollmer, Strata Solar Development
Land Owner:	Hill Pleasant Farm, Inc.
Proposal:	Development and construction of solar panel facility for electrical power generation, storage, transmission and associated activities.
Location:	7150 Richmond Road
Tax Map/Parcel No.:	2410100005
Project Acreage:	± 192.76
Zoning:	A-1, General Agriculture
Comprehensive Plan:	Economic Opportunity
Primary Service Area: (PSA)	Outside
Staff Contact:	Tom Leininger, Planner

PUBLIC HEARING DATES

Planning Commission:	October 2, 2019, 6:00 p.m.
Board of Supervisors:	November 12, 2019, 5:00 p.m.

FACTORS FAVORABLE

1. Staff finds the proposal consistent with the 2015 Comprehensive Plan, *Toward 2035: Leading the Way.*

2. Staff finds the proposal will not negatively impact surrounding development.

3. Impacts: Please see Impact Analysis on Pages 4-6.

FACTORS UNFAVORABLE

1. Should the Board of Supervisors deny the applicant's Agricultural and Forestal District (AFD) withdraw request, then this use would not be consistent with the terms of the AFD.

2. Impacts: Please see Impact Analysis on Pages 4-6.

SUMMARY STAFF RECOMMENDATION

Should the Board of Supervisors approve Case No. AFD-19-0001, staff recommends that the Board of Supervisors approve the proposed Special Use Permit (SUP) subject to the proposed conditions.

PLANNING COMMISSION RECOMMENDATION

At its October 2, 2019 meeting, the Planning Commission voted 5-1 to recommend the approval of the SUP request to the Board of Supervisors with the addition of a condition addressing plantings. The Planning Commission also approved, by a vote of 5-1, a resolution to find the proposal consistent with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (Attachment No. 4).

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

At its October 2, 2019 meeting, the Planning Commission recommended that an SUP condition be added to address the types of plantings within the fenced in area as well as outside of the fence between the existing residence and the proposed buffer. To address this recommendation, staff has prepared Condition No. 5, which reads:

Prior to final site plan approval, a landscape plan for the Facility shall be submitted for review and approval by the Planning Director to show a minimum 4.5-acre pollinator planting area, as shown on the Master Plan, planted with southeastern native meadow seed mixture that provides a habit for pollinator insects. Additionally, a low growing clover/turf seed mixture shall be planted throughout the entire solar array area within the fence. Both areas shall be planted prior to release of siltation surety for initial construction of the Facility. Such plantings shall be maintained and re-established as necessary for the duration of Facility Operation.

PROJECT DESCRIPTION

Mr. Vollmer, Strata Solar Development, has applied for an SUP for a 20-megawatt alternate current (MWac) solar farm located at 7150 Richmond Road. If approved, the proposed solar farm will be developed on 192.76 acres of the total 391.30 acres and would connect to the existing utility line using an on-site pad-mounted switchgear.

In general, this property has limited visibility from surrounding properties and roadways given the topography of the railroad tracks and existing vegetation, much of which is within protected Resource Protection Area buffers. The Master Plan shows a proposed 50-foot wide landscape buffer that will be comprised of evergreen trees, ornamental deciduous trees, and deciduous shade trees to provide screening. In areas that can be seen from Richmond Road, the perimeter vegetated buffer is increased from 50-75 feet. Pollinator plantings will be used for various areas on the site.

The applicant has stated that the lease with the property owner would be for 30 years with two 5-year extension options. Following the end of the use of the solar farm, the facility would be decommissioned and the site would be restored.

The proposal will require that the 192.76 acres be removed from the Hill Pleasant Farm AFD prior to the approval of the SUP.

This application was reviewed by the Development Review Committee on August 21, 2019 as a discussion item.

PLANNING AND ZONING HISTORY

- Prior to subdivision of this parcel in 2008, the Board of Supervisors approved a rezoning, Master Plan, and SUP on September 12, 2006, for the development of a car wash on the portion of the parcel southeast of the railroad tracks, adjacent to Richmond Road.

- On November 24, 2009, the Board of Supervisors approved a family subdivision to subdivide two one-acre parcels from the parent parcel.

SURROUNDING ZONING AND DEVELOPMENT

- Properties across Richmond Road are zoned primarily B-1, General Business. On the 2035 Comprehensive Plan Land Use Map, the properties are designated Low Density Residential, Community Commercial, and Mixed Use.

- The properties to the north are zoned A-1, General Agriculture and are designated Economic Opportunity and Rural Lands on the 2035 Comprehensive Plan Land Use Map.

- The properties to the north are zoned A-1, General Agriculture and are designated Economic Opportunity (EO) 2035 Comprehensive Plan Land Use Map.

- The southern boundary of the proposed solar farm borders York County. The properties located in York County are zoned EO and are designated EO and Mixed Use on its Comprehensive Plan Land Use Map.

Impacts/Potentially Unfavorable Conditions	Status *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
Public Transportation: Vehicular	No Mitigation Required	- The new solar farm would not exceed 100 peak hour trips and take access from Rochambeau Drive. While the access road into the property will be improved, no improvements to Rochambeau Drive are warranted or proposed.
Public Transportation: Bicycle/Pedestrian	No Mitigation Required	- Per the Adopted Regional Bikeways Map Pedestrian Accommodation's Master Plan, a bike lane and sidewalk are required along Rochambeau Drive. - Bicycle and pedestrian accommodations will be addressed during the development stage.
Public Safety	No Mitigation Required	- Fire Station 1 on Forge Road serves this area of the County, approximately 3.7 miles from the proposed solar farm. - Staff finds this project does not generate impacts that require mitigation to the County's Fire Department facilities or services. - The Facility operator shall prepare and maintained an Emergency Management Plan to address situations that may require response from public safety personnel (Condition No. 9).
Public Schools	No Mitigation Required	- N/A since no residential dwelling units are proposed.
Public Parks and Recreation	No Mitigation Required	- N/A since no residential dwelling units are proposed.
Public Libraries and Cultural Centers	No Mitigation Required	- Staff finds this project does not generate impacts that require mitigation.
Groundwater and Drinking Water Resources	No Mitigation Required	- The property does not receive public water and sewer. The solar farm would not need water or sewer services.

Impacts/Potentially Unfavorable Conditions	Status *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
Watersheds, Streams, and Reservoirs Project is located in the Skimino Creek Watershed.	Mitigated	- The Master Plan shows a conceptual layout for stormwater management facilities. - This project will need to demonstrate full compliance with environmental regulations at the development plan stage, but no other specific environmental impacts have been identified for mitigation. Language has been included for the decommissioning plan to address stormwater ponds (Condition No. 12). - Condition Nos. 2 and 11 address a nutrient management plan and spill prevention control and countermeasures plan, respectively.
Cultural/Historic	Mitigated	- Per Section 24-145 of the Zoning Ordinance, an archaeological study and natural resource inventory will be required at the development plan stage.
Nearby and Surrounding Properties	Mitigated	- A vegetated buffer to screen the project from nearby properties is specified in Condition No. 4. - The project will also need to demonstrate full compliance with lighting and landscaping regulations in the Zoning Ordinance at the development plan stage. - Staff does not anticipate significant noise, odor, lighting, or other similar impacts on nearby properties. However, to address any potential impacts of this nature, the project includes enhanced landscaping along all side and rear property lines. - Condition Nos. 14 and 15 also limit the height of the panels and address use of materials to prevent glare. - Condition No. 10 requires a construction management and mitigation plan which is intended in part to address impacts to nearby properties during the construction stage. - Condition No. 8 limits the height and the color of the perimeter fence.

Impacts/Potentially Unfavorable Conditions	Status *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
Community Character The project is located along the Richmond Road Community Character Corridor (CCC). Buffering along a CCC is required to be an average width of 50 feet.	Mitigated	- This parcel does front along Richmond Road, but the limits of the SUP do not directly front along Richmond Road. - A vegetated buffer is conditioned along the limits of the SUP and solar farm will be screened from Richmond Road to mitigate visual impacts.

COMPREHENSIVE PLAN

The site is designated EO on the 2035 Comprehensive Plan Land Use Map. Land designated EO are intended primarily for economic development, increased non-residential tax base and the creation of jobs. The lands should be at strategic locations in the County relative to transportation, utilities infrastructure and adjacent uses, and the lands should only be developed consistent with comprehensive area/corridor master plans.

The primary suggested uses include industrial, light industrial, and office uses. Development should be incorporated into area/corridor master planning efforts which should address environmentally sensitive areas, available infrastructure, community character, and public facilities.

The Comprehensive Plan does not specifically identify solar farm as a compatible use, but given that this proposal includes a lease with the property owner, this use may serve as a transitional land use until market forces determine a more intense economic use.

The property is located along a CCC. Buffering along a CCC is required to be an average width of 50 feet.

With the proposed conditions, staff finds that impacts to adjacent properties would be mitigated.

STAFF RECOMMENDATION

Should the Board of Supervisors approve Case No. AFD-19-0001, staff recommends that the Board of Supervisors approve the proposed SUP subject to the proposed conditions.

TL/md
SUP19-17HPFrmSolar

Attachments:
1. Resolution
2. Location Map
3. Master Plan
4. Adopted Resolution for Consistency with Section 15.2-2232
5. Unapproved Minutes of the October 2, 2019, Planning Commission Meeting

R E S O L U T I O N

CASE NO. SUP-19-0017. HILL PLEASANT FARM SOLAR FARM

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

WHEREAS, Hill Pleasant Farm, Inc. (the "Owner") owns property located at 7150 Richmond Road, further identified as James City County Real Estate Tax Map Parcel No. 2410100005, (the "Property"). The Property is zoned A-1, General Agricultural; and

WHEREAS, Mr. Ben Vollmer of Strata Solar on behalf of the Owner, has applied for an SUP to allow for the construction of a solar electrical generation facility on the Property as shown on a plan titled "Rochambeau Solar Electric Power Plant" dated July 12, 2019; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-19-0017; and

WHEREAS, the Planning Commission, following its public hearing on October 2, 2019, recommended approval of this application by a vote of 5-1. At the same meeting, the Planning Commission approved a resolution, finding the proposal consistent with the Comprehensive Plan by a vote of 5-1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-19-0017, as described herein with the following conditions:

1. *Master Plan*: This SUP shall be valid for the construction of a photovoltaic solar electrical generation facility (the "Facility") on property located at 7150 Richmond Road and further identified as James City County Real Estate Tax Map Parcel No. 2410100005 (the "Property"). The Facility shall be developed and constructed substantially in accordance with the Master Plan titled "Rochambeau Solar Electric Power Plant" prepared by Strata Solar, and dated July 12, 2019, (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.

2. *Nutrient Management Plan*: The Facility operator shall provide a Nutrient Management Plan (NMP) prepared by a certified nutrient management planner for all of the area within the defined limits of work (disturbance) for the Property. The purpose of the NMP is to provide for long-term establishment and maintenance of turf grass, pasture, rangeland, or other similar type vegetative cover which preserve the long-term soil health for potential future farming purposes. The NMP shall have a component which specifically identifies, maintains, and protects designated Prime Farmland soil mapping units consistent with the *Soil Survey of James City and York Counties and the City of Williamsburg, Virginia (April 1985)* and the County's Comprehensive Plan. The NMP shall be submitted for review and approval by the County's Director of Stormwater and Resource Protection prior to approval of any final site plan for the Facility. Upon approval of the NMP, the Facility operator shall be responsible for ensuring that any nutrient applied in the area within the defined limits of work is in strict accordance with the NMP.

3. *Vehicular Access*: Vehicular access to and from the Facility and the Property, which includes, traffic associated with the construction, operation, maintenance, and decommissioning, shall only be from Rochambeau Drive.

4. *Vegetated Buffer*: Prior to final approval of any site plan, the Planning Director or designee shall review and approve a landscape plan for the Facility. The landscape plan shall provide a 50-foot vegetated buffer along the perimeter of the Property. Additional 75-foot vegetated buffers shall be provided in the following locations on the Property: i) along the approximate 1,123-foot eastern perimeter that faces Richmond Road; ii) along approximately 614 feet of the southern perimeter; and iii) along approximately 673 feet of the northern perimeter to screen the Facility from Richmond Road. All buffers shall be shown on the site plan. The perimeter buffers shall be provided by one of the three treatment options listed below:

   - In areas of the perimeter buffer that are currently comprised of mature forest, as determined by the Planning Director or designee, the buffer shall be left undisturbed in its natural state.
   - In areas of the perimeter buffer that are not completely comprised of mature forest, as determined by the Planning Director or designee, supplement the perimeter buffer with evergreen shrubs and trees shall be required.
   - In areas of the perimeter buffer where little or no vegetation exists, as determined by the Planning Director or designee, the buffer shall be landscaped to the provisions of section 24-96 of the Zoning Ordinance for General Landscape Areas except that the required evergreen tree and shrub mixture shall be increased from 35% to at least 50%.

5. *Planting Requirements*: Prior to final site plan approval, a landscape plan for the Facility shall be submitted for review and approval by the Planning Director to show a minimum 4.5 acres of pollinator planting area, as shown on the Master Plan, planted with southeastern native meadow seed mixture that provides a habit for pollinator insects. Additionally, a low growing clover/turf seed mixture shall be planted throughout the Facility's entire solar array area within the fence. Both pollinator planting areas shall be planted prior to release of siltation surety for initial construction of the Facility. Such plantings shall be maintained and re-established as necessary for the duration of Facility's operation.

6. *Lighting*: Prior to final approval of any site plan, if any lighting of the Facility is proposed, the Planning Director or designee shall review and approve a lighting plan. Any exterior site or building lighting shall be shielded and directed downward. No glare, defined as 0.1-foot candle or higher, shall extend outside the boundaries of the Property. Lights shall be operated by a motion detector or be able to be turned on as needed by the Facility operator and shall not be routinely illuminated at night. No light poles shall exceed a height of 16 feet above finished grade unless otherwise approved by the Planning Director prior to final site plan approval.

7. *Signage*: Unless otherwise exempt by Section 24-74 of the Zoning Ordinance, no outdoor signage related to the Facility shall be permitted on the Property.

8. *Fencing*: Any fence on the Property shall be black or other neutral color and shall not exceed a height of 8 feet above finished grade. Prior to final approval of any site plan, the Planning Director or designee shall review and approve a detail of any proposed fencing for the Facility for consistency with this condition.

9. *Emergency Management Plan*: The Facility operator shall prepare and maintain an Emergency Management Plan (EMP) to address situations that may require response from James City County public safety personnel, including, without limitation, fire safety, and emergency response personnel. The EMP shall:

   - Be developed in conjunction with and approved by the County Fire Chief and County Police Chief or their designees prior to final approval of any site plan.
   - Provide a mutually agreed upon schedule for the Facility operator to provide information sessions and training for James City County public safety personnel relative to possible emergency response situations at the Facility.
   - Provide pertinent contact numbers for the Facility operator emergency personnel.
   - Provide that all emergency contact information will be posted on access gates.

10. *Construction Management and Mitigation Plan*: Prior to final approval of any site plan, the Facility operator shall provide a Construction Management and Mitigation Plan (CMMP) for review and approval of the Planning Director or designee. The CMMP shall include those items listed below:

    a. Construction Management:
       - Designated parking areas.
       - All piling driving activity on the Property be limited to the hours of 8 a.m. to 6 p.m., Monday through Friday.
       - Other construction activities, including clearing and grading of the Property shall be limited to the hours of 7 a.m. to 7 p.m., Monday through Friday.
       - Construction delivery traffic to the Property shall not be allowed during pick-up/drop-off times for surrounding schools.
       - Storage, transportation, and disposal of any waste and/or hazardous materials.

    b. Construction Mitigation:
       - Dust mitigation, such as water trucks, mulch, or similar methods.
       - Smoke and burn mitigation, such as containments or similar methods.

11. *Spill Prevention Control and Countermeasure Plan*: Prior to approval of any site plan, the Facility operator shall submit a Spill Prevention Control and Countermeasure (SPCC) Plan for the Facility to the County Director of Stormwater and Resource Protection or designee for review and approval. The SPCCP shall outline measures and procedures necessary for the operation of the Facility until decommission.

12. *Decommissioning and Restoration Plan*: Prior to final approval of any site plan, an agreement in the form of a Decommissioning and Restoration Plan (DRP) shall be submitted to the Planning Director or designee for review and approval. The DRP shall outline the required steps for removal of above and below-ground Facility components, disposal and/or recycling of wastes and materials, and the restoration of native habitat of the Property. The DRP shall address abandonment of operations and the possible failure of the Facility operator to comply with the decommissioning process and provide an estimate cost associated with the decommissioning and restoration activities. The DRP shall include the following terms and conditions: i) if the party that enters into such written agreement with James City County defaults in the obligation to decommission such equipment, facilities, or devices in the timeframe set out in such agreement, James City County has the right to enter the Property without further consent of such owner and to engage in decommissioning;

and ii) such owner, lessee, or developer provides financial assurance of such performance to James City County in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee, based upon an estimate of a professional engineer licensed in the Commonwealth, who is engaged by the applicant, with experience in preparing decommissioning estimates and approved by the Director of Planning; such estimate shall not exceed the total of the projected cost of decommissioning, which may include the net salvage value of such equipment, facilities, or devices, plus a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor. At the time of decommission of the Facility, the site stormwater facilities must be evaluated for continued need. The final decommission plan for the Property must include the close out or remediation of stormwater facilities.

13. *Commencement*: The Facility shall be operational within 48 months from the issuance of this SUP, or this SUP shall automatically be void. The Facility operator shall submit a signed letter to the Planning Director prior to 48 months from the issuance of this SUP to confirm the operational status of the Facility.

14. *Height Limitation*: The maximum height of all structures in the Facility, including the photovoltaic solar panel mounts, shall not exceed 16 feet above finished grade.

15. *Glare*: All photovoltaic solar panels shall be of made of or be coated with anti-reflective materials to prevent glare.

16. *Severance Clause*: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

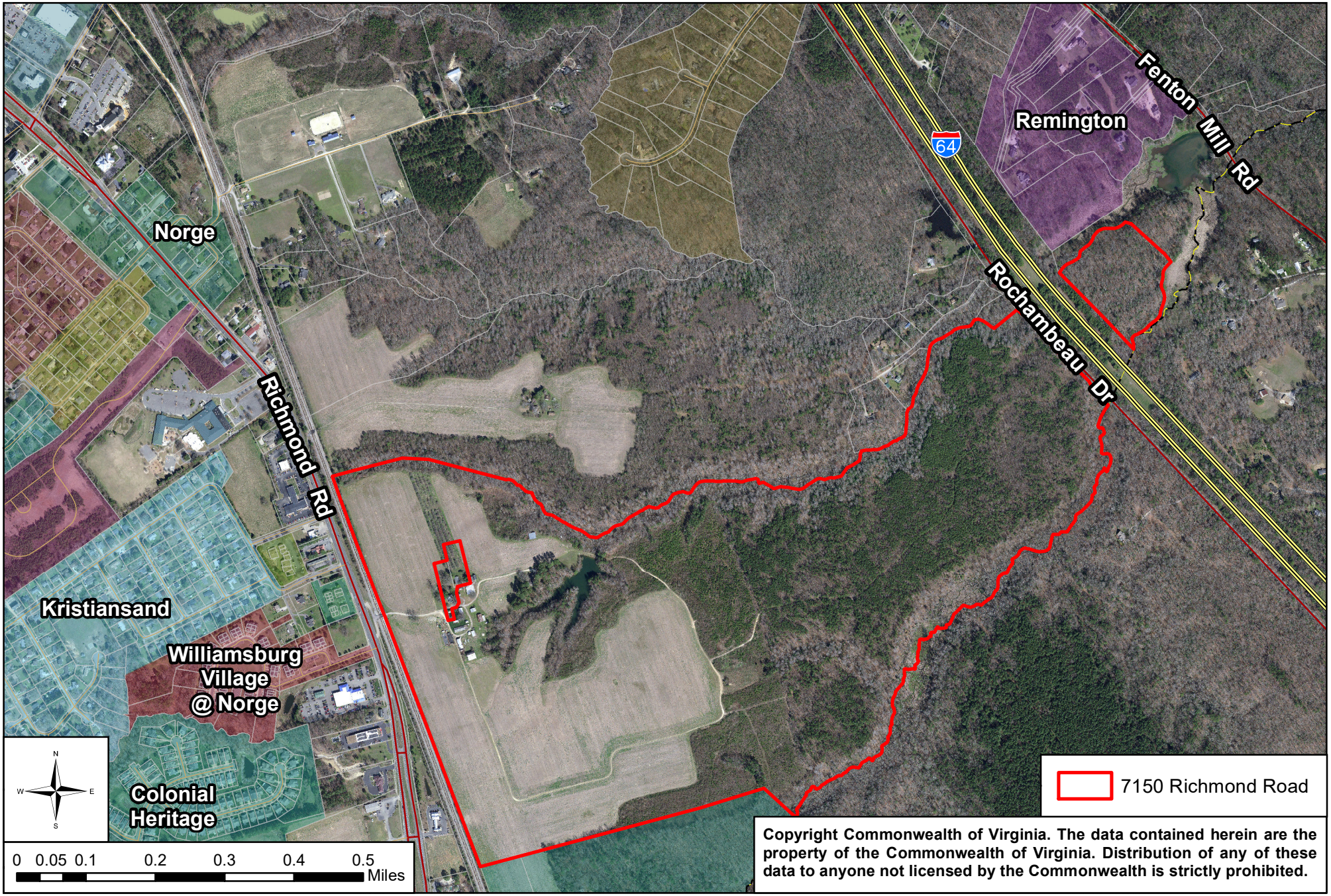
_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

SUP19-17HPFrmSolar-res

JCC SUP-19-0017
Hill Pleasant Farm Solar Farm



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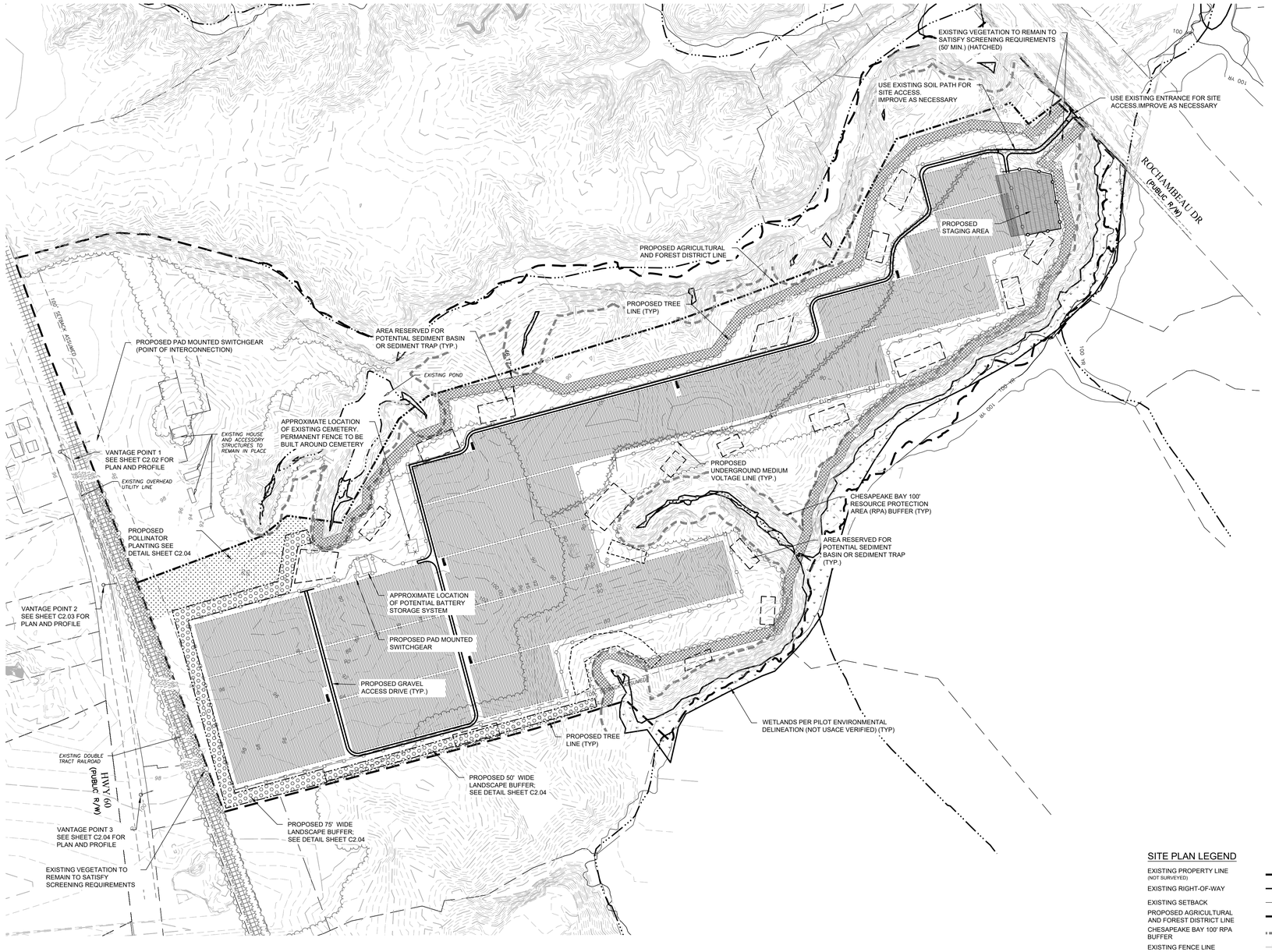
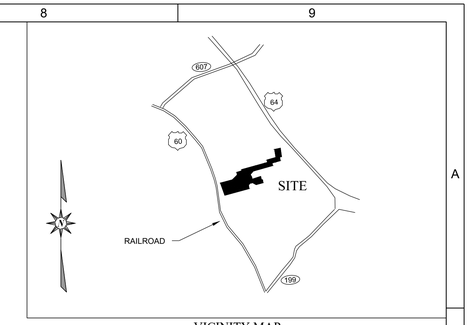




VICINITY MAP
NOT TO SCALE

NOTES

1. EXISTING PROPERTY INFORMATION

PIN	OWNER	LEASED ACREAGE	LAND USE
2410100005	PLEASANT HILL FARM INC	±192.76	VACANT

2. PROPOSED PARCEL AREA TO BE REMOVED FROM AGRICULTURAL AND FOREST DISTRICT: 192.76 AC (THIS INCLUDES ALL PARCEL AREA SOUTH OF AGRICULTURAL AND FOREST DISTRICT BOUNDARY SHOWN ON THIS SHEET

MINIMUM SETBACK REQUIREMENTS:
ZONING A-1
FRONT 100'
SIDE 15'
REAR 35'
100' SETBACK FROM ALL PROPERTY LINES (ASSUMED)

3. THE PURPOSE OF THIS PLAN IS FOR A SPECIAL USE PERMIT APPLICATION FOR REVIEW AND APPROVAL BY THE JAMES CITY COUNTY PLANNING COMMISSION AND BOARD OF SUPERVISORS TO CONSTRUCT A SOLAR ELECTRIC POWER PLANT. THE LOCATION OF PROPOSED IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO: FENCING, SOLAR ARRAY RACKING, INVERTERS, OVERHEAD POLES & LINES, ETC., SHOWN IS APPROXIMATE AND MAY BE SUBJECT TO MODIFICATION DUE TO SITE CONDITIONS, ADDITIONAL PERMITTING REQUIREMENTS (VDOT, VDEQ, USACOE, ETC.), EQUIPMENT SPECIFICATIONS, AND/OR OTHER CONSTRAINTS. ANY REVISIONS WILL BE SUBMITTED FOR STAFF APPROVAL PRIOR TO CONSTRUCTION TO VERIFY COMPLIANCE WITH ZONING REQUIREMENTS AND CONDITIONS AS APPROVED.

3. TOPOGRAPHIC DATA & EXISTING IMPROVEMENTS SHOWN ON THIS PLAN IS PER VGIN LIDAR TOPOGRAPHY, JAMES CITY COUNTY GIS AND AERIAL IMAGERY.

2. WATERS OF THE US SHOWN PER PILOT ENVIRONMENTAL INC. WETLAND DELINEATION DATED 8/8/2019. FEATURES ARE NOT VERIFIED BY USACE.

3. A PORTION OF THE PROPERTY SHOWN HEREON DOES CONTAIN SPECIAL FLOOD HAZARD AREAS (SFHAS) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD (I.E. 100-YR. EVENT) PER FEMA FIRM MAP PANEL NO. 51095C0126D EFFECTIVE DATE DECEMBER 16, 2015.

4. ALL RIGHT-OF-WAYS ARE PUBLIC, UNLESS NOTED OTHERWISE.

5. UTILITY LINES AND SERVICES SHOWN HEREON ARE APPROXIMATE PER AERIAL PHOTOGRAPHY OR AS REPORTED BY VARIOUS RESPONSIBLE PARTIES. LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE AND MUST BE FIELD VERIFIED. CALL BEFORE DIGGING AT 811.

6. COPIES OF ALL PERMITS AND APPROVED PLANS MUST BE KEPT ON-SITE IN A PERMIT BOX THAT IS CONSPICUOUSLY LOCATED AND EASILY ACCESSIBLE DURING CONSTRUCTION.

7. A SEDIMENT AND EROSION CONTROL AND STORMWATER MANAGEMENT PLAN WILL BE APPROVED BY JAMES CITY COUNTY PRIOR TO BEGINNING CONSTRUCTION.

8. A LAND USE PERMIT WILL BE APPROVED BY VDOT PRIOR TO BEGINNING CONSTRUCTION.

9. PROPOSED TEMPORARY LAYDOWN YARD/CONSTRUCTION STAGING AREA TO BE USED DURING SITE CONSTRUCTION. A PORTION OF THIS AREA (HATCHED) WILL BE COVERED WITH LOGGING MATS AND/OR GRAVEL TO ALLOW DELIVERY OF CONSTRUCTION MATERIALS. PRIOR TO CONSTRUCTION, THIS AREA WILL BE COMPACTED BY A SMOOTH DRUM ROLLER TO REDUCE/PREVENT RUTTING. FOLLOWING CONSTRUCTION, THE LOGGING MATS AND GRAVEL ARE TO BE REMOVED AND THE ENTIRE AREA IS RESTORED TO PRE-CONSTRUCTION CONDITIONS.

10. PROPOSED 24' ACCESS GATE (TWO 12' SECTIONS) IS 6' TALL CHAIN LINK WITH 3 STRANDS OF BARBED WIRE. GATE WILL BE LOCKED WITH STANDARD KEYED OR COMBINATION LOCK. EMERGENCY PERSONNEL (AS DESIGNATED BY JAMES CITY COUNTY) WILL BE PROVIDED A KEY OR COMBINATION FOR ACCESS.

11. NO LIGHTING IS PROPOSED FOR THIS SITE.

12. ALUMINUM SIGNS ("DANGER - HIGH VOLTAGE" AND "DANGER - NO TRESPASSING") MEASURING 14" X 10" IN SIZE, WILL BE PLACED ON PERMANENT SECURITY FENCING, ALTERNATING EVERY 100' AROUND THE ARRAY.

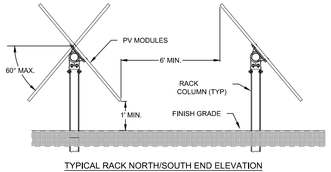
13. SYSTEMS, EQUIPMENT AND STRUCTURES WILL NOT EXCEED SIXTEEN (16) FEET IN HEIGHT WHEN GROUND MOUNTED.

14. ALL PHOTOVOLTAIC SOLAR PANELS SHALL BE MADE OF/COATED WITH ANTIREFLECTIVE MATERIALS TO REDUCE GLARE.

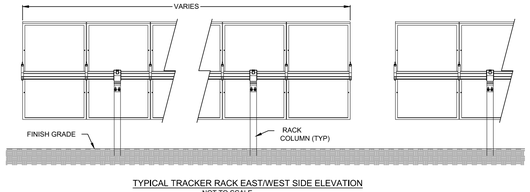
SITE PLAN LEGEND

- EXISTING PROPERTY LINE (NOT SURVEYED)
- EXISTING RIGHT-OF-WAY
- EXISTING SETBACK
- PROPOSED AGRICULTURAL AND FOREST DISTRICT LINE
- CHESAPEAKE BAY 100' RPA BUFFER
- EXISTING FENCE LINE
- PERMANENT SECURITY FENCE (6' CHAIN-LINK WITH 3 STRANDS BARBED WIRE)
- TEMPORARY SECURITY FENCE (6' CHAIN-LINK)
- EXISTING OVERHEAD POWER LINE
- PROPOSED OVERHEAD MEDIUM VOLTAGE LINE
- PROPOSED UNDERGROUND MEDIUM VOLTAGE LINE
- EXISTING TREE LINE
- PROPOSED TREE LINE
- PROPOSED SOLAR ARRAY
- PROPOSED EQUIPMENT AREA
- EXISTING UTILITY POLE

300 0 300 600
SCALE: 1" = 300'



TYPICAL RACK NORTH/SOUTH END ELEVATION
NOT TO SCALE



TYPICAL TRACKER RACK EAST/WEST SIDE ELEVATION
NOT TO SCALE

REV	DATE	REVISION DESCRIPTION	BY	CHK	APP
3	10/22/2019	PLANNING COMMISSION COMMENTS	RBJ	JRD	BTN
2	09/23/2019	FOR PLANNING COMMISSION MEETING	RBJ	JRD	BTN
1	08/16/2019	WETLAND DELINEATION	JNS	KRB	JNS

07/12/2019
DATE

PRELIMINARY SITE PLAN
DRAWING DESCRIPTION

ROCHAMBEAU
SOLAR ELECTRIC POWER PLANT
WILLIAMSBURG, VA
JAMES CITY COUNTY
PROJECT NAME AND ADDRESS

STRATA SOLAR LLC
50101 Governors Drive
Suite 280
Chapel Hill, NC 27517
919-960-6015
www.stratasolar.com
NC License No.: D-0298

COMMONWEALTH OF VIRGINIA
BRENT T. NIEMANN
Lic. No. 46413
PROFESSIONAL ENGINEER
10/22/19
SEAL

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SIZE: 24.0" x 36.0"	CHKD: KRB	
SCALE: 1" = 300'	ENGR: BTN	
DRAWING NO.	REVISION	
C2.01	3	

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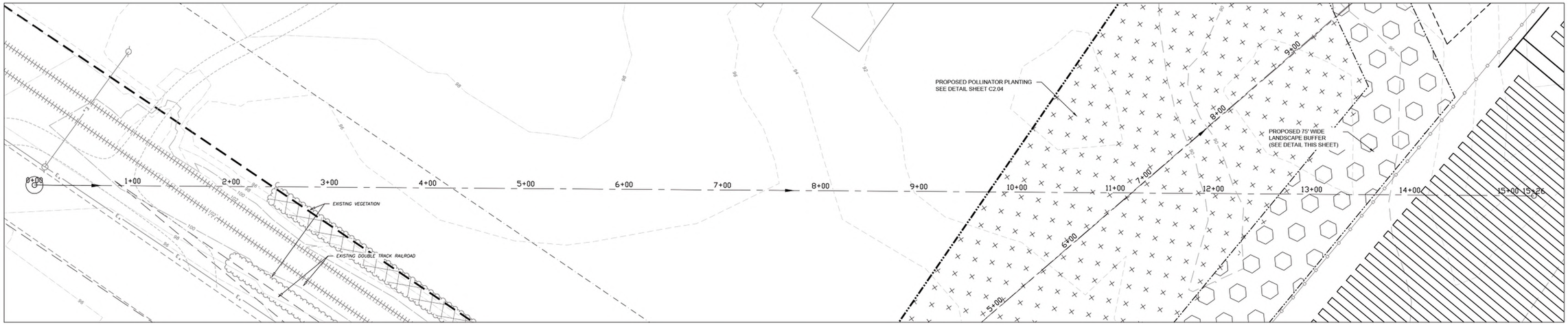
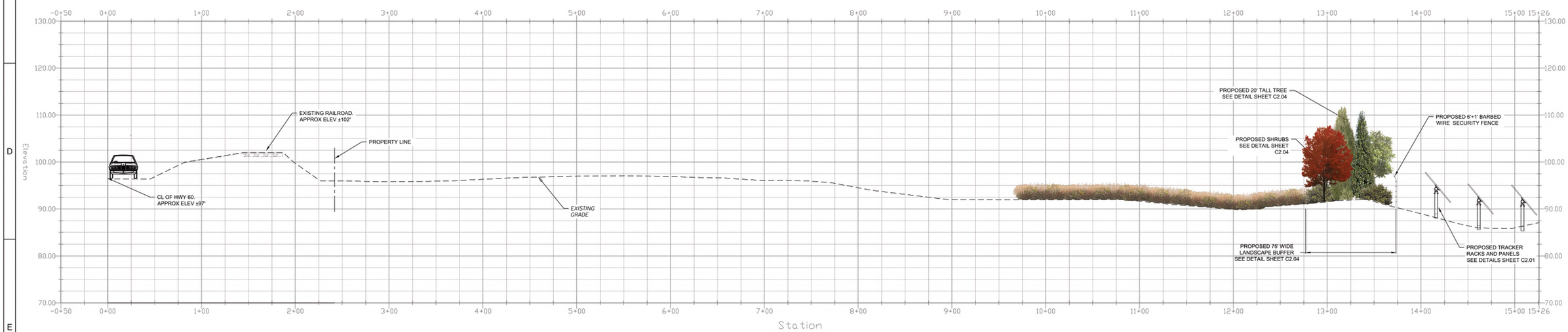


PLAN VIEW

SCALE: 1" = 50'



PROFILE VIEW

SCALE: HORIZONTAL 1" = 50'
VERTICAL 1" = 10'

NOTES

1. EXISTING GRADE PER VGIN LIDAR DATA & SUPPLEMENTED WITH GOOGLE EARTH.
2. ALL PROPOSED VEGETATION SHOWN AT MATURE HEIGHT.
3. EXISTING VEGETATION APPROXIMATE HEIGHT AND LOCATION PER GOOGLE STREETVIEW.

REV	DATE	REVISION DESCRIPTION	BY	CHK	APP
1	10/22/2019	PLANNING COMMISSION COMMENTS	RBJ	JRD	BTN

09/20/2019
DATE

DRAWING DESCRIPTION: LANDSCAPE BUFFER
VANTAGE POINT 1

PROJECT NAME AND ADDRESS: ROCHAMBEAU
SOLAR ELECTRIC POWER PLANT
WILLIAMSBURG, VA
JAMES CITY COUNTY

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PROJ NO: C-681-17-PLHL	DFTR: RBJ
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SCALE: 1" = 50'	ENGR: BTN
DRAWING NO.	REVISION
C2.02	1

COMMONWEALTH OF VIRGINIA
BRENT T. NIEMANN
Lic. No. 46413
PROFESSIONAL ENGINEER
SEAL
10/22/2019

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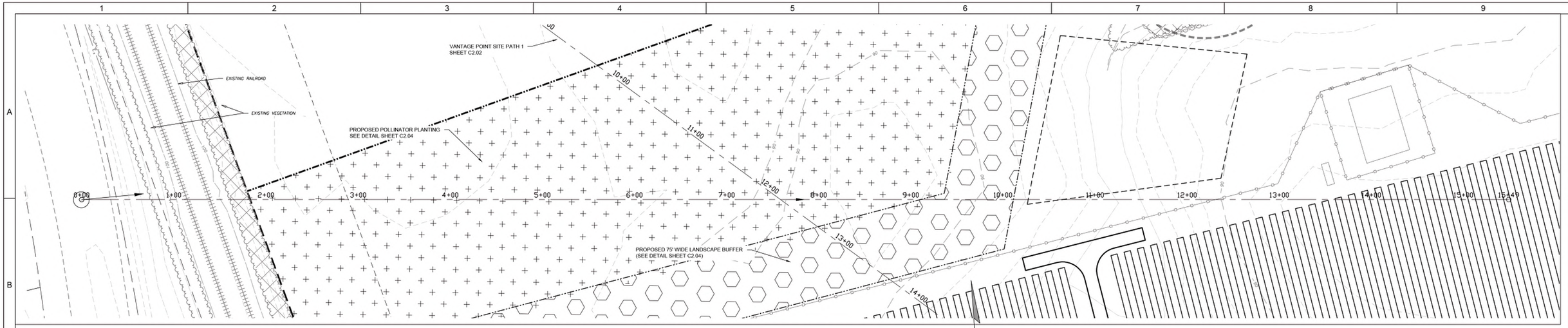
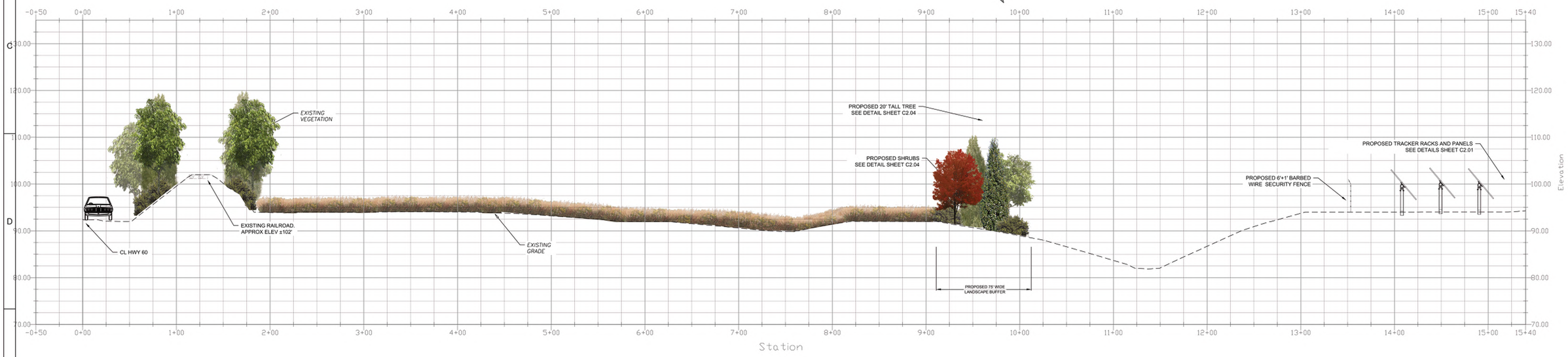


PLAN VIEW

SCALE: 1" = 50'



PROFILE VIEW

SCALE: HORIZONTAL 1" = 50'
VERTICAL 1" = 10'

NOTES

1. EXISTING GRADE PER VGIN LIDAR DATA & SUPPLEMENTED WITH GOOGLE EARTH.
2. ALL PROPOSED VEGETATION SHOWN AT MATURE HEIGHT.
3. EXISTING VEGETATION APPROXIMATE HEIGHT AND LOCATION PER GOOGLE STREETVIEW.

SITE PLAN LEGEND

- PROPOSED POLLINATOR PLANTING
- PROPOSED LANDSCAPE BUFFER
- EXISTING PROPERTY LINE (NOT SURVEYED)
- EXISTING RIGHT-OF-WAY
- EXISTING SETBACK
- PROPOSED AGRICULTURAL AND FOREST DISTRICT LINE
- CHESAPEAKE BAY 100' RPA BUFFER
- EXISTING FENCE LINE
- PERMANENT SECURITY FENCE (6' CHAIN-LINK WITH 3 STRANDS BARBED WIRE)
- TEMPORARY SECURITY FENCE (6' CHAIN-LINK)
- EXISTING OVERHEAD POWER LINE
- PROPOSED OVERHEAD MEDIUM VOLTAGE LINE
- PROPOSED UNDERGROUND MEDIUM VOLTAGE LINE
- EXISTING TREE LINE
- PROPOSED TREE LINE
- PROPOSED SOLAR ARRAY
- PROPOSED EQUIPMENT AREA
- EXISTING UTILITY POLE

COMMONWEALTH OF VIRGINIA
BRENT T. NIEMANN
Lic. No. 46413
PROFESSIONAL ENGINEER
SEAL
10/22/19

REV	DATE	REVISION DESCRIPTION	BY	CHK	APP
1	10/22/2019	PLANNING COMMISSION COMMENTS	RBJ	JRD	BTN

09/18/2019
DATE

DRAWING DESCRIPTION
LANDSCAPE BUFFER
VANTAGE POINT 2

PROJECT NAME AND ADDRESS
ROCHAMBEAU
SOLAR ELECTRIC POWER PLANT
WILLIAMSBURG, VA
JAMES CITY COUNTY

STRATA SOLAR LLC
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DRAWING NO.	REVISION
C2.03	1

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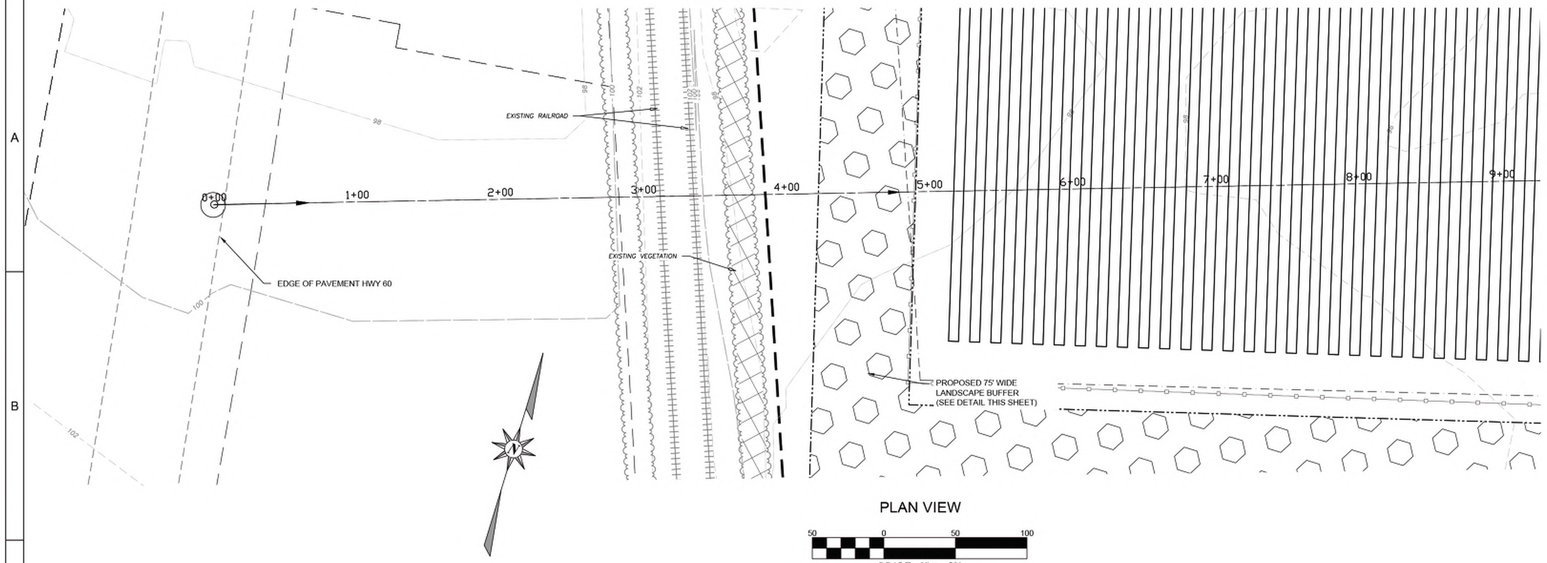
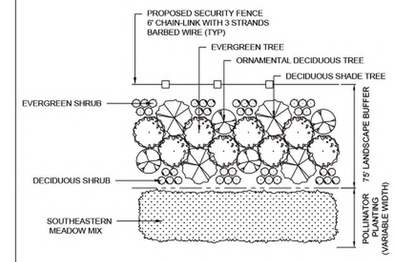


PLAN VIEW

SCALE: 1" = 50'

BUFFER YARD SCREENING DETAIL

NOT TO SCALE

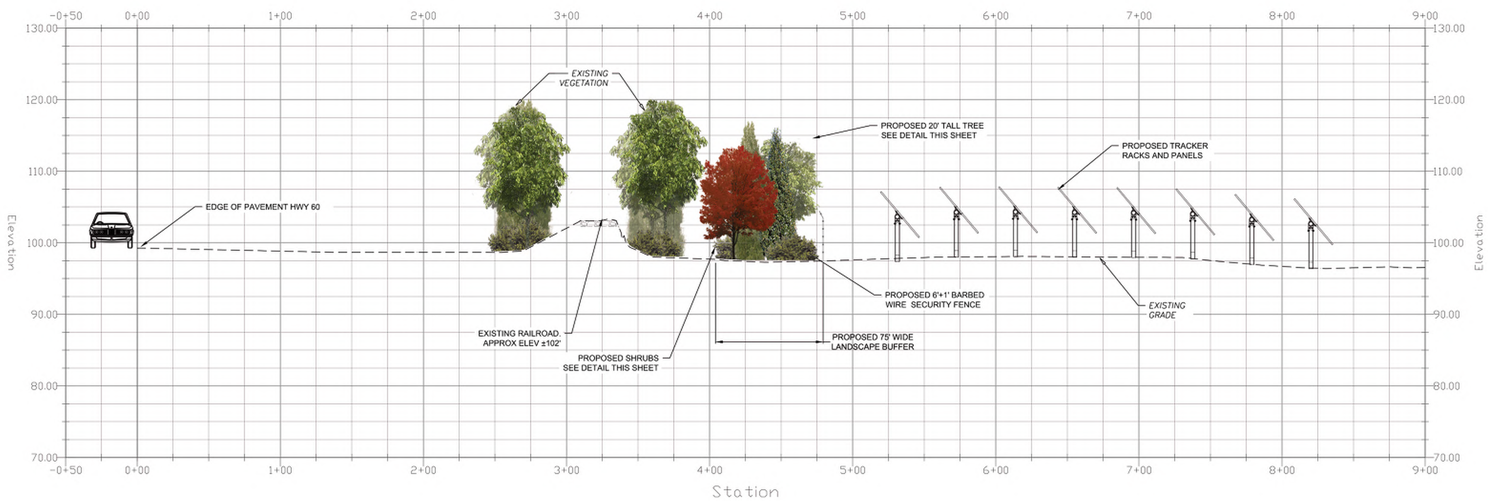


NOTES

1. PLANTING AREA WILL BE APPROXIMATELY 75' WIDE OR 50' WHERE NOTED
2. BUFFER SHALL CONSIST OF AT LEAST 1 TREE AND 3 SHRUBS PER 400 SQ. FT. OF TOTAL LANDSCAPE AREA PROVIDED
3. AT LEAST 35% OF TREES SHALL BE MIN. CALIPER OF 2.5" AT PLANTING
4. A MIN. OF 15% AND MAX. OF 35% OF TREES SHALL BE ORNAMENTAL TREES
5. AT LEAST 50% OF TREES SHALL BE EVERGREEN TREES WHICH WILL ACHIEVE A MIN. HEIGHT OF 40' AT MATURITY
6. AT LEAST 40% OF TREES SHALL BE DECIDUOUS SHADE TREES WHICH WILL ACHIEVE A MINIMUM HEIGHT OF 50' AT MATURITY
7. AT LEAST 50% OF SHRUBS SHALL BE EVERGREEN
8. EVERGREEN TREES
   - JUNIPERUS VIRGINIANA - EASTERN RED CEDAR
   - MAGNOLIA VIRGINIANA - SWEETBAY MAGNOLIA
   - PINUS TAEDA - LOBLOLLY PINE
   - THUJA 'GREEN GIANT' - GREEN GIANT ARBORVITAE
9. ORNAMENTAL DECIDUOUS TREES
   - CHIONANTHUS VIRGINICUS -FRINGE TREE
   - CERCIS CANADENSIS -EASTERN REDBUD
   - AMELANCIER ARBOREA -SERVICEBERRY
10. DECIDUOUS SHADE TREES
   - QUERCUS PHELLOS -WILLOW OAK
   - ACER RUBRUM -RED MAPLE
   - BETULA NIGRA -RIVER BIRCH
10. DECIDUOUS SHRUBS
   - ITEA VIRGINICA -VIRGINIA SWEETSPIRE
   - ILEC VERTICALLATA -WINTERBERRY HOLLY
   - ARONIA ARBUTIFOLIA -RED CHOKEBERRY
11. EVERGREEN SHRUBS
   - MORELLA CERIFERA -WAX MYRTLE
   - ILEX GLABRA -INKBERRY HOLLY
   - ILEX VOMITORIA -YAUPON HOLLY
12. SOUTHEASTERN MEADOW MIX
   - ELYMUS CANADENSIS (CANADA WILD RYE)
   - ELYMUS VIRGINICUS (VIRGINIA WILDRYE)
   - TRIPSACUM DACTYLOIDES (EASTERN GAMMAGRASS)
   - SCHIZACHYRIUM SCOPARIUM (LITTLE BLUESTEM)
   - SORGHASTRUM NUTANS (INDIAN GRASS)
   - TRIDENS FLAVUS (PURPLE TOP)
   - BIDENS ARISTOSA (BIDENS)
   - GAILLARDIA PULCHELLA (INDIAN BLANKET)
   - ACHILLEA MILLEFOLIUM (COMMON YARROW)
   - RUDBECKIA HIRTA (BLACK EYED SUSAN)
   - SENNA HEBECARPA (WILD SENNA)
   - HELIANTHUS ANGUSTIFOLIUS (SWAMP SUNFLOWER)
   - HELIANTHUS MAXIMILIANII (MAXIMILLIAN'S SUNFLOWER)
   - VERBENA HASTATA (BLUE VERVAIN)
   - ASCLEPIAS TUBEROSA (BUTTERFLY MILKWEED)
   - CHAMAECRISTA FASCICULATA (PARTRIDGE PEA)
   - COREOPSIS LANCEOLATA (LANCE LEAF COREOPSIS)
   - ECHINACEA PURPUREA (PURPLE CONEFLOWER)
   - MONARDA PUNTUATA (SPOTTED BEEBALM)
   - SYMPHYOTRICHUM PILOSUM (HEATHER ASTER)

LOW GROWING CLOVER/TURF SEED MIX*		
WARM SEASON SEEDING SCHEDULE		
DATE	TEMPORARY AND PERMANENT SEED MIX	PLANTING RATE
APRIL 1 - SEPT 15	70% HULLED COMMON BERMUDA 10% BROWNTOP MILLET 5% CENTIPEDE GRASS 15% WHITE CLOVER	75 LB/AC
COOL SEASON SEEDING SCHEDULE		
DATE	TEMPORARY AND PERMANENT SEED MIX	PLANTING RATE
SEPT 16 - MARCH 31	55% DWARF TURF-TYPE TALL FESCUE (DTT) 5% FINE FESCUE (HARD OR CHEWINGS) 5% UNHULLED COMMON BERMUDA 10% ANNUAL RYE 25% WHITE CLOVER	175 LB/AC

*PRIMARY PERMANENT STABILIZATION



PROFILE VIEW

SCALE: HORIZONTAL 1" = 50'
VERTICAL 1" = 10'

NOTES

1. EXISTING GRADE PER VGIN LIDAR DATA & SUPPLEMENTED WITH GOOGLE EARTH.
2. ALL PROPOSED VEGETATION SHOWN AT MATURE HEIGHT.
3. EXISTING VEGETATION APPROXIMATE HEIGHT AND LOCATION PER GOOGLE STREETVIEW.

SITE PLAN LEGEND

- PROPOSED POLLINATOR PLANTING
- PROPOSED LANDSCAPE BUFFER
- EXISTING PROPERTY LINE (NOT SURVEYED)
- EXISTING RIGHT-OF-WAY
- EXISTING SETBACK
- PROPOSED AGRICULTURAL AND FOREST DISTRICT LINE
- CHESAPEAKE BAY 100' RPA BUFFER
- EXISTING FENCE LINE
- PERMANENT SECURITY FENCE (6' CHAIN LINK WITH 3 STRANDS BARBED WIRE)
- TEMPORARY SECURITY FENCE (6' CHAIN LINK)
- EXISTING OVERHEAD POWER LINE
- PROPOSED OVERHEAD MEDIUM VOLTAGE LINE
- PROPOSED UNDERGROUND MEDIUM VOLTAGE LINE
- EXISTING TREE LINE
- PROPOSED TREE LINE
- PROPOSED SOLAR ARRAY
- PROPOSED EQUIPMENT AREA
- EXISTING UTILITY POLE

REV	DATE	REVISION DESCRIPTION	BY	CHK	APP
1	10/22/2019	PLANNING COMMISSION COMMENTS	RBJ	JRD	BTN

09/18/2019
DATE

DRAWING DESCRIPTION
LANDSCAPE BUFFER
VANTAGE POINT 3

PROJECT NAME AND ADDRESS
ROCHAMBEAU
SOLAR ELECTRIC POWER PLANT
WILLIAMSBURG, VA
JAMES CITY COUNTY

COMMONWEALTH OF VIRGINIA
BRENT T. NIEMANN
LIC. NO. 46413
PROFESSIONAL ENGINEER
SEAL
10/22/19

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PROJ NO: C-681-17-PLHL	DFTR: RBJ
SIZE: 24.0" x 36.0"	CHKD: KRB
SCALE: 1" = 50'	ENGR: BTN
DRAWING NO.	REVISION
C2.04	1

Z:_PROJECTS\Rochambeau\681-17\A CADD\C-681-17-ROCH_BUFVIS.dwg, 10/23/2019 2:16:00 PM, ctrets, 1:1

RESOLUTION

VIRGINIA CODE § 15.2-2232 ACTION ON CASE NO. SUP-19-001 7

HILL PLEASANT FARM SOLAR FARM

WHEREAS, in accordance with Section 15.2-2232 of the Code of Virginia, a public utility facility, whether publicly or privately owned, shall not be constructed, established, or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan or part thereof; and

WHEREAS, Hill Pleasant Farm, Inc., (the "Owner"), owns property located at 7150 Richmond Road, further identified as James City County Real Estate Tax Map Parcel No. 2410100005 and zoned A-1, General Agricultural (the "Property"); and

WHEREAS, Mr. Ben Vollmer of Strata Solar Development, on behalf of the Owner, has applied for a Special Use Permit to allow for the construction of a solar electrical generation facility on the Property as shown on a plan titled "Rochambeau Solar Electric Power Plant" dated July 12, 2019; and

WHEREAS, in accordance with Section 15.2-2204 of the Code of Virginia and Section 24-9 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case No. SUP-19-0017.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, finds that the general or approximate location, character, and extent of the public utility facility shown in Case No. SUP-19-0017 is substantially in accord with the adopted Comprehensive Plan and applicable parts thereof.

Jack Haldeman
Chairman, Planning Commission

ATTEST:

Paul D. Holt, III
Clerk to the Board

Adopted by the Planning Commission of James City County, Virginia, this 2nd day of October, 2019.

SUP19-17HillPFrm-res

Unapproved Minutes of the October 2, 2019
Planning Commission Regular Meeting

AFD-19-0001. 7150 Richmond Road, Hill Pleasant Farm AFD Withdrawal
SUP-19-0017. Hill Pleasant Farm Solar Farm

Mr. Haldeman noted that AFD-19-0001, 7150 Richmond Road, Hill Pleasant Farm AFD Withdrawal and SUP-19-0017, Hill Pleasant Farm Solar Farm would be considered by the Commission concurrently, with one Public Hearing, but each case would require a separate vote.

Mr. Thomas Leininger, Planner, stated that Mr. Mr. Ben Vollmer has applied, on behalf of Strata Solar, for an SUP to construct a solar farm and an Agricultural and Forestal District (AFD) Withdrawal to remove a 192.76-acre portion of the 391.30-acre parcel within the Hill Pleasant Farm AFD. Mr. Leininger stated that the subject parcel is one of three currently in the Hill Pleasant Farm AFD, which total 529.39 acres. Mr. Leininger stated that the parcel is located at 7150 Richmond Road and is currently zoned A-1, General Agricultural and is designated Economic Opportunity on the 2035 Comprehensive Land Use Map and is located outside the Primary Service Area.

Mr. Leininger stated that prior to the approval of an SUP for the solar farm, the area subject to this SUP is required to be withdrawn from the AFD.

Mr. Leininger further stated that outside of the AFD renewal period, withdrawals must be approved by the Board of Supervisors according to a specific set of criteria. Mr. Leininger stated that the AFD Withdrawal was reviewed by staff, and found that it only met two of the four criteria listed in the adopted Board of Superior's Policy Governing the Withdrawal of Property from AFDs. Mr. Leininger stated that staff recommended that the AFD Advisory Committee recommend denial of the application at its July 25, 2019 meeting. Mr. Leininger further stated that the AFD Advisory Committee voted 8-0 to recommend approval of the withdrawal request to the Planning Commission and Board of Supervisors.

Mr. Leininger stated that the major elements of the proposed solar farm are the ground-mounted arrays of solar panels. Mr. Leininger stated that each array is made of a number of panels and the arrays are mounted on single-axis trackers, which are devices that automatically orient the arrays toward the direction of the sun. Mr. Leininger stated that all new utilities will be placed underground and the solar farm will connect to an existing Dominion Energy utility pole. Mr. Leininger stated that a 50-foot vegetated buffer is shown along the perimeter of the development. The buffer is increased to 75 feet along areas nearest to Richmond Road. Mr. Leininger stated that the lease will be for 30 years with two 5-year extension options. Mr. Leininger stated that the proposed solar farm will take access from Rochambeau Drive and construction activities such as pile driving, clearing and grading have limited hours per the SUP conditions.

Mr. Leininger stated that the 2035 Comprehensive Plan Land Use Map designates the property Economic Opportunity. Mr. Leininger stated that the Comprehensive Plan does not specifically identify solar power or utilities in general, in EO; therefore, staff has reviewed this application as a transitional use for the district given the limited lease.

Mr. Leininger noted that Section 15.2-2232 of the Code of Virginia requires that unless a utility facility is shown on the adopted Comprehensive Plan or other master plan for the County, the local planning commission and a governing body shall review the facility to determine whether the location, character and extent of the project is in substantial accordance with the Comprehensive Plan. Mr. Leininger stated that a Resolution of Consistency with Section 15.2-2232 of the Code of Virginia has been included for consideration.

Mr. Leininger stated that based on an evaluation of criteria listed in the Board of Supervisor's Policy Governing the Withdrawal of Properties from AFDs, staff recommends that the Planning Commission recommend denial of the AFD Withdrawal to the Board of Supervisors.

Mr. Leininger further stated that staff recommends that the Planning Commission recommend approval of the proposed SUP subject to the proposed conditions and approving Case No. AFD-19-0001 to the BOS. Mr. Leininger stated that staff recommends that the Planning Commission find this application consistent with the Code of Virginia § 15.2-2232.

Mr. Greg Davis, Kaufman and Canoles, PC, 4201 Courthouse Street, representing the applicant, made a presentation to the Commission.

Mr. Krapf inquired if the low-growing plants would be under the solar panel arrays as well as in the garden.

Mr. Davis confirmed that a clover mix would be planted under the arrays.

Mr. Krapf inquired if native grasses would be used for portions of the site.

Mr. Davis stated that the proposal is to use turf grass. Mr. Davis further stated that the clover and grass mix was chosen because it will establish quickly to minimize erosion.

Mr. Krapf inquired if the applicant would be agreeable to an SUP Condition specifying the types of plantings to be used under the arrays.

Mr. Davis confirmed that the applicant would be amenable to that condition.

Mr. Polster inquired about the location of the five acres of pollinators.

Mr. Davis confirmed that the pollinators will be located adjacent to the farmhouse as shown on the Master Plan.

Mr. Polster if the eastern buffer followed the Resource Protection Area (RPA).

Mr. Davis stated that the boundary for the parcel being withdrawn from the AFD generally follows the ravine system which is RPA.

Mr. Polster inquired if the trees within the buffer area would be preserved and protected from harvesting for the life of the lease.

Mr. Davis stated that the trees in the RPA would not be harvested; however, there would be some harvesting of trees outside the RPA among the arrays.

Mr. Polster inquired if the applicant might plant the swales of the Best Management Practice (BMP) with larger pollinator friendly plants.

Mr. Joe Davis, Civil Engineer, STRATA, stated that they had considered using pollinator friendly plants; however, the areas around the BMP are extremely steep and prone to erosion, so they need a mix that establishes quickly.

Mr. Polster inquired about how the habitat would be restored at the end of the project life.

Mr. Joe Davis stated that they would need an erosion control plan to re-stabilize the property.

Ms. Leverenz inquired if the life-expectancy of the arrays is 40 years or if significant components will need to be replaced through the life of the project.

Mr. Jackson Naftel, STRATA, stated that the solar panels have a 20 to 30 year guarantee. Mr. Naftel further stated that even after that time, the panels function at a high percentage of their original capacity. Mr. Naftel noted that components will need to be replaced throughout the life of the project; however, the process is more piecemeal rather than a massive overhaul.

Ms. Leverenz noted that in thirty or forty years technology will have evolved such that a major overhaul might be necessary.

Mr. Naftel responded that a large overhaul might be financially beneficial under those circumstances.

Mr. O'Connor inquired if there was any consideration in the lease agreement or the project design that would accommodate the Mooretown Road extension if and when it might be constructed.

Mr. Greg Davis stated that there is no accommodation for the Mooretown Road extension. Mr. Davis stated that this had been a subject of discussion with the County prior to bringing the application forward. Mr. Davis stated that the neither the State, nor the County would fund construction of a road just to make the area attractive to a developer, therefore, it would fall to the developer to fund part or all of the road construction if it would benefit their project. Mr. Davis stated that it has been ten years since the property was designated Economic Development and no one has come forward with a project that would incorporate the road extension.

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearings for AFD-19-0001. 7150 Richmond Road, Hill Pleasant Farm AFD Withdrawal and SUP-19-0017. Hill Pleasant Farm Solar Farm

As no one wished to speak, Mr. Haldeman closed the Public Hearing.

Mr. Haldeman opened the floor for discussion by the Commission.

Mr. Krapf stated that he is supportive of the AFD Withdrawal. Mr. Krapf stated that he believes the Board of Supervisors' AFD Withdrawal Policy was not established to completely prohibit withdrawals, but rather a way to discourage them. Mr. Krapf stated that he finds the solar farm use to be a public benefit. Mr. Krapf further stated that this is a small step that the community can take to reduce the carbon footprint. Mr. Krapf stated that the solar farm is an appropriate use of the land and is supportive of a number of County initiatives.

Ms. Odessa Dowdy stated that she is supportive of the application and eager for citizens to have the option for renewable energy.

Ms. Leverenz stated in light of the recent legislative changes, she finds the application to meet the three of the four criteria for withdrawal from the AFD.

Mr. O'Connor stated that he does not find the application consistent with the Comprehensive Plan. Mr. O'Connor stated that because of future development needs, he has concerns about this parcel being tied up for 30 or 40 years.

Mr. Krapf inquired about the process if the AFD Withdrawal were approved but the SUP was not approved.

Mr. Holt stated that it would have to be resolved prior to action by the Board of Supervisors.

Mr. Krapf made a motion to approve the AFD Withdrawal.

On a roll call vote, the Commission voted to recommend approval of AFD-19-0001. 7150 Richmond Road, Hill Pleasant Farm AFD Withdrawal. (4-2)

Mr. Krapf made a motion to adopt the resolution finding the general location, character, and extent of the proposed use to be substantially in accord with the adopted Comprehensive Plan.

On a roll call vote, the Commission voted to adopt the resolution finding the general location, character, and extent of the proposed use to be substantially in accord with the adopted Comprehensive Plan. (5-1)

Mr. Krapf made a motion to recommend approval of the application for an SUP subject to the associated conditions and development of additional condition regarding the type and extent of pollinator plantings along with a maintenance schedule for the life of the project which would be subject to approval by the Director of Planning at Site Plan stage.

On a roll call vote, the Commission voted to recommend approval of SUP-19-0017. Hill Pleasant Farm Solar Farm subject to the proposed conditions. (5-1)

AGENDA ITEM NO. H.7.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Ellen Cook, Principal Planner

SUBJECT: Z-18-0002, Z-19-0010, MP-18-0002. Stonehouse Rezoning and Proffer and Master Plan Amendment

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ATTACHMENTS:

	Description	Type
	Staff Report	Staff Report
	Attachment 1 Ordinance - Z-18-0002	Ordinance
	Attachment 2 Ordinance - Z-19-0010/MP-18-0002	Ordinance
	Attachment 3 Resolution - Central Water System Waiver	Resolution
	Attachment 4 Location Map	Backup Material
	Attachment 5 Parcel Addresses and Tax Map/Parcel Nos.	Backup Material
	Attachment 6 Community Impact Statement	Backup Material
	Attachment 7 Master Plan	Backup Material
	Attachment 8 Master Plan Supplental Sheets Part 1	Backup Material
	Attachment 8 Master Plan Supplemental Sheets Part 2	Backup Material
	Attachment 8 Master Plan Supplemental Sheets Part 3	Backup Material
	Attachment 9 Tract 10B Preservation Square Rendering	Backup Material
	Attachment 10 Tract 9 School Site Rendering	Backup Material
	Attachment 11 Proposed Proffers	Backup Material
	Attachment 12 Applicant's Proffer Comparison Adopted and Proposed	Backup Material
	Attachment 13 Stonehouse Preserve Restricted Use Easement	Backup Material
	Attachment 14 Riverfront Preserve Restricted Use Easement	Backup Material
	Attachment 15 Fiscal Impact Analyses	Backup Material
	Attachment 16 Traffic Impact Analysis and Addendum	Backup Material
	Attachment 17 2008 Proffers	Backup Material
	Attachment 18 2008 Master Plan	Backup Material

🗋	Attachment 20 Unapproved Minutes of the October 2, 2019 Planning Commission Meeting	Backup Material
🗋	Attachment 21 Citizen Comments	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	10/28/2019 - 2:14 PM
Development Management	Holt, Paul	Approved	10/28/2019 - 2:14 PM
Publication Management	Daniel, Martha	Approved	10/28/2019 - 2:39 PM
Legal Review	Kinsman, Adam	Approved	10/30/2019 - 10:31 AM
Board Secretary	Fellows, Teresa	Approved	10/30/2019 - 11:17 AM
Board Secretary	Purse, Jason	Approved	11/5/2019 - 9:18 AM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 10:07 AM

SUMMARY FACTS

Applicant: Mr. Tim Trant, Kaufman & Canoles, P.C.

Land Owners: SCP-JTL Stonehouse Owner 1; SCP-JTL Stonehouse Owner 2; Stonehouse Owners Foundation, NVR, Inc.

Proposal: Rezoning application Z-18-0002 proposes to rezone an approximately 2,659.6-acre portion of James City County Real Estate Tax Map Parcel No. 0630100005 from Planned Unit Development (PUD)-Residential, to A-1, General Agricultural, and to grant restrictive use easements over this area.

The proffer and Master Plan amendment applications Z-19-0010 and MP-18-0002 propose to accomplish the following: reduce the size of the PUD by approximately 2,659.6 acres; reduce the maximum permitted number of dwelling units and non-residential square footage; change land use designations within the development; make revisions to the approved proffers related to traffic improvements, community and recreational facilities, public sites, environmental protections, and other matters; and adjust the boundary line between PUD-Commercial and PUD-Residential.

Addresses and Tax Map/Parcel Nos.:

- Area Proposed to be Rezoned from PUD to A-1: 9800 Six Mount Zion Road, 0630100005 (Portion).
- Area subject to Proposed Amended Master Plan and Amended Proffers: See attached list.

Project Acreage:

- Area Proposed to be Rezoned from PUD to A-1: +/- 2,659.6 acres.
- Area subject to Proposed Amended Master Plan and Amended Proffers: +/- 1,913.3 acres.

Existing Zoning: PUD with Proffers.

Proposed Zoning:

- A-1, General Agricultural (Z-18-0002).
- PUD with amended Master Plan and proffers (Z-19-0010/MP-18-0002).

Comprehensive Plan: Mixed Use, Low Density Residential (LDR), Rural Lands (small portion of Tract 9).

Primary Service Area (PSA): Inside

Staff Contact: Ellen Cook, Principal Planner

PUBLIC HEARING DATES

Planning Commission: October 2, 2019, 6:00 p.m.

Board of Supervisors: November 12, 2019, 5:00 p.m.

FACTORS FAVORABLE

1. The reduction in development potential by approximately 1,100 residential units and 2,030,000 square feet of non-residential uses

will reduce the demand for and impact on public services and facilities.

2. Through the Master Plan and restricted use easements, approximately 2,659 acres will be placed into the Stonehouse and Riverfront Preserves, which will be limited to 19 dwelling units and on the Stonehouse Preserve, limited to 130,000 square feet of commercial A-1 uses.

3. With regard to Comprehensive Plan consistency for the PUD to A-1 Rezoning, this proposal achieves certain goals consistent with the Comprehensive Plan overall and with certain LDR development standards and reduces the demand for and impact on public services and facilities, although as a downzoning from PUD to A-1, the proposed density is significantly lower than that recommended by LDR.

4. With regard to Comprehensive Plan consistency for the Proffer and Master Plan Amendment for the Stonehouse PUD, staff finds the proposed amended Master Plan to be consistent with the LDR Land Use Designation, and generally consistent with the Mixed Use Land Use Designation.

5. The proposal meets Parks and Recreation Master Plan guidelines.

6. The proposal continues to include proffers addressing a wide range of public benefits including environmental protections, water conservation, archaeological studies, and design review.

7. Pursuant to the Fiscal Impact Analysis submitted for this application, the proposal is expected to have a positive fiscal impact.

8. Staff finds the proposal will not negatively impact surrounding zoning and development.

FACTORS UNFAVORABLE

1. The proposal does not fully comply with the Board of Supervisors Housing Opportunities Policy or Cash Proffer Policy for Schools, although proffers do address affordable/workforce housing needs and provide for a school site and cash contributions for schools.

2. The proposal does not fully comply with the Pedestrian Accommodations Master Plan and Regional Bikeway Plan for facilities along Six Mount Zion Road. The proposal fully complies for the other roadways.

SUMMARY STAFF RECOMMENDATION

- For the PUD to A-1 Rezoning: Approval and acceptance of the restricted use easements.

- For the Stonehouse PUD Proffer and Master Plan Amendment: Approval and acceptance of the voluntary proffers.

PLANNING COMMISSION RECOMMENDATION

At its October 2, 2019 meeting, the Planning Commission voted 4-2 to recommend the approval of these cases to the Board of Supervisors.

<u>Proposed Changes Made Since the Planning Commission Meeting</u>

The applicant has not made any changes to the application materials.

The County and James City Service Authority (JCSA) staff finalized the central water system waiver conditions and some changes were made compared to the draft version provided to the Planning Commission as an informational attachment.

PLANNING AND ZONING HISTORY

The Stonehouse PUD was originally approved in November 1991 as a mixed residential/commercial community with a proposed reservoir. Since the original approval, a number of changes have been made including a number of minor proffer amendments between 1991 and 1994, the removal of language pertaining to the Ware Creek Reservoir after permitting did not succeed in 1995, and a rezoning in 1999 that incorporated a 75-acre tract into the development. The existing development in Stonehouse, including the golf course and neighborhoods on Mill Pond Run and the Stonehouse Glen neighborhood on Fieldstone Parkway, occurred over the years by several corporations including Stonehouse Development Corporation and Stonehouse at Williamsburg. In 2006, the majority of the undeveloped land was sold to GS Stonehouse Greenland Sub, LLC ("GS Stonehouse"). In 2008, GS Stonehouse received approval for comprehensive changes for this remaining land, thoroughly revising both the Master Plan and proffers. The 2008 case was the last major legislative case to be approved. The area that was not owned by GS Stonehouse in 2008 has continued forward under the 1999 Master Plan and proffers, while the land owned by GS Stonehouse has continued forward under the 2008 Master Plan and proffers.

Since 2008, there have been two proffer amendments to the 2008 proffers. In 2012, the Board of Supervisors approved an amendment relating to the dedication of conservation easements within the property. In 2015, the Board of Supervisors approved amendments to the Transportation and Economic Development proffers; of most significance, the Transportation proffer was amended to re-sequence the order of the proffered improvements by focusing on the transportation improvements necessary to support the western/southern portion of the development and waiting to determine the triggers and/or schedule for the proffered transportation improvements needed to serve the eastern and northern portions of the property, including the major new internal road (the "Bridge Road"), by providing an updated traffic study to the County that would specify this information prior to any development occurring in that area.

In addition to these legislative cases, the Planning Commission's Development Review Committee has approved a number of modifications and unit location transfers over the years that were deemed to not change the overall concept or character of the development.

Several portions of the 2008 Master Plan were developed or sold in the intervening years, are not part of this current application, and would remain subject to the 2007 Master Plan and proffers. These include: Land Bay 1 (undeveloped), a portion of Land Bay 5 now owned by The Association at Stonehouse, and Tract 12 (developed as 56 single-family residential lots).

The portions of the Stonehouse PUD that are subject to the 1999 and 2008 Master Plan and proffers are shown in gray on the Master Plan document. The portions of the Stonehouse PUD that would be subject to the currently proposed PUD Master Plan and proffer amendment are shown in color on the Master Plan document. The portions of the development that would be subject to the PUD to A-1 rezoning are shown in two shades of green on the Master Plan document.

PROJECT DESCRIPTION

A. Proposed Rezoning from PUD to A-1

This application proposes to rezone approximately 2,659.6 acres of land from PUD to A-1. The new A-1 area would consist of two sub-areas, shown on the Master Plan as the Stonehouse Preserve and the Riverfront Preserve. In the Community Impact Statement, the applicant indicates that future use of this property could include any of the following: a single owner (e.g., a public body, or one or more

private buyers); multiple estate properties; clustered homes on more traditionally sized lots with extensive open space; non-residential use(s) as allowed in the A-1 Ordinance up to 130,000 square feet, such as a winery; or some combination of these uses. The application proposes to place some parameters on this area through two restricted use easements that would be granted to the County.

Comparison
[See Table on Following Page]

	2008 Master Plan (Area Zoned PUD)	Proposed Master Plan, with Restrictions in Easements (Area Would be Zoned A-1) *Riverfront Preserve = "R.P."* *Stonehouse Preserve = "S.P."*
Residential Units	The Master Plan lists unit ranges for each Tract. For the Tracts covered by this area, the sum of the ranges is 900 (min) to 4,050 (max); however, the overall maximum for the PUD area on the Master Plan was no more than 3,646 units, so not all of these Tracts could have been built to the upper end of its range.	R.P.: Max 4 units S.P.: Max 15 units Total: Maximum of 19 units
Commercial Uses/Square Footage	Up to 130,000 square feet if the marina on the York River was permitted. If permitted, this square footage was listed as "commercial" or "office" uses.	R.P.: None Permitted S.P.: Max 130,000 square feet of commercial uses as permitted in the A-1 Ordinance, or as otherwise specifically approved by the Board of Supervisors. Any uses listed in the A-1 Ordinance as specially permitted, including uses such as "community recreation facilities" would require submission and approval of a SUP.
Access	Accessed from a new road built within the Stonehouse PUD, the "Bridge Road."	R.P.: Residential accessed from the western terminus of Sycamore Landing Road. S.P.: Limited from being on the portion of Sycamore Landing Road west of the location shown on the Master Plan as the "Stonehouse Preserve and Riverfront Preserve Residential and Non-Residential Access Reference Point," but otherwise permitted on other portions of Sycamore Landing, Croaker and Ware Creek Roads.
Utilities	Served by public water and sewer through new infrastructure constructed by the developer and accepted into the JCSA system.	Both R.P. and S.P.: If all 19 lots are subdivided in the future, this would be considered a major subdivision. While this property is currently inside the PSA and would require extension of public utilities, should the PSA status change in the future, a major subdivision would trigger the Subdivision Ordinance's requirement for a central water system. In order to increase predictability for both the County and the applicant should the PSA status change, the applicant has submitted a central water system waiver request concurrent with the rezoning application, which is further discussed below. If approved, the waiver would allow future parcels to be served by individual private wells. In addition, the lots would be served by individual on-site sewage disposal (septic) systems.
Documents Governing Restrictions	Proffers	There will not be proffers for this area; the applicant has instead offered restricted use easements granted to the County.
Other Considerations	Other impacts, such as traffic, fiscal impact, and public facilities, were assessed for this area together with the remaining amended PUD area, and are discussed in the Public Impacts section.	

Central Water System Waiver Request

- As noted above, while this property is currently inside the PSA and would require extension of public utilities to any major subdivision (six or more lots), should the PSA status change in the future, a major subdivision would trigger the Subdivision Ordinance's requirement for a central water system. In order to increase predictability for both the County and the applicant should the PSA status change, the applicant has submitted a central water system waiver request concurrent with the rezoning application.

- Section 19-59 of the Subdivision Ordinance states that the subdivider of any major subdivision outside the PSA shall construct a central water system which upon completion to JCSA standards, shall be accepted by JCSA. The Ordinance further states that the central water system requirement may be waived by the JCSA manager and that the waiver may be subject to reasonable conditions.

- While several such waivers were processed and approved many decades ago, in the last 15 years only one such waiver has been approved following review by the JCSA manager and the Board of Supervisors. This was the waiver approved for the Uncle's Neck subdivision (now known as River's Bend at Uncle's Neck) off Forge Road. This development preserved a significant open space, reduced the density below what would otherwise have been allowed by-right and included additional environmental protections.

- For the current waiver request, the JCSA manager has determined that the central water system would be acceptable for this proposal based on the overall size of the parcel in question. Based on the number and size of lots, individual wells do not appear to have adverse impacts on the groundwater system. In addition, the proposed waiver includes certain conditions to limit impacts including limiting the groundwater withdrawal amount. Staff recommends that the Board of Supervisors authorize the JCSA manager to grant the requested waiver to Section 19-59, subject to the Board approving the requested rezoning, and subject to the conditions in Attachment No. 3. The applicant has calculated that the reduction in development potential of the PUD will reduce water demand significantly.

Other Restricted Use Easement Provisions

In addition to the use, number of residential units, amount of non-residential square footage, and access provisions noted above, the easements put in place provisions on allowed and prohibited types of grading and earth removal; commits to archaeological investigation of identified sites and, in the Stonehouse Preserve easement, to preserve the foundations of the "Stone House" archaeological site; commits to conducting any silviculture, agriculture, or aquaculture activities in accordance with stewardship plans reviewed by appropriate agencies; commits to preservation of certain amounts of open space; and restricts the accumulation of waste material. Please note that there are some differences between the two easements, so please reference the appropriate easement for the provisions that apply.

B. Proposed Amendment of the Stonehouse Planned Unit Development Master Plan and Proffers

The current applicant proposes changes to the 2008 Master Plan and proffers that are comprehensive in nature, substantially revising both the Master Plan and proffers. Changes to the Master Plan are described in the next several paragraphs. Proffer changes include proposed amended language for the existing proffers, addition of new proffers, and deletion of a couple existing proffers. Staff has described the proposed proffer changes in the pertinent sections of the report below.

Overall, proposed changes to the Master Plan include two major aspects: 1) zoning designation; and 2) residential unit and commercial square footage quantities, and the overall development concept:

1) For the first item, there is one change in zoning designation proposed (aside from the rezoning to A-1 described above). This is the rezoning of approximately 735 acres from PUD-Commercial (PUD-C), with proffers, to PUD-Residential (PUD-R), with Proffers. The PUD-C to PUD-R change can be found in Tracts generally along the southern side of Fieldstone Parkway and along the northern side of Mount Laurel Road; a depiction of the zoning changes can be seen on the Zoning Exhibit sheet of the Master Plan.

2) For the second item, starting with residential unit and commercial square footage quantities, both the proposed overall residential unit number and the amount of commercial square footage are significantly less than the 2008 Master Plan, reflective of the reduction in the size of the PUD overall.

	2008 Master Plan/Proffers	Proposed PUD Master Plan/Proffers
Residential Units	Maximum of 3,646 units (with a maximum of 1,200 attached units such as townhouses and apartments)	Maximum of 2,392 units (with a maximum of 1,200 attached units such as townhouses and apartments)
Non-Residential Uses	Maximum of 2,900,000 square feet	Maximum of 740,000 square feet

The following are brief summaries of the changes in the development concept.

Non-residential

- For the Stonehouse Commerce Park (Tract 13), the remaining undeveloped land would still be designated for non-residential uses. Retail uses (Category "E") have been added as permitted in this Tract, and Institutional uses (Category "I") have been excluded.

- For Tract 10, which is southwest of the Fieldstone Parkway/Six Mount Zion Road intersection, the existing Master Plan allows for limited retail, as well as office, light industrial, and wholesale/warehouses uses. The current proposal calls for the western side (Tract 10A) to be entirely residential and for the eastern side (Tract 10B) to be the new "town square" to serve as a front door to Stonehouse and to include neighborhood commercial uses, residential units, and community recreation and open space (Attachment No. 9). Please note that the Master Plan proposes that the zoning for this Tract change from PUD-C to PUD-R, but that PUD-R still allows for many commercial uses, including the ones that are proposed.

- For Tract 11, which is north of Mount Laurel Road, the existing Master Plan allows for a range of non-residential uses, both for economic development potential (light industrial, warehouse, etc.) and some retail to help meet the needs of Stonehouse residents. The current proposal calls for this area to be for residential uses, and for up to 200,000 square feet for senior housing uses (assisted living facilities or skilled nursing facilities), which are classified as non-residential Institutional uses.

- For Tract 9, which fronts on Rochambeau Drive, the existing Master Plan allows for office uses along with one of the proffered public use sites; this Tract is now designated for a School Site on the proposed Master Plan.

Residential

- For the remaining Land Bays in the Phase I area of Stonehouse (in the close vicinity of the Fieldstone Parkway/Mill Pond Run intersection), the proposed Master Plan calls for residential units to be concentrated on Land Bay 5, and eliminated or reduced on Land Bays 3, 8, and 14.

- Tracts 2 and 3 along Six Mount Zion Road remain unchanged.

- For the School Site on Six Mount Zion Road, the proposed Master Plan calls for this area to now be for up to 300 residential units. The School Site would no longer be in this location.

- For Tract 1, which was shown along both sides of Ware Creek Road, the existing Master Plan allows for single-family uses toward the outside of the PUD and a variety of residential uses toward the inside. The proposed Master Plan calls for the majority of the eastern portion to be part of the proposed A-1 zoned area and for the western portion to be joined with Tract 11B. As noted above, Tract 11 is now proposed to be all single-family residential use or Institutional use (senior housing).

Public Use

The existing Master Plan specifies two public use sites. One is the 179-acre site along Six Mount Zion Road, which was conceptually planned for up to two schools, as well as associated recreational uses. The other site is on Tract 9, with the proffers specifying approximately 10 acres for use as certain types of public facilities (fire station, police station, etc.). The proposed Master Plan now calls for only one public use site, on the entirety of Tract 9; this approximately 89-acre site is labeled on the Master Plan for a Middle School (the proffers refer to this area more broadly as the School Site). See discussion in the Public Impacts section for additional information.

Recreational

There are already significant recreational amenities within Stonehouse Phase I, and within Amenity H along Six Mount Zion Road. Both the existing Master Plan and the proposed Master Plan call for additional recreational facilities; although the proposed Master Plan relocates a number of them and reduces the overall set of proposed amenities commensurate with the reduction in the PUD. See discussion in the Public Impacts section for additional information.

Road Network

- The internal road network is similar between the existing Master Plan and the proposed Master Plan, with use of upgraded existing roads to access the Tracts including Six Mount Zion, Ware Creek Road, and Mount Laurel Road.

- The major difference is that the existing Master Plan shows what would be a major new roadway which would have started at Rochambeau Drive at Tract 9, crossed over I-64, intersected with a relocated Mount Laurel Road, intersected with Ware Creek Road, and then served as the major access road for the eastern and northern portions of Stonehouse, ending in Tract 8 near the York River. This new major roadway is no longer shown on the proposed Master Plan.

- The non-binding illustrative Conceptual Road Network Plan sheet shows two new proposed roadways within Tracts 11A/Tract S and within Tract 11B which if constructed, would both connect Ware Creek and Mount Laurel Roads. These roadways were not included in the transportation impact analysis or proffers.

- See discussion in the Public Impacts section for additional information.

Phasing
Stonehouse Master Plans previous to the 2008 Master Plan included phasing lines. The 2008 Master Plan did not include phasing, but the 2008 proffers did include a proffer (Proffer 11) limiting the number of building permits that the County would be obligated to approve each year for the 12 years following approval of the rezoning. The proposed Master Plan and proffers do not include phasing elements.

SURROUNDING ZONING AND DEVELOPMENT

- North: This land is within New Kent County and is largely forested or in agricultural use. Much of this land is within the 2,600-acre Ware Creek Wildlife Management Area which is maintained by the Virginia Department of Game and Inland Fisheries.

- East: The York River and extensive land zoned A-1, General Agricultural. This A-1 land includes the Sycamore Landing residential neighborhood and dispersed residential lots, as well as land that is forested or in agricultural use.

- West/Northwest: The majority of this land is zoned A-1, General Agricultural and forested or in agricultural use. This area also includes Moss Creek Commerce Park, which is zoned MU, Mixed Use and approved but not yet developed as commercial and warehouse uses, and a portion of the Hazelwood properties which is zoned B-1 and planned for future commercial uses, but is undeveloped at this time.

- South/Southwest: This area includes a variety of land uses, including the remaining Hazelwood properties (B-1, currently undeveloped); commercial uses and some undeveloped B-1 zoned land west of Stonehouse Commerce Park; distributed A-1 residential lots; and the Michelle Pointe, Fenwick Hills, Temple Hall Estates, and Great Woods/Sand Hill neighborhoods (various residential zoning districts).

PUBLIC IMPACTS

[See Tables and Discussion on Following Pages]

Public Transportation: Vehicular

The transportation proffers for Stonehouse were partially amended in 2015, to re-sequence the order of the proffered improvements by focusing on the western/southern portion of the development and the transportation improvements needed to serve this development, and waiting to determine the triggers for the proffered transportation improvements needed for the eastern and northern portions of the property (what was termed Phases 3 and 4) by providing an updated traffic study to the County that specified this information prior to any development occurring in that area.

With the current proposal which includes rezoning the majority of the Phase 3 and 4 area to A-1 and the concurrent significant reduction in development potential as described above, the proffered transportation improvements that were originally envisioned to serve these areas are now proposed to be eliminated. This can be seen in the table below in the section headed "New Parkway (Bridge Road), Rochambeau Drive (Rt. 30) Lanes and Intersections, Croaker Road Intersections and Croaker/I-64 Interchange Improvements" as well as several other improvements that have also been eliminated. The applicant has submitted an updated traffic study to demonstrate that adequate levels of service can be maintained under this scenario.

2008/2015 Proffers	Proposed Proffers
Route 30/Fieldstone Parkway	
Second westbound left-turn lane on Fieldstone at Route 30 (2015, 3.2a)	No changes (Proffer 3.1a, b)
Signal at Route 30 and Fieldstone (2015, 3.2b)	
Route 30 and I-64 westbound off/on-ramps	
Signal at Route 30 and I-64 westbound off/on-ramps (2015, 3.2c)	No changes (Proffer 3.1d, Proffer 3.2(h)(i) and (h)(ii))
Second northbound left on Route 30 at the I-64 westbound on-ramp with corresponding widening of the receiving lane on the ramp (2015, 3.3b)	
Second westbound left on I-64 westbound off-ramp at Route 30 (2015, 3.3c)	
Route 30 and I-64 eastbound of/on-ramp	
Signal at intersection of eastbound I-64 off-ramp at Route 30	No longer included. Projected traffic volume from Stonehouse decreased at this location, and the updated Traffic Impact Analysis (TIA) shows that this improvement is not needed for intersection function.

Route 30/LaGrange Parkway	
Signal at Route 30 and LaGrange (2015, 3.2f)	No changes (Proffer 3.1e, Proffer 3.2(i)(i) and (i)(ii))
Second westbound left on LaGrange Parkway at Route 30 (2015, 3.3a)	
Second southbound left-turn lane on Route 30 at LaGrange (2015, 3.2d)	
Second right-turn lane on LaGrange Parkway at Route 30 (2015, 3.2e)	No longer included. Updated TIA showed that this improvement is not needed for intersection function.
New Parkway (Bridge Road), Rochambeau Drive (Route 30) Lanes and Intersections, Croaker Road Intersections and Croaker/I-64 Interchange Improvements	
Four-lane Bridge Road connecting Property to Route 30. Includes specific Bridge Road and Rochambeau Drive (Route 30) intersection configuration and traffic signal	No longer included. The updated TIA states that with the reduction in development potential proposed with the current Master Plan, the forecasted site volumes will significantly decrease (as compared with the 2008 Master Plan/TIA assessment) during the AM and PM peak hours at all of the intersections. The TIA projects only a 4% increase in volumes on Croaker Road south of I-64 from the proposed development, as compared to an approximately 70% increase projected by the 2008 Master Plan/TIA. The impact to Croaker Road and Croaker Road intersections south of I-64 is anticipated to be minimal.
Widen Route 30 from two to four lanes between the Bridge Road and Rochambeau Drive (Route 30)/Croaker intersection	
At Rochambeau Drive (Route 30) intersection with Croaker, add dual left-turn lanes and a channelized right to eastbound approach to Croaker	
Install an exclusive left-turn lane, a dual left/thru and an exclusive right-turn lane on the southbound Croaker approach to Richmond Road	
Install second left-turn lane and separated right-turn lane to the northbound Croaker approach to Rochambeau Drive (Route 30)	
Add a left- and right-turn lane and second thru lane to Westbound Rochambeau Drive approach to Croaker	
Extend by 200 feet the length of the on-ramp to Eastbound I-64 at Croaker interchange from northbound Croaker	
Add second left to eastbound Route 30 approach to Bridge Road	
Extend the four lane section of the Bridge Road from Route 30 to Ware Creek Road	

Six Mount Zion and Fieldstone Parkway	
Signal at intersection of Six Mount Zion and Fieldstone Parkway (2015, 3.8b)	No Changes (Proffer 3.2a, b, c). Note that for both the 2015 and the proposed proffers, the language includes the option to construct a roundabout instead of the signal and turn lane improvements.
Install an eastbound right-turn lane on Fieldstone Parkway at the intersection of Six Mount Zion Road. (2015, 3.8a)	
Northbound left-turn lane on Six Mount Zion Road at the intersection of Fieldstone Parkway (2015, 3.8c)	
A left on Fieldstone at LaGrange, and a right on LaGrange at Fieldstone	No longer included. Updated TIA showed that this improvement is not needed for intersection function.
Six Mount Zion and Mt. Laurel Road	
Signal at intersection of Six Mount Zion Road and Mount Laurel Road. (2015, 3.8e) (OR a Roundabout)	No changes (Proffer 3.2d, f, g). Note that for the proposed proffers, the language includes the option to construct a roundabout instead of the signal and turn lane improvements.
Install northbound right-turn lane on Six Mount Zion Road at the intersection of Mount Laurel Road (2015, 3.8d)	
Install southbound left-turn lane on Six Mount Zion Road at the intersection of Mount Laurel Road. (2015, 3.8d)	
Install right- and left-turn lanes on Mount Laurel Road at the intersection of Six Mount Zion Road (2015, 3.8d)	The proposed proffers include a right-turn lane, but not a left-turn lane. The updated TIA shows that this improvement is not needed for intersection function (Proffer 3.2e).
Install second left on Mount Laurel at Six Mount Zion. Concurrently, widen Six Mount Zion/LaGrange from two to three lanes (one additional southbound lane) from Mount Laurel south to the existing 4-lane section)	No longer included. The updated TIA shows that this improvement is not needed for intersection/roadway function.
Improve Six Mount Zion from Amenity H to the Property Boundary (New Kent County line) in three phases to meet the Virginia Department of Transportation (VDOT) standards	No longer included. Staff noted in 2015 that the most important element of this proffer for the County was the consideration that the road would be improved at the time the school(s) would be built on the proffered school site. A school site is no longer proposed along Six Mount Zion. Improvements to Six Mount Zion will occur concurrently with development of the adjacent residential units, as has already occurred for the development occurring in Tract 3.

Other Six Mount Zion	
Improve Six Mount Zion from Amenity H to the Property Boundary (New Kent County line) in three phases to meet VDOT standards	No longer included. Staff noted in 2015 that the most important element of this proffer for the County was the consideration that the road would be improved at the time the school(s) would be built on the proffered school site. A school site is no longer proposed along Six Mount Zion. Improvements to Six Mount Zion will occur concurrently with development of the adjacent residential units, as has already occurred for the development occurring in Tract 3.
	Left-turn lanes into two entrance points in Tract 3 on Six Mount Zion Road (Proffer 3.1c)
Other Mount Laurel	
Improve Mount Laurel Road in three phases to meet VDOT standards	These improvement were listed in the Economic Development proffer and were related to infrastructure-readiness for economic development uses in Tract 11. Economic development/commercial uses are no longer proposed in Tract 11. Improvements to Mount Laurel will occur concurrently with development of adjacent residential units, as is now specified in Proffer 3.7a.

Discussion

Impacts on Sycamore Landing Road and Croaker Road north of I-64. Past Stonehouse Master Plans have anticipated trips from the PUD using Fieldstone Parkway, Six Mount Zion Road/LaGrange Parkway, and the new Bridge Road to access the development, and have prohibited connections directly to Croaker Road (see 2015 Proffer 3.10). The proposed rezoning of the northern and eastern section of the PUD to A-1 includes access to/from this area directly onto Sycamore Landing and Croaker Road. The restricted use easement limits the amount/scale of development accessing Sycamore Landing Road from the Riverfront Preserve area to four residential units (there are not allowances in the Riverfront Preserve for commercial uses). Trips associated with the Stonehouse Preserve's up to 15 residential units and up to 130,000 square feet of commercial uses (such as a winery) are distributed to Croaker Road or Ware Creek Road. The TIA indicates that compared to the estimated existing volumes on Croaker Road in 2017, the proposed development is anticipated to increase the volume by only 3%. The TIA states that the impact on this section of Croaker Road is anticipated to be minimal, and no improvements have been proposed in the restricted use easements or proffers.

Triggers and Tracking Mechanism. The 2008 proffers listed the traffic improvements as a set of three levels that would be triggered at certain traffic count volumes at the Stonehouse entrance intersections (or for some specific turn lane improvement, counts of that movement). The improvements would be built when these traffic count thresholds were met. The traffic counts were updated annually and the proffers make provisions for beginning design plans and construction in advance of reaching the actual trigger thresholds.

The current proposal has included an analysis in the TIA of the amounts of development (trip volumes) at which the improvement is needed in order to maintain a Level of Service C for the respective intersections. The proffers are therefore structured to confirm the need (a "warrant analysis"), bond the improvements before development plans are approved, and complete the improvement before building permits are approved, for the specified amounts of development. The proffers provide for a set of additional analyses at later stages should the improvement not be initially warranted. To ease administration of the proffers under this framework, the applicant has proffered to track the projected peak hour vehicle trip generation and submit this with development plans.

Other Transportation Provisions. Another element of the proffer language that is important to note is the continued commitment in Proffer 3.9 to request VDOT permission to disconnect Ware Creek Road west of its intersection with Mt. Laurel Road (this is internal to the land owned by Stonehouse) or otherwise discourage the use of Ware Creek Road. This commitment is designed to minimize traffic from the Stonehouse development using Ware Creek Road, which is particularly important now that the Bridge Road is no longer proposed. Ware Creek Road is very rural in nature and from a functional classification and roadway design standpoint is not adequate for any notable increase in traffic volumes. In addition to addressing this issue, the proposed proffers carry over various other transportation-related provisions that cover building the improvements to VDOT standards (including inclusion of signal coordination equipment for the traffic signals) and submission of documentation and coordination with the Federal Highway Administration for the modifications to the I-64 interchanges.

Summary Finding: Both VDOT and the County traffic study consultant, Kimley-Horn and Associates, have reviewed the updated application materials and have concurred with the proposed changes.

Traffic Counts and Projected Traffic Volume. Information from the James City County/Williamsburg/York County Comprehensive Transportation Study (2012) and the 2015 Comprehensive Plan is presented below:

Facility	From	To	Most Recent Weekday Volume	2034 Weekday Volume	2010 PM Peak Hour LOS	2034 PM Peak Hour LOS	Comprehensive Plan
Barhamsville Road (Route 30)	I-64	Route 60	9,537	29,000	A-C	A-C	Listed as "OK"
Old Stage Road (Route 30)	New Kent CL	Barnes Road (Route 601 S)	9,869	12,000	D	E	Listed as "OK"
Old Stage Road (Route 30)	Barnes Road (Route 601 S)	I-64	9,869	26,000	A-C	A-C	Listed as "OK"

Public Transportation: Bicycle/Pedestrian

Pedestrian Accommodations Master Plan		Regional Bicycle Facilities Plan	2008 Proffers	Proposed Proffers
Six Mount Zion Road	**Multiuse Trail**	**Shoulder Bike Lane**	Proffer 6.2. Multi-use trail and shoulder bike lane (with exception criteria for both facilities where Six Mount Zion passes under I-64).	Proffer 4.2. The proffers specify at least 10,000 linear feet of either multi-use trail **or** shared bike lane. To be consistent with these plans, both the multiuse trail and shoulder bike lane facilities would be included. The proffers also specify that where Six Mount Zion Road passes under I-64, a 5-foot sidewalk shall be installed (subject to receipt of all applicable government approvals); this sidewalk would be instead of either a multi-use trail or shared bike lane, and staff finds this variation from the adopted plans to be justified by the constrained right-of-way in this location.

Pedestrian Accommodations Master Plan		Regional Bicycle Facilities Plan	2008 Proffers	Proposed Proffers
Mt. Laurel Road	**Multiuse Trail**	**Shared Roadway**	Proffer 6.2. Multi-use trail.	Proffer 4.2 and 3.7. At least 6,000 linear feet of multiuse trail. The current application is consistent with the Pedestrian Accommodations Master Plan by providing multi-use trail and the Reginal Bicycle Facilities Plan by providing signage for the shared roadway.
Ware Creek Road	**Multi-use Trail**	**N/A**	Proffer 6.2 Multi-use trail or shoulder bike lane.	Proffer 4.2. At least 8,000 linear feet of multi-use trail. This is consistent.

Discussion. Overall, the current application includes many of the appropriate facilities per the adopted plans, but is not fully consistent for Six Mount Zion Road. Staff notes that some of the facilities that are called for in the adopted Pedestrian Accommodations and Regional Bicycle Facilities Plan may have changed since 2008.

Public Safety

2008 Proffers	Proposed Proffers
Proffer 6. Reservation of two boat slips at the marina for use by the U.S. Coast Guard and/or the County Police or Fire Departments, if such use is requested.	The marina on the York River is no longer proposed (this area would now be part of the A-1 zoned land).
Proffer 5. Conveyance to the County or JCSA a 10-acre site on Tract 9 for use for a range of public facilities, including police, fire or emergency services station, or public library.	The proposed proffers include a school site (discussed below), but do not include conveyance of land for other public facilities, and do not include cash contributions for public safety needs in future Capital Improvements Program (CIPs).

Discussion. The Stonehouse development is served by Fire Station 1. The proposed reduction in development potential for the PUD would reduce future public safety needs in the community and also concentrates the development closer to Fire Station 1.

Public Schools

2008 Proffers	Proposed Proffers
Proffer 5. Conveyance to the County of a 179-gross-acre (estimated 113 net acre) school site along Six Mount Zion Road with associated recreational use, and other possible County uses. This site was projected to be able to accommodate two schools.	Proffer 4.1. Conveyance to the County of an 88-gross-acre (estimated 33 net acre) school site along Rochambeau Drive in Tract 9. This site is projected to be able to accommodate one middle school. This parcel has evidence of past use as a landfill site, and in recognition of this, the proffers include a commitment to a detailed Memorandum of Understanding (MOU) between the developer and the County to conduct thorough studies of the site, and to conduct activities on site (removal of materials, grading, etc.) to allow for the site to be conveyed to the County in a "condition suitable for land disturbance by the County for construction of school facilities and associated infrastructure without any unusual site development, foundation, or environmental requirements." The MOU has been reviewed and approved by the County Attorney's office for this purpose. In short, the applicant commits to providing a site with no remaining site constraints and graded and prepared in a manner that is suitable for school construction. Should the studies or site conditions indicate that the site is not suitable for a school, then the applicant has proffered to provide a cash-in-lieu amount of $837,200 (the assessed value of Tract 9).
Proffer 8. Cash contribution to the County of $2,000 for each residential unit on the property for school uses (total of $7.292 million if all units are built). (Note that the proffered per-unit amount has already been paid for the 56 developed lots in Tract 12.)	Proffer 7(a). Cash contribution to the County of $2,571.27 for each residential dwelling unit on the property for school uses (total of $6,150,478 if all 2,392 units are built).
	Proffer 7(e). Cash contribution to the County of $800,000 for use by the County in expanding school capacity within the County. This is triggered at the earlier of County approval for at least 1,000 units on the property or within 90 days of written request from the school district for the funds.

Discussion. To summarize the table above, the proposed proffers would equate to either one prepared and graded school site and up to $6,950,478, or with the cash-in-lieu scenario, no physical school sites and up to $7,787,678.

Adequate Public School Facilities Test

The students to be generated in Stonehouse are not "new" students to the system, as the Stonehouse development has been approved for many years and the current application does not increase dwelling unit numbers, and, per the adopted policy, this application would be exempt from having to meet the Adequate School Public Facilities Test policy under the "amendments to approved plans with no increase in the number of units" exemption. The current application would in fact reduce the dwelling unit numbers, thus reducing the projected number of students. With a reduction in housing units of approximately 1,100, and assuming single-family units, this would equate to a projected reduction of approximately 440 students.

With these factors acknowledged, it should also be recognized that the remaining unit numbers, and projected students, are significant. Stonehouse remains in the Stonehouse Elementary School, Toano Middle School and Warhill High School districts. Under the proposed amended Master Plan, up to 2,392 units are proposed in the PUD (and 19 units in the A-1 area). The application projects a total of 849 students. This would be distributed as follows:

	Effective Capacity	Enrollment (2018/2019)	Projected Students Generated	Enrollment + Projected Students
Stonehouse Elementary School	765	745	+374	1,119
Toano Middle School	790	701	+195	896
Warhill High School	1,441	1,388	+280	1,668

The table shows that with projected Stonehouse students, these schools would be over capacity. However, the CIP adopted in Fiscal Year 2020 (FY 20) includes a new elementary school (construction in FY 24), and expansions of the three high schools (construction between FY 21-FY 23, with Warhill the first to be expanded). The applicant has proffered to provide a school site for future construction of an additional school and cash contributions (see additional discussion above).

School Cash Proffer Policy

On July 24, 2007, the Board of Supervisors adopted a Cash Proffer Policy for Schools which sets forth cash proffer amounts for school construction. Based on single-family units, the Policy suggests a cash contribution of approximately $40.9 million ($17,115 per single-family unit). The Policy also states that the value of proffered land shall be credited against the cash proffer amount for schools. The Board may wish to consider, in its evaluation of this application, items which might be deemed mitigating factors: the fact that this development is a previously approved application and that this fact has been acknowledged by the Board in past Master Plan and proffer amendment applications as it pertains to meeting the School Cash Proffer Policy (it was originally approved before both the 2005 Policy and the 2007 update to the Policy); that this application proposes a significant reduction in the number of residential units; that the $40.9 million figure is based on single-family units since the Master Plan does not guarantee that other types of units will be built, but it is possible that some multifamily units will be included and these have a lower cash contribution expectation; and that the newly proffered school site would be proffered to the County in a prepared and graded condition, rather than as raw, natural land.

Public Parks and Recreation

	Parks and Recreation Master Plan Guideline	2008 Proffers	Proposed Proffers (See Proffers 4.2 and 5)
Parkland - Acres of Usable Level Ground	**8.6**	75.88	47.64 acres (28.35 net)
Biking/Jogging Trails - Linear Feet	**11,695**	Proffer 6.2. Approximately 79,200 of asphalt multiuse paths along roadways (Six Mount Zion, Mt. Laurel, Ware Creek, and the New Parkway Road) and 31,680 of pedestrian paths along Ware Creek and within the development area	At least 10,000 linear feet of multiuse trail or shoulder bike lane along Six Mount Zion Road. At least 8,000 linear feet of multiuse trail along Ware Creek Road. At least 6,000 linear feet of multiuse trail along Mt. Laurel Road. At least 16,000 linear feet of soft surface trails within Tracts 11A, 11B, and S.
Playgrounds	**3**	13	The proffer commits to a minimum of three playgrounds. (Access to an existing playground in Amenity H)
Courts or Pool	**3 courts**	8 tennis courts (at school site) 1 indoor basketball court 1 sand volleyball court 1 junior Olympic pool 1 kids fun pool 1 4,500-square-foot pool 1 400-square-foot wading pool	1 multi-purpose court (Area H) 1 multi-purpose court (Area A) 1 Pool (Area A) (Access to two existing tennis courts in Stonehouse Glenn) (Access to an existing pool in Amenity H)

	Parks and Rec Master Plan Guideline	2008 Proffers	Proposed Proffers
Multi-Use Field	**2**	4 softball fields (at the school site) 2 softball fields 2 soccer fields	1 multi-purpose grass field (Area A) 1 multi-purpose grass field (Area B) 2 multi-purpose/soccer fields (Area C)
Other Items - NOT SPECIFIED IN GUIDELINES		2 public canoe launches on Ware Creek Gazebo Community Garden 18,000-square-foot recreation building 3,000-square-foot recreation building Marina site with pedestrian trails	3,000 square feet of clubhouse building(s) (Area A) Pavilion (Area B) Outdoor fitness equipment (Area B) (Access to an existing community building in Amenity H)

Discussion. The current application changes the location of some amenities, as some of the amenities would have been located in areas that are now being rezoned to A-1, and reduces the amenities overall. However, the recreational amenities included with the current application meet, or in several categories, continue to exceed, the Parks and Recreation Master Plan Guidelines.

Public Libraries and Cultural Centers

2008 Proffers	Proposed Proffers
Proffer 5. Conveyance to the County or JCSA a 10-acre site on Tract 9 for use for a range of public facilities, including a public safety facilities or a public library.	The proposed proffers include a school site (discussed above), but do not include conveyance of land for other public facilities, and do not include cash contributions for library/cultural center needs in future CIPs.

Groundwater and Drinking Water Resources

2008 Proffers	Proposed Proffers
Proffer 8. Per unit/square foot cash contributions for any sewage flows discharged to Lift Stations 9-5 (Wellington) and 9-7 (Fenwick Hills).	Proffer 7. Same, other than the contribution is now based on average daily sanitary sewer flow for non-residential buildings only (not also units). JCSA has concurred with this change.
Proffer 9. Water Conservation Provisions including: Installation of reclaimed water lines for irrigation and conveyance of a three-net-acre site for the treatment and storage facilities if the reclaimed water system is determined to be feasible and if Hampton Roads Sanitation District (HRSD) and JCSA determine to undertake the project. Property owners shall be required to connect to and utilize the reclaimed water system for irrigation. Development of water conservation standards to be approved by JCSA. For outdoor watering of common areas, use of only the reclaimed water system, or recycled water or surface water ponds, and not JCSA water or well water, except with special approval by the JCSA General Manager.	Proffer 8. The reclaimed water system feasibility study committed to in the proffers was completed since 2008 and HRSD, JCSA, and the developer agreed that the system was not feasible. This finding is reflected in revisions to the language in the proposed proffers. The proffers continue to commit to development and use of water conservation standards.
Proffer 8 and Proffer 14. Acknowledgement that cash contributions for water system improvements are governed by a 2005 Water Facilities Agreement with JCSA; and commitment to submission of an overall master water and sanitary sewer plan for the Property.	Proffers 7 and 12. No change.

Discussion: Other than a small portion of proposed Tract 9, the Stonehouse PUD is inside the PSA and is served (or will be served) by public water and sewer. Utility provisions for the area proposed to be rezoned to A-1 are discussed above. JCSA staff has reviewed the proposal and the proffers and finds them acceptable. The reduction in units and non-residential square footage will substantially reduce water and sewer service demand and infrastructure maintenance in the future. The applicant has calculated that the reduction in development potential of the PUD will reduce water demand by approximately 769,000 gallons per day (280 million gallons annually).

Watersheds, Streams and Reservoirs

2008 Proffers	Proposed Proffers
Proffer 8. A one-time contribution of $16,240 for use by the County in purchasing monitoring equipment and establishing monitoring stations on the Property for the County's Water Quality Monitoring Program, and a contribution of $4,840 each year for the next nine years for ongoing maintenance and sampling costs.	Eliminated as this proffer has been completed.
Proffer 10. Environmental Protection Provisions: Ware Creek Watershed. Provides that the Property shall be subject to the County's Special Stormwater Criteria (SSC) as if the Ware Creek watershed was subject to a management plan adopted by the Board of Supervisors.	Proffer 9. Eliminated since the Ware Creek watershed management plan was adopted by the Board of Supervisors since 2008, thus SSC will apply without the proffer.
Proffer 10. Environmental Protection Provisions: Items for Amenity Center D. Provides for achieving LEED certification to the "Certified" level for the amenity center building in Amenity D. Commitment to an Low Impact Design (LID) Education Field Center located in Amenity D which would provide information on LID applications for individual residential lots and a rain water reuse cistern.	Proffer 9. The amenity center referenced is no longer part of the proposed recreational facilities, so the language committing to LEED certification and the LID Education Field Center have been eliminated. However, the proffers now include a commitment to a low impact development educational element for the kiosk to be located in Tract 10B (Preservation Square, the new town center).
Proffer 10. Environmental Protection Provisions: Conservation Easements. Provides for granting conservation easements to a third-party organization for areas already dedicated to the County for Chesapeake Bay Preservation Ordinance purposes.	N/A as this proffer was eliminated through the Board of Supervisors approval in 2012.
Proffer 10. Environmental Protection Provisions: Various. Submission of conceptual stormwater management plans for each Tract; Stormwater Management Inventory System; 25-foot building setback from RPA; Natural Resource Policy; Nutrient Management Plans; Water Quality Monitoring Stations.	Proffer 9. No substantive changes.

Discussion. The PUD area currently falls within the Ware Creek (Richardson Mill Pond), Ware Creek, and York River (direct) watersheds. The proposed proffers retain almost all of the environmental protection commitments, with one element eliminated because it has already been satisfied. With this application, Stormwater and Resource Protection (SRP) Division staff reviewed the School Site Exhibit and Preservation Square (10B) Exhibit since these provided a more detailed conceptual layout; for both these areas and the other Land Bays and Tracts, a more detailed review of stormwater regulation compliance will be conducted as part of the conceptual stormwater management plans and the subsequent development plans. SRP staff also reviewed the proposed Memorandum of Understanding (MOU) for the School Site.

Cultural/Historic

2008 Proffers	Proposed Proffers
Proffers 7 and 6. Proffers to preserve the site of the foundations of the "Stone House" (Proffer 7); to install a historical sign, provide park acreage and a trail connection to the Stone House and to another archaeological site park on the property in Tract 8 - the Stone House park would be dedicated to the County for public use; to conduct further archaeology studies of the overall property where additional work is necessary, and to cover any instances when unexpected discoveries might be made (Proffer 7).	The "Stone House" site is located in the area that is now proposed to be rezoned to A-1. As noted above, the proposed restricted use easement for the Stonehouse Preserve carries over the language previously in the proffers that commits to preservation of the foundations of this site. The park acreage and interpretive sign at the "Stone House" site is no longer proposed in the proffers; however, proposed Proffer 6 now includes a commitment to an archaeological educational element for the kiosk to be located in Tract 10B (Preservation Square, the new town center). Proffer 6 also continues to commit to archaeological studies and processes in instances of unexpected discoveries.

Community Character

2008 Proffers	Proposed Proffers
Proffer 15. Prohibition of strip shopping centers in Tract 10.	Proffer 13. No substantive changes (eliminates a reference to a Tract where commercial use is no longer proposed).
Proffer 16. Height limit for buildings in Tract 9.	Eliminated since the entirety of Tract 9 is now proposed as a school site (does not include a commercial component.)
Proffer 17. Commitment to preparation and submission of design review guidelines for each Tract for Planning Director approval.	Proffer 14. No changes.

Discussion. A portion of the Stonehouse PUD fronts on the Route 30 (Old Stage Road and Barhamsville Road) CCC; much of this area has already been developed as part of Phase I as the golf course (near the Fieldstone Parkway entrance) or as the Stonehouse Commerce Park. The Stonehouse PUD is not within or adjacent to any Community Character Areas.

Fiscal

2008 Proffers	Proposed Proffers
Proffer 8. Contains cash contribution amounts for schools, affordable housing, water/sewer.	Proffer 7. Largely the same - see analysis in other sections.
Proffer 4. Contains commitments to timing of utility improvements for the important commercial land bays, and for both utility and road improvements along Mt. Laurel Road to serve the commercial/industrial uses in Tract 11; to cooperate with the Office of Economic Development in marketing the land; and limiting the amount of retail development in Tracts 10B and 11A.	This proffer language was revised through the Board of Supervisors approval in 2015. The proffer language stayed largely the same, with adjustments to specify use of the Mt. Laurel Road improvements design plan that had been developed in the intervening years and specify three phases of improvements to Mt. Laurel linked to imminent use of Tract 11. With the proposed Master Plan, Tract 11 is proposed to contain residential uses instead of commercial/industrial uses, and the former language of Proffer 4 has been eliminated.
	Proffer 15. The proposed proffer commits to subdividing Tract 10B to establish a parcel or parcels for non-residential use and commits to reserving at least eight acres for non-residential use. The range of uses allowed within this Tract would have otherwise allowed for the Tract to be built out as entirely residential use.

Discussion. The FIA worksheet was submitted per the calculations provided by the Department of Financial and Management Services. Per that analysis, the area covered by the proposed amended PUD Master Plan and the proposed A-1 zoned area would result in a net $1,521,479 annual positive fiscal impact to the County. The applicant also prepared an analysis for what would be the entire PUD area (including Phase I development of the PUD) and the proposed A-1 zoned area should this application be approved; this analysis resulted in a net $577,714 annual positive fiscal impact to the County. Staff notes that the County's standard FIA calculations were developed and put into use after 2008, so the projected fiscal impact from past Stonehouse applications is not directly comparable to the current analysis; however, in general terms, given the reduction in development potential, particularly commercial development potential, the proposed application would likely be less fiscally positive.

Housing

2008 Proffers	Proposed Proffers
Proffer 8. $1,000 per residential unit toward affordable housing (total of $3.646 million if all units are built).	Proffer 7. No substantive change (the amount listed is now $1,254.94, which represents an inflation adjustment).
Proffer 13. Provides that a minimum of 125 "work force" residential units be offered for sale at an average price at or below $250,000 (subject to adjustment as set forth).	Proffer 11. The proposed proffers have reduced the number of work force units to 85. This reduction keeps the commitment at about 3.5% of the total units to match the percent provided in 2008. For the sales price component, there is no substantive change (the maximum sales price listed now is $313,735, which represents an inflation adjustment).

Discussion. There is substantively little difference between the 2008 proffers and the proposed proffers. Prior to 2008, the Stonehouse proffers had not provided any commitments to affordable or workforce housing, so the 2008 proffers provided a significant new public benefit even though they did not address the lower (affordable as opposed to workforce) end of the price spectrum within the development itself and instead addressed this need through the cash contribution. In 2012, the Housing Opportunities Policy (HOP) was adopted. According to the HOP, at least 20% of a development's proposed new dwelling units should be offered for sale or made available for rent at prices that are targeted at households earning 30% to 120% of Area Median Income (AMI). The following table illustrates the Policy's income ranges and percentages and how it relates to this application.

Housing Opportunities Policy and AMI

Units Targeted to (Percent of AMI)	Price Range (Minimum-Maximum-2015)	Minimum Percent of the Development's Proposed Dwelling Units Expected (%)	*Number of Units Subject to Policy (Based on Proposed 2,392 units)	2008 Proffers	Proposed Proffers
30%-60%	$115,592-$157,544	8	191 Units	Cash Contribution	Cash Contribution
Over 60%-80%	$157,545-$222,337	7	167 Units		
Over 80%-120%	$222,338-$342,492	5	120* Units	125 Units (3.4% of 3,646 units)	85 Units (3.6% of 2,392)
	Total:	**20**	**478 Units**		

**Rounded up Number*

The current proposal is not consistent with the HOP, either in terms of the number of units or the cash contribution in-lieu amount. However, the Board may wish to consider, in its evaluation of this application, items which might be deemed mitigating factors: the fact that this development is a previously approved application that was originally approved before the adoption of the HOP, and that this application proposes a significant reduction in the number of residential units.

PROFFERS

Please refer to Attachment No. 11 for the proposed proffers. In 2016, the Virginia Assembly passed legislation limiting the ability of localities to accept proffers associated with new residential rezonings. On June 28, 2016, the Board of Supervisors adopted Ordinance No. 31 A-304, specifying that the County will not accept proffers associated with new residential rezonings. Because this application proposed amendment to proffers adopted before 2016, staff consulted with the County Attorney's office to ensure that proffers could be amended and that new proffers could be provided in order to mitigate the proposed development impact.

COMPREHENSIVE PLAN

The main portion of Stonehouse is designated as LDR and Mixed Use, with a very small portion of Tract 9 designated Rural Lands. While some significant changes to the Master Plan are proposed, as described in the project description, the overall density remains within the recommended range for LDR. With regard to the Mixed Use area, which recommends light industrial and office/business park uses, commercial as a secondary use, and residential, the Master Plan retains the undeveloped areas of Stonehouse Commerce Park for light industrial and office/business park uses which complement the existing uses within the Commerce Park, and proposes the Preservation Square area as the secondary commercial town center area. The residential development shifted into Tract 11 does replace planned industrial and commercial uses which is less consistent with the description. The proffers for design guidelines, environmental protection, trails and pedestrian accommodations, and transportation improvements retain consistency with the other recommendations included in this Mixed Use area's designation description. Staff finds the proposed amended Master Plan to be consistent with the LDR Land Use Designation, and generally consistent with the Mixed Use Land Use Designation.

The approximately 2,659 acres proposed to be rezoned from PUD to A-1 is designated LDR. With a limit of only 19 units, the proposed density is significantly below the density recommended for LDR. There have been other instances of parcels within the PSA having development potential reduced through the County's greenspace or PDR programs in order to achieve other goals consistent with the Comprehensive Plan overall including environmental protection, floodplain management, historic/cultural preservation, and a number of LDR Residential Development Standards, particularly those listed in the "Open Space, Open Space Design" category, such as maintaining open fields, farmlands or contiguous forests, and protecting wildlife habitats. However, the scale of the proposed reduction in development potential makes this a highly unique situation in the County's recent history. Overall, this proposal achieves certain goals consistent with the Comprehensive Plan overall and with certain LDR development standards, and reduces the demand for and impact on public services and facilities. As a downzoning from PUD to A-1, the proposed density is significantly less than that recommended by LDR.

STAFF RECOMMENDATION

- For the PUD to A-1 Rezoning: Approval, and acceptance of the restricted use easements.

- For the Stonehouse PUD Proffer and Master Plan Amendment: Approval, and acceptance of the voluntary proffers.

EC/md
RZ18-2RZ19-10MP18-2Stnhse

Attachments:
1. Ordinance - Z-18-0002
2. Ordinance - Z-19-0010/MP-18-0002
3. Resolution - Central Water System Waiver
4. Location Map
5. Parcel Addresses and Tax Map/Parcel Nos.
6. Community Impact Statement
7. Master Plan
8. Master Plan Supplemental Sheets
9. Tract 10B Preservation Square Rendering
10. Tract 9 School Site Rendering
11. Proposed Proffers
12. Applicant's Proffer Comparison Adopted and Proposed
13. Stonehouse Preserve Restricted Use Easement
14. Riverfront Preserve Restricted Use Easement
15. Fiscal Impact Analyses
16. Traffic Impact Analysis and Addendum
17. 2008 Proffers
18. 2008 Master Plan
19. 2015 Proffers (https://jamescity.novusagenda.com/AgendaPublic/CoverSheet.aspx?ItemID=500&MeetingID=72)
20. Unapproved Minutes of the October 2, 2019 Planning Commission Meeting
21. Citizen Comments

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING DISTRICT MAPS OF JAMES CITY COUNTY, VIRGINIA, TO REZONE APPROXIMATELY 2,659.6 ACRES FROM PUD-R, PLANNED UNIT RESIDENTIAL, WITH PROFFERS TO A-1, GENERAL AGRICULTURAL.

CASE NO. Z-18-0002. STONEHOUSE PLANNED COMMUNITY REZONING

FROM PUD-R TO A-1

WHEREAS, Mr. Tim Trant, on behalf of SCP-JTL Stonehouse Owner 2 LLC, has applied to rezone approximately 2,659.6 acres from PUD-R, Planned Unit Residential, with proffers to A-1, General Agricultural; and

WHEREAS, the property proposed to be rezoned is located on a portion of 9800 Six Mount Zion Road, further identified as a portion of James City County Real Estate Tax Map Parcel No. 0630100005, and is shown as "Stonehouse Preserve" and "Riverfront Preserve" on the plan prepared by ColeJenest & Stone, dated July 2019, entitled "Stonehouse Virginia Rezoning and Master Plan Resubmittal" (the "Master Plan"); and

WHEREAS, the Planning Commission, following its public hearing on October 2, 2019, recommended approval of Case No. Z-18-0002, by a vote of 4-2; and

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case No. Z-18-0002; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case No. Z-18-0002 to be required by public necessity, convenience, general welfare, and good zoning practice.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that Case No. Z-18-0002 is hereby approved as described therein.

BE IT FURTHER ORDAINED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized and directed to accept the deeds of easement for the Stonehouse Preserve and Riverfront Preserve as part of the approval of Case No. Z-18-0002.

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

RZ18-2StonehouseA1-res

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING DISTRICT MAPS OF JAMES CITY COUNTY, VIRGINIA, TO REMOVE APPROXIMATELY 2,659.6 ACRES FROM THE STONEHOUSE PUD, PLANNED UNIT DEVELOPMENT MASTER PLAN, AMEND LAND USE DESIGNATIONS ON THE STONEHOUSE PUD, PLANNED UNIT DEVELOPMENT MASTER PLAN, AND AMEND AND RESTATE PROFFERS.

CASE NOS. Z-19-0010 AND MP-18-0002. STONEHOUSE PLANNED COMMUNITY PROFFER AND MASTER PLAN AMENDMENTS

WHEREAS, Mr. Tim Trant, on behalf of SCP-JTL Stonehouse Owner 2 LLC, has applied to reduce the size of the Stonehouse PUD, Planned Unit Development master planned area by approximately 2,659.6 acres and for various master plan and proffer amendments to a remaining portion of the Stonehouse PUD, Planned Unit Development master plan area, which consists of approximately 1,913.3 acres; and

WHEREAS, the properties subject to Case Nos. Z-19-0010 and MP-18-0002 are located at the following addresses and James City County Real Estate Tax Map Parcel Numbers:

1. 9100, 9101, 9150, 9205, 9250, 9351, 9550, and 9800 Six Mount Zion Road, further identified as Tax Parcels: 0540100016, 0540100002, 0540100012, 0540100017, 0540100011, 0540100015, 0630100006, and 0630100005, respectively.
2. 170 Sand Hill Road, further identified as Tax Parcel: 1310100019.
3. 3820 Rochambeau Drive, further identified as Tax Parcel: 1310100008A.
4. 8915 Barhamsville Road, further identified as Tax Parcel: 0640100001.
5. 3029 Heartwood Crossing, further identified as Tax Parcel: 0530100020.
6. 9235, 9354, 9360, 9370, 9415, 9423, and 9431 Fieldstone Parkway, further identified as Tax Parcels: 0440100029, 0440100025, 0440100030, 0530100009, 0530100025, 0530100024, and 0530100023, respectively.
7. 9495, 9471, 9473, 9475, 9481, 9483, 9485, 9487, 9489, 9488, 9486, 9484, 9480, 9478, 9476, 9474, 9472, and 9470 Astilbe Lane, further identified as Tax Parcels: 0540800001A, 0540800022, 0540800023, 0540800024, 0540800025, 0540800026, 0540800027, 0540800028, 0540800029, 0540800078, 0540800079, 0540800080, 0540800081, 0540800082, 0540800083, 0540800084, 0540800085, and 0540800086, respectively.
8. 3451, 3453, 3455, 3457, 3456, 3454, 3450, 3448, 3446, and 3444 Foxglove Drive, further identified as Tax Parcels: 0540800030, 0540800031, 0540800032, 0540800033, 0540800036, 0540800037, 0540800038, 0540800039, 0540800040, and 0540800041, respectively.
9. 9507, 9511, 9515, 9519, 9523, 9527, 9531, 9541, 9545, 9549, 9553, 9557, 9561, 9565, 9569, 9573, 9577, 9581, 9585, 9589, 9572, 9568, 9564, 9560, 9556, 9552, and

9535 Goddin Court, further identified as Tax Parcels: 0540900002, 0540900003, 0540900004, 0540900005, 0540900006, 0540900007, 0540900008, 0540900009, 0540900010, 0540900011, 0540900012, 0540900013, 0540900014, 0540900015, 0540900016, 0540900017, 0540900018, 0540900019, 0540900020, 0540900021, 0540900022, 0540900023, 0540900024, 0540900025, 0540900026, 0540900027, and 0540900001A, respectively.

10. An unaddressed parcel identified as Tax Parcel: 1210100047.

WHEREAS, the location of the master plan reduction area and the other master plan amendments are shown on the plan prepared by ColeJenest & Stone, dated July 2019, entitled "Stonehouse Virginia Rezoning and Master Plan Resubmittal" (the "Master Plan"); and

WHEREAS, the Planning Commission, following its public hearing on October 2, 2019, recommended approval of Case Nos. Z-19-0010 and MP-18-0002, by a vote of 4-2; and

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled for Case Nos. Z-19-0010 and MP-18-0002; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case Nos. Z-19-0010 and MP-18-0002 to be required by public necessity, convenience, general welfare, and good zoning practice.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that Case Nos. Z-19-0010 and MP-18-0002 are hereby approved as described therein and the voluntary proffers are accepted.

BE IT FURTHER ORDAINED that the Board of Supervisors of James City County, Virginia, does hereby acknowledge that the Transportation Improvements (#3) and Work Force Housing (#13) proffers contained in the previous Stonehouse Amended and Restated Proffer Set dated November 27, 2007 and recorded in the Clerk's Office as Instrument No. 080007838 shall be considered satisfied and superseded by the adoption of the Transportation Improvements (#3) and Work Force Housing (#11) proffers associated with the cases approved herein.

BE IT FURTHER ORDAINED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator or designee to entire into the Memorandum of Understanding Between James City County and SCP-JTL Stonehouse Owner 1, LLC and SCP-JTL Stonehouse Owner 2, LLC.

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

R E S O L U T I O N

CONSIDERATION OF RESTRICTING PUBLIC WATER AND SEWER AVAILABILITY AND THE REQUEST FOR A WAIVER TO SECTION 19-59, WATER FACILITIES, OF THE JAMES CITY COUNTY SUBDIVISION ORDINANCE FOR PROPERTY LOCATED AT 9800 SIX MOUNT ZION ROAD (STONEHOUSE DEVELOPMENT)

WHEREAS, the Board of Supervisors of James City County has adopted Section 19-59, Water Facilities, of the James City County Subdivision Ordinance, which requires major subdivisions to construct a central water system to serve the subdivision; and

WHEREAS, the requirement for a central water system may be waived by the General Manager of the James City Service Authority (JCSA); and

WHEREAS, that waiver may be subject to reasonable conditions which shall be communicated in writing to the agent and subdivider; and

WHEREAS, Mr. Tim Trant has requested a waiver to Section 19-59, Water Facilities, of the James City County Subdivision Ordinance; and

WHEREAS, the proposed residential, non-residential, and commercial uses are set out in deeds of easement for the Stonehouse Preserve and Riverfront Preserve, made between SCP-JTL Stonehouse Owner 2 LLC and the County of James City, Virginia; and

WHEREAS, the property is located at 9800 Six Mount Zion Road and further identified as a portion of James City County Real Estate Tax Map Parcel No. 0630100005 (the "Property"), and contingent on the Board of Supervisors' approval of Case No. Z-18-0002 Stonehouse Rezoning, is zoned A-1, General Agricultural, and subject to the Master Plan document entitled "Stonehouse Virginia Rezoning and Master Plan Resubmittal James City County, VA" dated July 2019 (the "Master Plan").

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the property rezoned from Planned Unit Development, PUD to General Agricultural, A-1 by Case No. Z-18-0002 shall not be served by public water and sewer and that staff is directed to remove such property from the primary service area during the next Comprehensive Plan update.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the General Manager of the JCSA to grant the central water system waiver request as described herein with the following conditions:

1. The Property shall be subdivided and developed generally in accordance with the Master Plan attached hereto. There shall be no more than four residential units in the Riverfront Preserve and no more than 15 residential units in the Stonehouse Preserve (excluding accessory apartments), and no more than 130,000 square feet of commercial uses in the Stonehouse Preserve as shown on the Master Plan.

2. The restrictive covenants for the subdivision shall contain the following provisions and shall be subject to the approval of the County Attorney, Planning Director, and JCSA General Manager prior to approval and recordation of any final subdivision plats:

   a. Residential Parcels. Each of the 19 parcels in the Stonehouse Preserve and Riverfront Preserve containing residential or any combination of residential and non-commercial uses shall be served by individual private well(s). The owner of each parcel shall be responsible for the installation, maintenance, and if required, replacement of its well(s). Any well(s) deeper than 100 feet may be used for domestic use, water service to accessory structures, and outdoor non-commercial water use provided that the total groundwater withdrawal for each parcel does not exceed 5,000 gallons per day calculated annually, or 150,000 gallons in any one month. All applicants for ground water withdrawal shall be required to:

      (i) Install a meter at each well in accordance with the requirements of JCSA for the purpose of monitoring groundwater withdrawal; and
      (ii) Provide access to JCSA, to allow JCSA to read the meter(s) to verify the average annual ground water withdrawal and the total monthly groundwater withdrawal of all well(s) on the Property; and
      (iii) Pay the prevailing water service fixed charge for each meter in accordance with JCSA's rules and regulations. The fixed charge shall cover the cost of reading the meter and customer account processes.

   b. Additional Non-Residential Parcels. Additional parcels containing non-residential uses of a non-commercial nature may be served by individual private wells of less than 100 feet, unless otherwise approved by the JCSA General Manager. The owner of the non-residential use shall be responsible for the installation, maintenance, and if required, replacement of its well(s).

   c. Commercial Wells. The total average daily groundwater withdrawal of all commercial uses on the Property shall not exceed 50,000 gallons per day, calculated annually. In addition, the maximum total groundwater withdrawal of all commercial uses on the Property shall not exceed 2,250,000 gallons in any month. All applicants for ground water withdrawal for commercial uses on the Property shall be required to:

      (i) Install a meter acceptable to the JCSA with radio read capability for the purpose of monitoring their groundwater withdrawal; and
      (ii) Provide access to the JCSA, to allow the JCSA to verify the average annual ground water withdrawal and the total monthly groundwater withdrawal of all commercial uses on the Property.
      (iii) Pay the prevailing water service fixed charge for each meter in accordance with JCSA's rules and regulations. The fixed charge shall cover the cost of reading the meter and customer account processes.

      If commercial usage is divided among multiple lots, the developer shall allocate an average daily and maximum monthly groundwater withdrawal allowance for each commercial lot with the total withdrawal of all lots not exceeding the amounts established in this subsection.

   d. Limits on Irrigation. Irrigation using groundwater as the source shall be permitted; however, any groundwater used for irrigation shall be included in the

calculation of the total groundwater withdrawals associated with uses as restricted herein. Any irrigation of parcels contemplated under subsection 2(b), shall be from irrigation wells less than 100 feet deep, unless otherwise approved by the JCSA General Manager.

e. Building Separation. There shall be at least 100 feet of separation between all dwelling units on the Property, which requirement shall be reflected on the subdivision plat of the Property. The James City County Fire Chief may grant variances to the 100-foot separation requirement upon written request from the property owner and a finding that such a reduction will not endanger the health, safety, or welfare of the citizens of the County and/or is otherwise mitigated by alternate means of fire suppression including, but not limited to, automatic sprinkler systems. Reasonable conditions may be placed upon any variance granted by the James City County Fire Chief.

f. Access for Fire Apparatus. Any driveway that is longer than 150 feet as measured from the public right-of-way shall be at least 12 feet wide with unobstructed horizontal clearance of 16 feet and unobstructed vertical clearance of 13 feet 6 inches. The driveway shall be constructed of all-weather surface material and be designed to handle the imposed loads of fire apparatus. Any driveway that is longer than 200 feet as measured from the public right-of-way shall include a turn-around area sufficient to accommodate fire apparatus, as approved by the Fire Chief, or designee. These requirements shall be reflected on the subdivision plat of the Property. The James City County Fire Chief may grant variances to these requirements upon written request from the property owner and a finding that such a reduction will not endanger the health, safety, or welfare of the citizens of the County and/or is otherwise mitigated by alternate means of fire suppression including, but not limited to, automatic sprinkler systems. Reasonable conditions may be placed upon any variance granted by the James City County Fire Chief.

g. Enforcement. The County and JCSA shall have the authority to enforce these covenants. Violation of any condition may be penalized by the County in the same manner as violations of the Subdivision Ordinance in accordance with James City County Code Section 19-4, as amended, or by an action at law. Violations may be enforced by JCSA by any remedy available to JCSA for violation of its regulations, including termination of water flow through the meter, or by an action at law. Any Property Owners Association established for the subdivision requiring this waiver shall have the authority and responsibility to enforce these conditions. Covenants shall be included for each parcel containing commercial uses granting owners the right to enforce the restrictions and conditions of subsection 2(c).

3. This authorization to grant the waiver is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

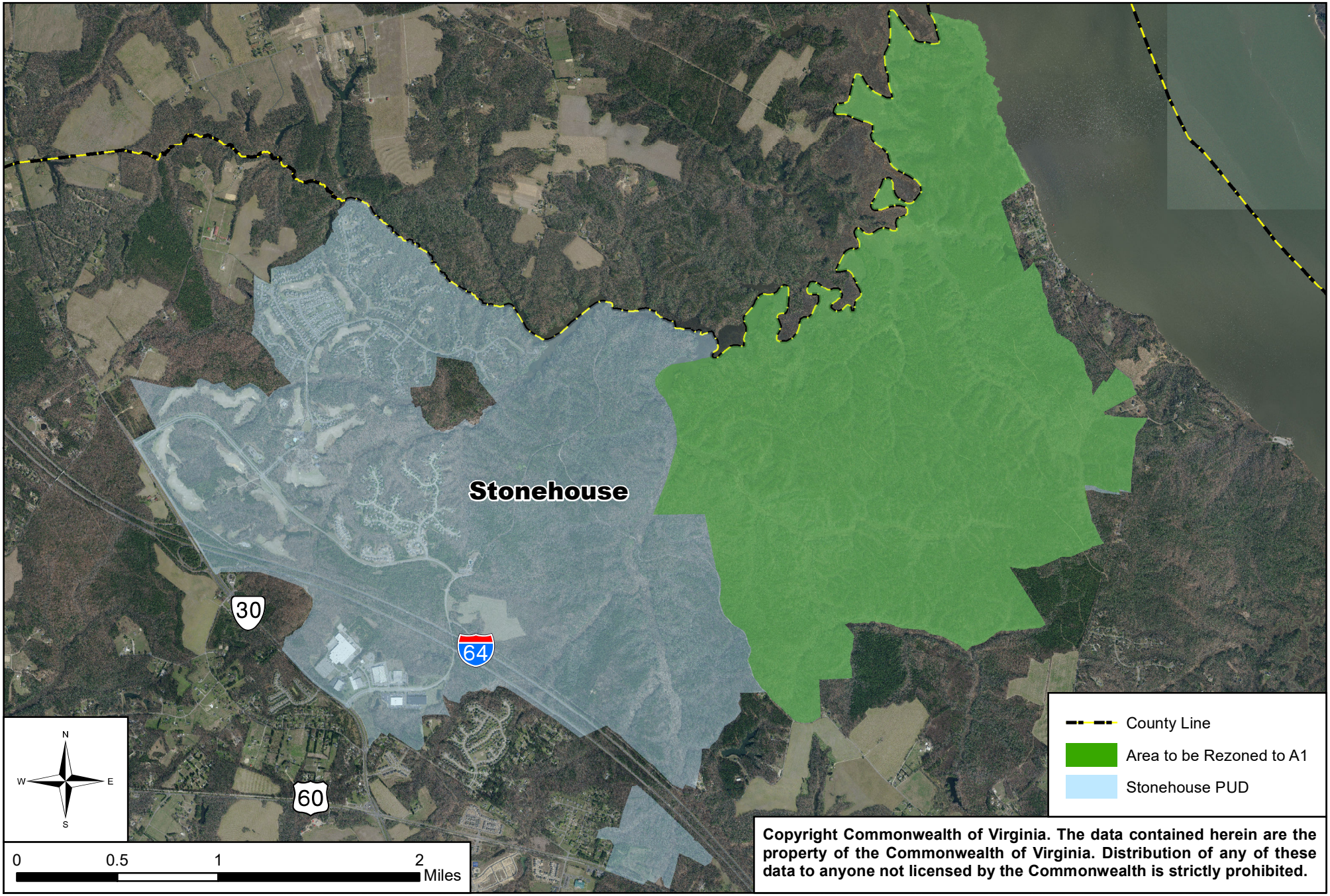
_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

StnhseWtrWaiver-res

JCC Z-18-0002/Z-19-0010/MP-18-0002
Stonehouse Rezoning, Proffer, Master Plan Amend.



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Attachment 2: Parcel Addresses and Parcel Identification/Tax Map Numbers

Address	Parcel Identification/Tax Map Number
9354 FIELDSTONE PKWY	0440100025
9235 FIELDSTONE PKWY	0440100029
9360 FIELDSTONE PKWY	0440100030
9370 FIELDSTONE PKWY	0530100009
9431 FIELDSTONE PKWY	0530100023
9423 FIELDSTONE PKWY	0530100024
9415 FIELDSTONE PKWY	0530100025
9760 MILL POND RUN	0530100010
3029 HEARTWOOD CROSSING	0530100020
9101 SIX MOUNT ZION RD	0540100002
9250 SIX MOUNT ZION RD	0540100011
9150 SIX MOUNT ZION RD	0540100012
9351 SIX MOUNT ZION RD	0540100015
9100 SIX MOUNT ZION RD	0540100016
9205 SIX MOUNT ZION RD	0540100017
9800 SIX MOUNT ZION RD	0630100005
9550 SIX MOUNT ZION RD	0630100006
9495 ASTILBE LN	0540800001A
9471 ASTILBE LN	0540800022
9473 ASTILBE LN	0540800023
9475 ASTILBE LN	0540800024
9481 ASTILBE LN	0540800025
9483 ASTILBE LN	0540800026
9485 ASTILBE LN	0540800027
9487 ASTILBE LN	0540800028
9489 ASTILBE LN	0540800029
9488 ASTILBE LN	0540800078
9486 ASTILBE LN	0540800079
9484 ASTILBE LN	0540800080
9480 ASTILBE LN	0540800081
9478 ASTILBE LN	0540800082
9476 ASTILBE LN	0540800083
9474 ASTILBE LN	0540800084
9472 ASTILBE LN	0540800085
9470 ASTILBE LN	0540800086
3451 FOXGLOVE DR	0540800030
3453 FOXGLOVE DR	0540800031
3455 FOXGLOVE DR	0540800032
3457 FOXGLOVE DR	0540800033
3456 FOXGLOVE DR	0540800036
3454 FOXGLOVE DR	0540800037
3450 FOXGLOVE DR	0540800038
3448 FOXGLOVE DR	0540800039
3446 FOXGLOVE DR	0540800040
3444 FOXGLOVE DR	0540800041
9535 GODDIN CT	0540900001A

9507 GODDIN CT	0540900002
9511 GODDIN CT	0540900003
9515 GODDIN CT	0540900004
9519 GODDIN CT	0540900005
9523 GODDIN CT	0540900006
9527 GODDIN CT	0540900007
9531 GODDIN CT	0540900008
9541 GODDIN CT	0540900009
9545 GODDIN CT	0540900010
9549 GODDIN CT	0540900011
9553 GODDIN CT	0540900012
9557 GODDIN CT	0540900013
9561 GODDIN CT	0540900014
9565 GODDIN CT	0540900015
9569 GODDIN CT	0540900016
9573 GODDIN CT	0540900017
9577 GODDIN CT	0540900018
9581 GODDIN CT	0540900019
9585 GODDIN CT	0540900020
9589 GODDIN CT	0540900021
9572 GODDIN CT	0540900022
9568 GODDIN CT	0540900023
9564 GODDIN CT	0540900024
9560 GODDIN CT	0540900025
9556 GODDIN CT	0540900026
9552 GODDIN CT	0540900027
8915 BARHAMSVILLE RD N	0640100001
	1210100047
3820 ROCHAMBEAU DR	1310100008A
170 SAND HILL RD	1310100019

COMMUNITY IMPACT STATEMENT

STONEHOUSE
MASTER PLAN AMENDMENT

MP-18-0002

July 25, 2019

OVERVIEW

SCP-JTL Stonehouse Owner 1, LLC and SCP-JTL Stonehouse Owner 2, LLC are the owners of the remaining undeveloped acreage (the "Property") located within the Stonehouse Planned Unit Development (approximately 4,500 acres). These entities constitute a joint venture between funds managed by SilverCap Partners based in Charlotte, NC and JTL Capital based in Dallas, TX. The owners acquired the Property from the previous developer in 2016 and have been working diligently since that time conceive of a fresh vision and vibrancy for Stonehouse. The result of their effort is a Master Plan/Proffer Amendment for a portion of the existing PUD and the down zoning of approximately 2,700 acres to A-1 with a restricted use easement.

Remaining Development Areas

The applicant has determined that it is critical to the vibrancy and identity of Stonehouse to have a community focal point. Accordingly, the applicant is proposing a new "town square" concept at the intersection of Fieldstone Parkway and Six Mount Zion Road. This area is located in the southwest quadrant of the intersection and is intended to be characterized with neighborhood commercial uses, community recreation and open space, and moderate to high density residential uses. The use of high quality architecture and landscaping in this area will establish a second "front door" to Stonehouse and implement important continuity and place making within the project.

Another feature of the reinvention of Stonehouse is a focus on outdoor recreational amenities that draw residents and visitors alike into the community. The concept utilizes a meaningful neighborhood recreation feature as part of the Town Square that will serve as a "trail head" to neighborhood use trails that extend through the extensive natural open space that will exist on Tract 11.

With a reduction in over 1,100 residential units within the Stonehouse PUD, it was determined that it was no longer appropriate to have a school site located within the inner core of Stonehouse. Accordingly, the school site is proposed to be relocated to Tract 9 on Rt. 30 south of I-64 in a more regionally oriented location.

It was also determined that I-64 is the appropriate demarcation point for the light industrial uses in the Stonehouse Commerce Park and the predominantly residential/neighborhood character north of I-64. Such non-residential uses would conflict with the natural environment and community character of the area north of I-64. Additionally, it was determined that, except for neighborhood commercial uses, there is extremely limited viability for non-residential uses, particularly light industrial uses, north of I-64 due to the indirect access and remote nature of the location. Such uses are more viable and better oriented along Rt. 30 near the I-64 interchange in such areas as the Hazelwood Economic Opportunity Area. Accordingly, Tract 11 is now shown to contain residential uses consistent with the natural character of the land and the character of the surrounding land uses.

Preservation Areas

The applicant proposes to rezone approximately 2,700 acres of the Stonehouse PUD along Ware Creek and the York River to A-1 General Agricultural with a restricted use easement that would, among other things, limit the total number of homes that can be located on this portion of the

property to 19 and the total amount of non-residential square footage to 130,000 sf. Given this enormous concession in value, the ownership must preserve flexibility regarding the possible uses of the preservation area in order to facilitate the sale of the preservation areas. The more flexibility in the potential use of the property, the larger the appeal to the limited market for this type of property. Use of the preservation areas is proposed to be constrained by the A-1 ordinance and the restricted use easement and could range from (i) a single owner (e.g., a public body, a single conservation organization, a single private buyer, or a group of private buyers) for recreational purposes, to (ii) 19 estate properties (e.g., single family homes on 100 +/- acre parcels), to (iii) clustered homes on more traditionally sized lots with extensive open space areas, (iv) to a non-residential use containing up to 130,000 sf (such uses are severely constrained in the A-1 ordinance but could entail a winery and/or equestrian center), to (v) some combination of the foregoing. The preservation area is divided into 2 sub-areas: Stonehouse Preserve (2,314 acres – 15 homes) and Riverfront Preserve (361 acres – 4 homes). Non-residential uses are proposed to be permitted on the Riverfront Preserve.

ENVIRONMENTAL IMPACT ANALYSIS

The previous owner of the Property submitted an Environmental Impact Analysis for the project to the County in 2007. The applicant is not aware of any substantive changes in that analysis which have occurred in the intervening years. Nominal development activity has occurred during that time, largely due to the Great Recession. The changes to the development program associated with this application result in fundamentally less environmental impact based upon, among other things, the reduction in the size of the PUD by approximately 2,700 acres and the down zoning of such acreage to A-1 with restricted use easements. Additionally, the removal of non-residential uses north of I-64, which require substantial contiguous clearing, grading, and impervious cover, in favor of residential uses provides significantly greater flexibility in design to minimize environmental impacts.

Included with this submittal is a Development Analysis Exhibit prepared by Cole Jenest & Stone. Table C of the Development Analysis Exhibit, provides an updated accounting of the development area and open space. More detailed environmental impact analyses will accompany development plan submissions specific to the area proposed for development.

Ware Creek Watershed Management Plan

The Ware Creek Watershed is located in the most northern part of James City County and drains into the York River. Three quarters of the watershed is undeveloped and consists of forested lands, wetlands and stream Resource Protection Areas. The rest of the area has been traditionally agricultural, while low-density residential neighborhoods and single-family homes are becoming more numerous. The watershed also encompasses some newer development, golf course communities, industrial areas such as Stonehouse Commerce Park and Hankins Industrial Park and I-64 as part of its drainage area.

The applicant acknowledges the Property is subject to the Ware Creek Watershed Management Plan as well as the Special Stormwater Criteria referenced therein. As stated within the Special Stormwater Criteria (SSC), “Specific design and construction plan information and details for Special Stormwater Criteria (SSC) must be presented for review during submission of the plan of development for the project. For rezoning, special use permit and concept or master plan

purposes, detailed design is not necessary. For these instances, the applicant needs only identify if it is believed that Special Stormwater Criteria (SSC) will apply to the site in whole or part."

Richardson Mill Pond Dam

The Applicant does not own nor control the Richardson Mill Pond Dam but, in good faith and at the request of the County, voluntarily completed interim repairs and improvements to the Richardson Mill Pond Dam with the design support of the Timmons Group, which repairs and improvements were reviewed by and done in coordination with James City County. All bonds and permits associated with the Applicant's efforts have been completed and closed. Further remediation of the dam is complicated by the fact that it is owned by VDOT and one or more third parties. To date, efforts to coordinate with these owners on further remediation have been unsuccessful, however, the applicant remains committed to collaborating with the County and other stakeholders on further efforts to ensure the integrity of the structure.

PUBLIC FACILITIES IMPACT ANALYSIS

Water and Sewer

The Stonehouse Development and James City Service Authority have a Water Facilities Agreement dated April 25, 2005 that is in effect for providing water to the development. The Agreement states that JCSA shall provide at all times, a minimum of 500,000 gallons of potable water exclusively for the Stonehouse property. It furthers states, that for flow exceeding the maximum production capacity of the Stonehouse Independent Water System, that the Owner can purchase further capacity by rates established by James City Service Authority (JCSA). There are Equivalent Residential Connections (ERC) rates established for single family, two family and multifamily dwellings. Water conservation measures have been proffered.

JCSA has an agreement with HRSD for them to treat sanitary sewer from the district. HRSD officials have stated that there is adequate sanitary sewer capacity at its wastewater treatment plant for the full development of Stonehouse.

Updates to the Conceptual Water and Sewer Plans have been prepared and are included with this submission. This phasing plan will be entirely market driven, but the concept for how water and sanitary sewer infrastructure could be provided would remain the same. It is understood that this conceptual plan could be changed in its entirely, but a basis for how the development can be phased is presented.

The topography for the Stonehouse development is quite challenging. There are numerous streams within the property that have created many peninsulas. These peninsulas will vary up to 90 feet in vertical elevation difference between the high and low point of the developable area. Given the vertical challenges for the areas, we are projecting many sanitary sewer pumping stations will be needed. Where possible and economically feasible, aerial crossings will be used to eliminate pumping stations. The use of grinder pump stations are also contemplated in several areas to eliminate larger pumping stations. Before individual tracts are submitted for review, a preliminary meeting will be held to discuss the proposed development of the tract. At this meeting, it is anticipated that the parties will discuss problem areas and reach consensus as to how sewer will best be serviced for the areas.

Extensive water and sewer mains have been installed with the realigned Six Mount Zion Road to its intersection with Ware Creek Road. Construction of additional water and sewer infrastructure will occur with each new phase of the development as required depending on the results of modeling at that time to accommodate the required capacities.

School Impacts

Student generation
The Stonehouse PUD is currently approved for 4,411 residential units of which 3,590 residential units are associated with the property which is the subject of this application. With this application, the number of residential units proposed on property owned by the applicant has been reduced to a total of 2,411 units with 1,911 units as single family detached, 500 as townhome/condominium/multifamily and 85 affordable.

Below is a chart detailing the highest number of students projected to be generated by the proposed development of the property using James City County Planning Department estimates that single family attached uses generate 0.4 students and townhome/condominium/multifamily generate 0.17 students per unit.

Student Generation Calculation
1911 households@ 0.4 students per SFD = 764 students 500 townhome/condominium/multifamily @ 0.17 students per unit = 85
Elementary school-aged students, 44% of total = 374 students
Middle school-aged students, 23% of total = 195 students
High school-aged students, 33% of total = 280 students
All multipliers and student breakdown per grade level provided by James City County Planning

School capacities
The students who live in the Stonehouse development now and would live in Stonehouse in the future would, under today's school assignment plan, attend the existing Stonehouse Elementary School, Toano Middle School, and Warhill High School. The appropriate school capacities are as follows, per the Williamsburg - James City County School Board Enrollment Projections Update, October 29, 2018.

	Effective capacity	Current enrollment	Anticipated 2019-2020 enrollment	Anticipated 2020-2021 enrollment
Stonehouse Elementary	765	745	754	762
Toano Middle	790	701	716	725
Warhill High	1441	1388	1390	1390

In order to address school impacts the applicant is proffering the conveyance of a school site, a lump sum cash contribution, and a per unit cash contribution as more particularly outlined in the proffers.

FISCAL IMPACT

As a supplement to the County's required Fiscal Impact Analysis Model, it is important to consider that a significant portion of the fiscal impact of the proposed zoning changes is contained in the down zoning of approximately 2,700 acres of the PUD to A-1 with restricted use easements. The combination of the down zoning and easements is akin to the purchase of development rights. The County's Comprehensive Plan and policy documents place a significant emphasis on the protection of the County's rural character and on conservation of its natural resources. In fact, there has been recent discussion at the Board of Supervisors level about reinvigorating the County's preservation efforts through, among other things, its PDR program.

The applicant conservatively estimates that the value of the down zoning and easements to have a market value of approximately $13,500,000, and eliminates the reoccurring negative fiscal impact reflected in the County's fiscal model associated with over 1,100 residential units. The applicant can only justify such preservation in conjunction with the revisions of the residual PUD parcels to modernize the land planning with marketable uses and shrink the development footprint which allow the applicant to reduce the development timeline, associated market risk, and infrastructure costs.

Past applicants have had the luxury of proposing development scenarios decades into the future without assurance of the viability of various components. The conservation of 2,700 acres and 1,200 units of the PUD, eliminate that luxury for the current applicant and require that the resulting PUD be imminently developable. The economics supporting this application shorten the development horizon to what is supported by the market trends that have prevailed over the last decade and are based upon what is realistically achievable in the next decade.

Additionally, the applicant is proffering the donation of a middle school site, an $800,000 lump sum for school facilities, a per unit school cash proffer, a per unit affordable housing cash proffer, and 85 workforce housing units. The original fiscal model for the Stonehouse, which the planning staff has referenced in its review of this application, did not include the significant economic impact of the lump sum school cash proffer or the per unit school cash proffer and the affordable/workforce housing commitment.

As staff is assessing the overall fiscal impact of the changes to the residual PUD and the fiscal balance between residential and non-residential therein, it must take into consideration (1) the conservation value of the 2,700 acres and the reduction of over 1,100 residential units (as one cannot exist without the other), as well as (2) the lump sum school cash proffer, the per unit school cash proffer and affordable/workforce housing commitment. In doing so we are confident that staff will find, quantitatively and qualitatively, that the overall economic impact of the applicant's proposal is substantially superior to the existing zoning and the original fiscal balance envisioned with the Stonehouse PUD.

ARCHITECTURAL CRITERIA

The Stonehouse architectural guidelines in effect currently state, "Although a variety of architectural styles may be allowed within the Stonehouse community, each commercial park and the individual sites within it shall maintain a consistent architectural theme. All

buildings constructed within a particular park in the Stonehouse community shall conform to the standards of that park regarding architectural style, materials and color. All structures within the commercial parks shall be designed and constructed of high quality, durable materials which provide a permanent finish with a high quality appearance. Acceptable exterior finishes in office parks include brick, stone, and glass, and other high-quality finishes such as lap siding, clapboard, precast concrete and stucco if approved by the Design Review Committee as appropriate for the design of that park. Metal and other materials may be used on buildings in office parks only as accent elements unless otherwise approved by the Design Review Committee. Acceptable finishes in business parks include all of the above, and also high-quality unit masonry, and high quality metal finishes. Finishes in loading and storage areas of buildings of the site that are screened from adjacent land uses may include painted unit masonry and other types of metal finishes."

These above guidelines were put into place in 1990. Since that time, James City County has adopted the Community Appearance Guide, dated September 8, 2017, that outlines the standards for site design, architecture, screening, lighting, landscaping, and signage that is permitted within nonresidential areas. Many of the requirements of the Stonehouse guidelines from long ago appear in these guidelines that now apply to James City County as a whole. These new James City County guidelines will be used in the development of design guidelines for the Stonehouse development.

The Williamsburg area has developed using brick for various types of buildings, harkening back to the early development in the area. Brick will be the predominant building material in the nonresidential portions of Stonehouse as well, echoing the predominance of brick in the Williamsburg historical areas, the neighborhoods such as Kingsmill that have developed, and in the residential portions of Stonehouse presently. As the area carries the name "Stonehouse", stone may also be used as a building façade or in walls and entry monumentation in appropriate areas, although the use of stone is not as common as brick in the area. Certain types of nonresidential development, such as small scale offices and churches, may use wood or clapboard siding to create a less formal appearance while still providing the high-quality, long wearing finishes that provide a sense of permanence to an area.

The large areas of open space and areas of environmental interest in Stonehouse provide a guide as to the preferred landscaping to be installed in the area. Landscaping will rely in large part on the use of native vegetation and species that thrive in the area, so as to reduce reliance on irrigation. In the interests of conservation, the Applicant intends to allow the use of rainwater harvesting for the project. While hardscape features such as walls and fences may be unavoidable in some instances, screening of features such as dumpsters and service areas will incorporate landscaping as well, so as to soften their appearance and intrusion into the area.

Conceptual site and subdivision plans will be submitted for preliminary review for all sites within Stonehouse prior to the formal submittal of such plans. The County DRC will be asked to review such preliminary plans to make certain the formal submittals meet the standards set for the development of Stonehouse. It will be encouraged within the

nonresidential areas to avoid the typical franchise buildings and to provide instead buildings that will enhance the Stonehouse area and provide the cohesive development planned for the area. Sites will be designed to minimize the “sea of parking” that is often the preferred method of providing parking and instead place the buildings so as to encourage walking between uses. Areas of landscaping to break up the large parking areas and walkways to encourage easy pedestrian movement will be provided throughout the nonresidential development. Compatibility between the architecture in the nonresidential areas will be sought, but not so much as to permit a slide into monotony. The feeling that you have entered a specific place, that you have entered Stonehouse, will be enforced through careful and thoughtful planning of all of the elements of the environment.

STONEHOUSE
VIRGINIA

REZONING AND MASTER PLAN RESUBMITTAL
JAMES CITY COUNTY, VA
JULY 2019
(ORIGINAL SUBMITTAL: DECEMBER 2018)

SHEET #	SHEET NAME
1	MASTER PLAN (COLOR)
2	MASTER PLAN - TABLE A ENLARGEMENT
3	ZONING MAP

Table A: Permitted Use Categories By Tract

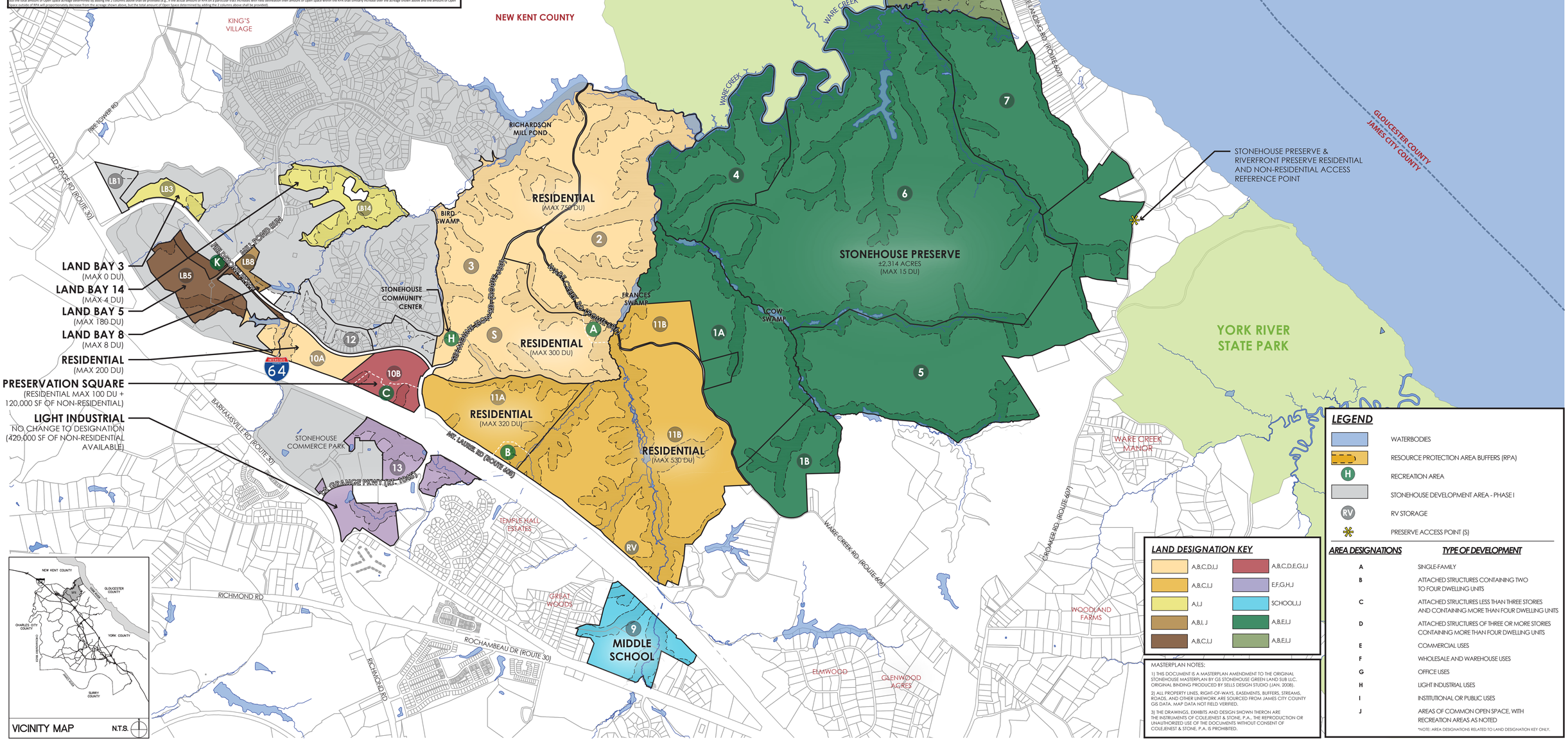
Parcel Number	Area (1) (Gross Acres)	Area (2) (Net Acres)	Open Space In Resource Protection Areas (3)	Open Space Outside of Resource Protection Areas (3) (4)	Maximum Density		Maximum Square Footage of Non-Residential Uses (Not including recreational uses)	Permitted Uses	Zoning
					Units Per Net Acre (2)	2018 Total Density	2018 Density FAR		
Land Bay 3	19.13	12.44	1.69	5	2.0	0	NA	A,I,J	PUD-R
Land Bay 5	67.81	50.05	18.34	10.7 (5)	4.0	180	NA	A,B,C,J	PUD-R
Land Bay 8	18.73	11.43	3.30	4	4.0	8	NA	A,B,J	PUD-R
Land Bay 14	70.51	18.68	33.03	18.8 (6)	2.0	4	NA	A,I,J	PUD-R
Tract 2	329.84	115.68	165.16	46	4.0	400	NA	A,B,C,D,J	PUD-R
Tract 3	264.83	107.72	113.61	44.5	4.0	350	NA	A,B,C,D,J	PUD-R
Tract 10A	53.95	24.53	15.92	11.5	8.0	200	NA	A,B,C,D,J	PUD-R
Tract 10B	47.09	30.77	5.32	11	5.0	100	100,000	A,B,C,D,E,G,J	PUD-R (7)
Tract 11A	132.46	73.19	37.27	22	4.0	320	NA	A,B,C,J	PUD-R (7)
Tract 11B	503.51	275.77	189.74	40	6.0	530	200,000	A,B,C,J, RV Storage	PUD-R (7)
Tract 5 (School)	178.94	113.38	65.56	0 (16)	4.0	300	NA	A,B,C,D,J	PUD-R
Tract 1A	254.86	106.97	62.56						A1 (10)
Tract 1B	97.44	36.36	33.75						A1 (10)
Tract 4	189.64	45.66	125.48	449.5	0.33	15	130,000	A1 Ordinance Uses	A1 (10)
Tract 5	493.00	264.99	122.01						A1 (10)
Tract 6	1006.16	412.44	429.22						A1 (10)
Tract 7	257.14	115.5	95.14						A1 (10)
Tract 8	361.31	93.12	231.19	37	0.33	4	NA	A1 Ordinance Uses	A1 (10)
Tract 13	95.12	48.86	26.26	20	NA	NA	420,000	E,F,G,H,J	PUD-C
Tract 9	88.73	33.49	41.24	0	NA	NA	School (11)	School,J	PUD-C
Recreation Areas (12)	47.64	28.35	16.36	10.5	NA	NA	NA	Recreation Facility,J	NA
TOTAL	4,572.84 acres gross	2,017.38 acres net	1,831.15 acres	730.50 acres		2,411 2,411 maximum permitted (1)	870,000 Total maximum square footage shown is 870,000 square feet. 600,000 square feet of floor area exists in commerce park currently.		
PUD / A1 TOTALS	PUD - 1,913.29 ac A1 - 2,659.55 ac	PUD - 942.34 ac A1 - 1,075.04 ac	PUD - 731.8 ac A1 - 1,099.35 ac	PUD - 244 ac A1 - 486.5 ac		PUD - 2,392 units A1 - 19 units	PUD - 740,000 sf A1 - 130,000 sf		

Stonehouse Preserve

Riverfront Preserve

Table A Notes:

(1) **All acreage based on James City County GIS information only.** All acreage indicated as presented in approved Master Plan dated January 2008. More detailed information will be provided at the site/subdivision stage.
(2) A maximum of 2,411 residential units are allowed. Except the proposed A-1 Tracts, the actual number of units developed on each individual Tract/Land Bay may vary from the numbers listed in the "2018 Total Density" column above, as the number of units may be transferred between Tract/Land Bay in connection with final design, but the number of units on any given Tract/Land Bay will not exceed the corresponding density listed in the "Units Per Net Acre" column. The maximum units for proposed A-1 Tracts shall not exceed the number shown in the 2018 Total Density column.
(3) The net acreage of each tract is based on GIS information, and may change when site/subdivision plans are submitted.
(3) Recreation Areas will be provided as outlined in the proffers. Final size and locations of the facilities and their footprints will be defined as the program, amenities and proffers are finalized.
(4) Open space outside of RPAs has been reallocated between Land Bay 5 and Land Bay 14. The total acreage of open space outside of RPAs remains 651.50 acres as in the approved Master Plan dated January 2008.
(5) Williamsburg - James City County Schools will determine the design of the school site.
(6) Land Bay 5 and Tract 12 are excluded from application. Stonehouse Preserve and Riverfront Preserve will be submitted in separate application.
(7) Tracts 10A, 10B, 11A and 11B to be amended from a PUD-C zoning classification (per the approved Master Plan dated January 2008) to a PUD-R zoning classification.
(8) All roads will be public roads.
(9) All common open space areas, private recreation areas, sidewalks outside of the public right-of-way, and other privately owned but common facilities will be maintained by the homeowners' association.
(10) Tract 11B will contain RV and boat storage as a recreational use for the Stonehouse HOA.
(11) For development phasing, see the sewer and water phasing maps, as well as the proffers and the Fiscal Impact report provided by the Applicant.
(12) Tracts 1 and 11 have been divided into two tracts to better reflect the planned use. However, the number of units and the square footage of the non-residential uses remain as one for the entire tract and will be determined at the site/subdivision stage.
(13) Mixed use buildings will be permitted in the appropriate areas in Stonehouse should the James City County Zoning Ordinance be amended to permit such buildings in the PUD-C or PUD-R zoning districts.
(14) The amount of RPA is based on available mapping data and is subject to change with field delineation. Accordingly, the actual amount of Open Space inside the RPA and the actual amount of Open Space outside of the RPA at the time of development may vary from that shown in the 2 associated columns above, but the total amount of Open Space acreage determined by adding the 2 columns above shall be provided (e.g., if the actual amount of RPA on a particular tract increases with field delineation then amount of Open Space within the RPA shall similarly increase over the acreage shown above and the amount of Open Space outside of RPA will proportionately decrease from the acreage shown above, but the total amount of Open Space determined by adding the 2 columns above shall be provided).



STONEHOUSE MASTERPLAN

JAMES CITY COUNTY, VA
07/26/2019

ColeJenest & Stone

BINDING

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1" = 1000'
0' 500' 1000' 2000'

Table A: Permitted Use Categories By Tract

Parcel Number	Area [0] (Gross Acres)	Area [0] (Net Acres)	Open Space in Resource Protection Areas [0]	Open Space Outside of Resource Protection Areas [0] [4]	Maximum Density		Maximum Square Footage of Non-Residential Uses (Not including recreational uses)	Permitted Uses	Zoning
					Units Per Net Acre [2]	2018 Total Density	2018 Density FAR		
Land Bay 3	19.13	12.44	1.69	5	2.0	0	NA	A,I,J	PUD-R
Land Bay 5	67.81	50.05	18.34	10.7 [4]	4.0	180	NA	A,B,C,I,J	PUD-R
Land Bay 8	18.73	11.43	3.30	4	4.0	8	NA	A,B,I,J	PUD-R
Land Bay 14	70.51	18.68	33.03	18.8 [4]	2.0	4	NA	A,I,J	PUD-R
Tract 2	326.84	115.68	165.16	46	4.0	400	NA	A,B,C,D,I,J	PUD-R
Tract 3	264.83	107.72	112.61	44.5	4.0	350	NA	A,B,C,D,I,J	PUD-R
Tract 10A	51.95	24.53	15.92	11.5	8.0	200	NA	A,B,C,D,I,J	PUD-R [7]
Tract 10B	47.09	30.77	5.32	11	5.0	100	120,000	A,B,C,D,E,G,I,J	PUD-R [7]
Tract 11A	132.46	73.19	37.27	22	4.0	320	NA	A,B,C,I,J	PUD-R [7]
Tract 11B	503.51	273.77	189.74	40	6.0	530	200,000	A,B,C,I,J, RV Storage	PUD-R [7]
Tract S (School)	178.94	113.38	65.56	0 [4]	4.0	300	NA	A,B,C,D,I,J	PUD-R
Tract 1A	254.86	106.97	62.56	449.5	0.33	15	130,000	A1 Ordinance Uses	A1 [6]
Tract 1B	97.44	36.36	33.75						A1 [6]
Tract 4	189.64	45.66	125.48						A1 [6]
Tract 5	493.00	264.99	122.01						A1 [6]
Tract 6	1006.16	412.44	429.22						A1 [6]
Tract 7	257.14	115.5	95.14						A1 [6]
Tract 8	361.31	93.12	231.19	37	0.33	4	NA	A1 Ordinance Uses	A1 [6]
Tract 13	95.12	48.86	26.26	20	NA	NA	420,000	E,F,G,H,J	PUD-C
Tract 9	88.73	33.49	41.24	0	NA	NA	School [5]	School,I,J	PUD-C
Recreation Areas [3]	47.64	28.35	16.36	10.5	NA	NA	NA	Recreation Facility,I,J	NA
TOTAL	4,572.84 acres gross	2,017.38 acres net	1,831.15 acres	730.50 acres		2,411 2,411 maximum permitted [1]	870,000 Total maximum square footage shown is 870,000 square feet. 600,000 square feet of floor area exists in commerce park currently.		
PUD / A1 TOTALS	PUD - 1,913.29 ac A1 - 2,659.55 ac	PUD - 942.34 ac A1 - 1,075.04 ac	PUD - 731.8 ac A1 - 1,099.35 ac	PUD - 244 ac A1 - 486.5 ac		PUD - 2,392 units A1 - 19 units	PUD - 740,000 sf A1 - 130,000 sf		

Stonehouse Preserve
Riverfront Preserve

Table A Notes:

[0] **<u>All acreage based on James City County GIS information only.</u>** All acreage indicated as presented in approved Master Plan dated January 2008. More detailed information will be provided at the site/subdivision stage.

[1] A maximum of 2,411 residential units are allowed. Except the proposed A-1 Tracts, the actual number of units developed on each individual Tract/Land Bay may vary from the numbers listed in the "2018 Total Density" column above, as the number of units may be transferred between Tract/Land Bay in connection with final design, but the number of units on any given Tract/Land Bay will not exceed the corresponding density listed in the "Units Per Net Acre" column. The maximum units for proposed A-1 Tracts shall not exceed the number shown in the 2018 Total Density column.

[2] The net acreage of each tract is based on GIS information, and may change when site/subdivision plans are submitted.

[3] Recreation Areas will be provided as outlined in the proffers. Final size and locations of the facilities and their footprints will be defined as the program, amenities and proffers are finalized.

[4] Open space outside of RPAs has been reallocated between Land Bay 5 and Land Bay 14. The total acreage of open space outside of RPAs remains 651.50 acres as in the approved Master Plan dated January 2008.

[5] Williamsburg - James City County Schools will determine the design of the school site.

[6] Land Bay 1 and Tract 12 are excluded from application. Stonehouse Preserve and Riverfront Preserve will be submitted in separate application.

[7] Tracts 10A, 10B, 11A and 11B to be amended from a PUD-C zoning classification (per the approved Master Plan dated January 2008) to a PUD-R zoning classification.

[-] All roads will be public roads.

[-] All common open space areas, private recreation areas, sidewalks outside of the public right-of-way, and other privately owned but common facilities will be maintained by the homeowners' association.

[-] Tract 11B will contain RV and boat storage as a recreational use for the Stonehouse HOA.

[-] For development phasing, see the sewer and water phasing maps, as well as the proffers and the Fiscal Impact report provided by the Applicant.

[-] Tracts 1 and 11 have been divided into two tracts to better reflect the planned use. However, the number of units and the square footage of the non-residential uses remain as one for the entire tract and will be determined at the site/subdivision stage.

[-] Mixed use buildings will be permitted in the appropriate areas in Stonehouse should the James City County Zoning Ordinance be amended to permit such buildings in the PUD-C or PUD-R zoning districts.

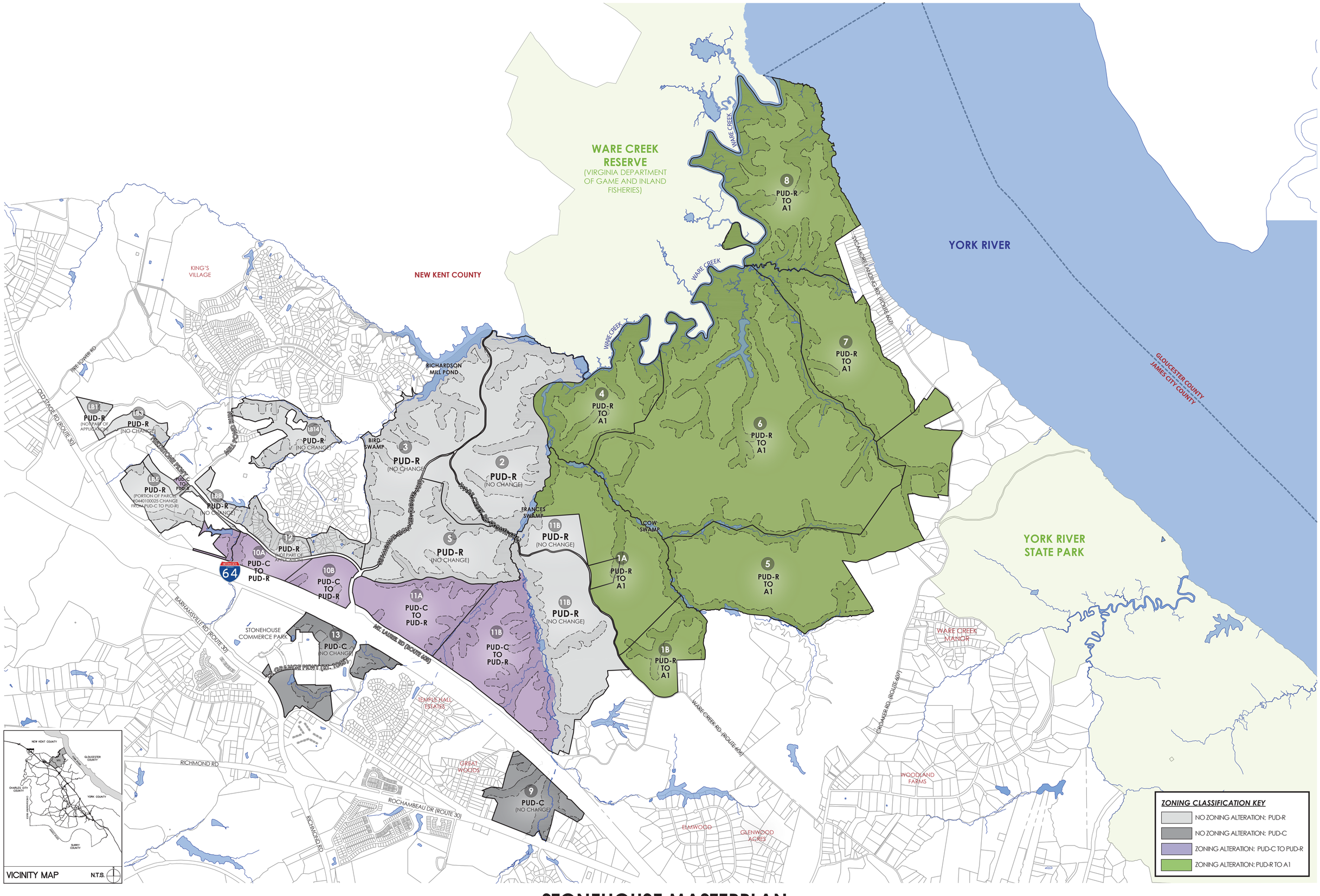
[-]The amount of RPA is based on available mapping data and is subject to change with field delineation. Accordingly, the actual amount of Open Space inside the RPA and the actual amount of Open Space outside of the RPA at the time of development may vary from that shown in the 2 associated columns above, but the total amount of Open Space acreage determined by adding the 2 columns above shall be provided (e.g., if the actual amount of RPA on a particular tract increases with field delineation then amount of Open Space within the RPA shall similarly increase over the acreage shown above and the amount of Open Space outside of RPA will proportionately decrease from the acreage shown above, but the total amount of Open Space determined by adding the 2 columns above shall be provided).

STONEHOUSE MASTERPLAN - TABLE A ENLARGEMENT

JAMES CITY COUNTY, VA
07/26/2019

ColeJenest & Stone

BINDING



STONEHOUSE MASTERPLAN

ZONING EXHIBIT

JAMES CITY COUNTY, VA

07/26/2019

ColeJenest & Stone

BINDING

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1" = 1000'

0' 500' 1000' 2000'

Table B: Permitted Use Categories By Tract - Comparison 2008 vs 2018

Parcel Number	Area 2008 (Gross Acres)	Area 2018 (Gross Acres)	Area 2008 (Net Acres)	Area 2018 (Net Acres)	Open Space in Resource Protection Areas 2008	Open Space in Resource Protection Areas 2018	Open Space Outside of RPAs 2008	Open Space Outside of RPAs 2018	Minimum/Maximum Number of Residential Units 2008		Maximum Density 2018			Maximum Square Footage of Non-Residential Uses 2008 (Not including recreational uses)	Maximum Square Footage of Non-Residential Uses 2018 (Not including recreational uses)	Permitted Uses 2008	Permitted Uses 2018	Zoning 2008
									Minimum	Maximum	Units Per Net Acre 2008 [3]	Units Per Net Acre 2018 [3]	2018 Total Density	2008 Density FAR	2018 Density FAR			
Land Bay 1	13.46	N/A	7.35	N/A	3.11	N/A	3	N/A	10	60	7.0	N/A	N/A	NA	NA	A,B,C,I,J	N/A	PUD-R
Land Bay 3	19.13	19.13	12.44	12.44	1.69	1.69	5	5	5	30	4.0	2.0	0	NA	NA	A,I,J	A,I,J	PUD-R
Land Bay 5	79.09	67.81	49.21	50.05	9.88	18.34	20	10.7	10	60	4.0	4.0	180	NA	NA	A,B,C,I,J, RV Storage	A,B,C,I,J,	PUD-R
Land Bay 8	18.73	18.73	11.43	11.43	3.30	3.30	4	4	0	40	4.0	4.0	8	NA	NA	A,B,C,I,J	A,B,I,J	PUD-R
Land Bay 14	70.51	70.51	27.98	18.68	33.03	33.03	9.5	18.8	0	45	2.0	2.0	4	NA	NA	A,I,J	A,I,J	PUD-R
Tract 12	68.56	N/A	33.24	N/A	21.32	N/A	14	N/A	0	110	4.0	N/A	N/A	NA	NA	A,I,J	N/A	PUD-R
Tract 2	326.84	326.84	115.68	115.68	165.16	165.16	46	46	150	400	4.0	4.0	400	NA	NA	A,B,C,D,I,J	A,B,C,D,I,J	PUD-R
Tract 3	264.83	264.83	107.72	107.72	112.61	112.61	44.5	44.5	150	350	4.0	4.0	350	NA	NA	A,B,C,D,I,J	A,B,C,D,I,J	PUD-R
Tract 10A	51.95	51.95	24.53	24.53	15.92	15.92	11.5	11.5	NA	NA	NA	8.0	200	300,000	NA	G,I,J	A,B,C,D,I,J	PUD-C
Tract 10B	47.09	47.09	30.77	30.77	5.32	5.32	11	11	NA	NA	NA	5.0	100	720,000	120,000	E,F,G,H,I,J	A,B,C,D,E,G,I,J	PUD-C
Tract 11A	132.46	132.46	73.19	73.19	37.27	37.27	22	22	NA	NA	NA	4.0	320	1,440,000	NA	E,F,G,H,I,J	A,B,C,I,J	PUD-C
Tract 11B	235.08	503.51	82.23	273.77	112.85	189.74	40	40	NA	NA	NA	6.0	530	-	200,000	E,F,G,H,I,J	A,B,C,I,J, RV Storage	PUD-C
Tract S (School)	178.94	178.94	113.38	113.38	65.56	65.56	0	0	NA	NA	NA	4.0	300	NA	NA	Recreation, I, J	A,B,C,D,I,J	PUD-R
Tract 1A	447.53	254.86	216.63	106.97	144.9	62.56	86	86	200	1100	4.0	0.33	15	NA	130,000	A,B,C,D,I,J	A1 Ordinance Uses	PUD-R
Tract 1B	142.72	97.44	68.51	36.36	46.21	33.75	28	28	—	—	4.0	0.33		NA		A,I,J	A1 Ordinance Uses	PUD-R
Tract 4	189.64	189.64	45.66	45.66	125.48	125.48	18.5	18.5	50	150	3.0	0.33		NA		A,I,J	A1 Ordinance Uses	PUD-R
Tract 5	493.00	493.00	264.99	264.99	122.01	122.01	106	106	25	400	4.0	0.33		NA		A,I,J	A1 Ordinance Uses	PUD-R
Tract 6	1006.16	1006.16	412.44	412.44	429.22	429.22	164.5	164.5	500	1700	4.5	0.33		NA		A,B,C,D,I,J	A1 Ordinance Uses	PUD-R
Tract 7	257.14	257.14	115.5	115.5	95.14	95.14	46.5	46.5	75	300	3.0	0.33		NA		A,B,C,I,J	A1 Ordinance Uses	PUD-R
Tract 8	361.31	361.31	93.12	93.12	231.19	231.19	37	37	50	400	5.0	0.33	4	130,000		A,B,C,D,E,G,I,J	A1 Ordinance Uses	PUD-R
Tract 13	95.12	95.12	48.86	48.86	26.26	26.26	20	20	NA	NA	NA	NA	NA	420,000	420,000	F,G,H,J	E,F,G,H,J	PUD-C
Tract 9	88.73	88.73	33.49	33.49	41.24	41.24	14	0	NA	NA	NA	NA	NA	120,000	School [8]	G,I,J,RV Storage	School,I,J	PUD-C
Recreation Areas	78.12	47.64	27.61	28.35	40.31	16.36	10.5	10.5	NA	NA	NA	NA	NA	NA	NA	Recreation Facility,I,J	Recreation Facility,I,J	NA
TOTAL	4,666.14 acres gross	4,572.84 acres gross	2,015.96 acres net 43.2% of gross	2,017.38 acres net 44.4% of gross	1,888.98 acres 40.48% of gross	1,831.15 acres 40.31% of gross	761.50 acres 16.3% of gross	730.50 acres 16.1% of gross	1,225 minimum planned	5,145 3,646 maximum permitted			2,411 2,411 maximum permitted	3,130,000 Total maximum square footage shown is 3,130,000 square feet. 600,000 square feet of floor area exists in commerce park currently.	870,000 Total maximum square footage shown is 870,000 square feet. 600,000 square feet of floor area exists in commerce park currently.			

Stonehouse Development Area - Phase I
Stonehouse Preserve
Riverfront Preserve
Alteration from original 2008 Masterplan

Table C: Open Space/Density

Parcel Number	Area (Gross Acres)	Open Space in Resource Protection Areas	Open Space Outside of Resource Protection Areas	Percentage of Open Space Provided (OS in RPAs + OS Outside RPAs / Gross Acres)	Total Density (2018)	Maximum Units Per Acre (2018)
Land Bay 3	19.13	1.69	5	35%	0	4.00
Land Bay 5	67.81	18.34	10.7	43%	180	4.00
Land Bay 8	18.73	3.30	4	39%	8	4.00
Land Bay 14	70.51	33.03	18.8	74%	4	2.00
Tract 2	326.84	165.16	46	65%	400	4.00
Tract 3	264.83	112.61	44.5	59%	350	4.00
Tract 10A	51.95	15.92	11.5	53%	200	8.00
Tract 10B	47.09	5.32	11	35%	100	5.00
Tract 11A	132.46	37.27	22	45%	320	4.00
Tract 11B	503.51	189.74	40	46%	530	6.00
Tract S (School)	178.94	65.56	0	37%	300	4.00
Tract 1A	254.86	62.56	86	58%	15	0.33
Tract 1B	97.44	33.75	28	63%		
Tract 4	189.64	125.48	18.5	76%		
Tract 5	493.00	122.01	106	46%		
Tract 6	1006.16	429.22	164.5	59%		
Tract 7	257.14	95.14	46.5	55%		
Tract 8	361.31	231.19	37	74%	4	0.33
Tract 13	95.12	26.26	20	49%	N/A	N/A
Tract 9	88.73	41.24	0	46%	N/A	N/A
Recreation Areas	47.64	16.36	10.5	56%	N/A	N/A
TOTAL	4,572.84 acres gross	1,831.15 acres 40.31% of gross	730.50 acres 16.0% of gross	2,561.65 acres 56.9% of gross		
TOTAL (PUD only)	1,913.29 acres gross	731.80 acres 39.7% of gross	244.00 acres 12.8% of gross	975.80 acres 52.5% of gross		

Table C Notes:
[-] Per section 24-488, all parcels within application to meet open space requirement of 35% of the gross acres.

Table D: Recreation/Public Use Allocation Table

Current Masterplan	Location	Gross Acres	Net Acres	Use	Public/HOA	Proffer Agreements
Recreation Area A	Tract S	8.72	4.46	Recreation Facility and field	HOA	4 acre community facility w/pool, 3,000 sf building, and multi-purpose grass field + multi-purpose court
Recreation Area B	Tract 11A	8.37	4.11	Recreation Facility and field	HOA	Community Facility w/ pavilion, outdoor fitness equipments, multi- purpose grass field
Recreation Area C	Tract 10B	17.64	10.36	Recreation Facility and field	HOA	Multi-use outdoor recreation facility
Recreation Area H	Tract 3	10.59	7.1	Recreation Facility and field	HOA	Existing Clubhouse, pool, and playground ; Proposed 1 multi-purpose court
Recreation Area K	Landbay 5	2.32	2.32	Passive Recreation	HOA	Groomed passive open space
*Recreation Area L	Stonehouse Glen	0.73	0.73	Active Recreation	HOA	2 existing tennis courts
*Recreation Area M	Stonehouse Glen	1.15	1.15	Passive Recreation	HOA	Existing Pocket Park
**Multi-use Trails	Site	N/A	N/A	Active Recreation	Public/HOA	A proposed 10,600 LF of multi-use trail or shared bike lane along Six Mt. Zion Rd. (Public) ; Proposed 8,300 LF of multi-use trail along Ware Creek Rd ; Proposed 6,250 LF along Mt. Laurel Rd. (Public) ; Proposed 16,700 LF of soft surface trail throughout Tracts 11A/11B/S (HOA)

[*] These areas are not a part of Masterplan Amendment submittal dated 04/22/2019 ; These areas are existing Stonehouse Owners Foundation amenities that are HOA accessible.
[**] Fieldstone Parkway currently includes 10,275 LF of existing multi-use trails.
[-] (3) Neighborhood playgrounds or pockets parks will be provided per the James City County Parks and +Recration Guidelines. A playground should include a minimum of 2,500 sf including the fall zones and safety spaces as required by all local,state, and national regulations. A neighborhood park shall include a minimum of 13,068 sf or 0.3 acres of level, non flood plain land outside the RPAs.

Table E: Parks and Recreation Recommendations

Parcel Number	Area (Gross Acres) [0]	Minimum/ Maximum Conceptual Number of Single Family Units	Minimum/ Maximum Conceptual Number of Multifamily Units	James City County Guidelines: Required Recreation Facilities based on Unit Count: Park Land (Ac) [1]	Bike/Run Trail (Mi) [2]	Playground (#) [3]	Tennis Court (#) [4]	Basketball Court (#) [4]	Multi-Use Fields (#) [5]
		2018 Total Density		2018 Total Density	2018 Total Density	2018 Total Density	2018 Total Density	2018 Total Density	2018 Total Density
Land Bay 3	19.13	0	0	0	0	0	0.00	0	0.00
Land Bay 5	67.81	180	0	0.70	0.18	0.180	0.09	0.18	0.12
Land Bay 8	18.73	8	0	0.03	0.01	0.008	0	0.01	0.01
Land Bay 14	70.51	4	0	0.02	0	0.004	0	0	0.00
Tract 2	326.84	400	0	1.56	0.40	0.400	0.20	0.40	0.26
Tract 3	264.83	350	0	1.37	0.35	0.350	0.18	0.35	0.23
Tract 10A	51.95	0	200	0.46	0.12	0.122	0.06	0.12	0.08
Tract 10B	47.09	0	100	0.23	0.06	0.061	0.03	0.06	0.04
Tract 11A	132.46	220	100	1.09	0.28	0.281	0.14	0.28	0.18
Tract 11B	503.51	530	0	2.07	0.53	0.530	0.27	0.53	0.34
Tract S (School)	178.94	200	100	1.01	0.26	0.261	0.13	0.26	0.17
Tract 1A	254.86	15	0	0	0	0	0	0	0
Tract 1B	97.44								
Tract 4	189.64								
Tract 5	493.00								
Tract 6	1006.16								
Tract 7	257.14								
Tract 8	361.31	4	0	0	0	0	0	0	0
Tract 13	95.12	NA	-	-	-	-	-	-	-
Tract 9	88.73	NA	-	-	-	-	-	-	-
Recreation Areas (6)	47.64	NA	-	-	-	-	-	-	-
TOTAL (6)	4,572.84 acres gross	1,911	500	8.60	2.21	2.21	1.10	1.64	1.43
TOTAL (PROPOSED BY APPLICANT) (6)	4,572.84 acres gross	1,911	500	30.23	9.87	3.00	2.00	2.00	3.00

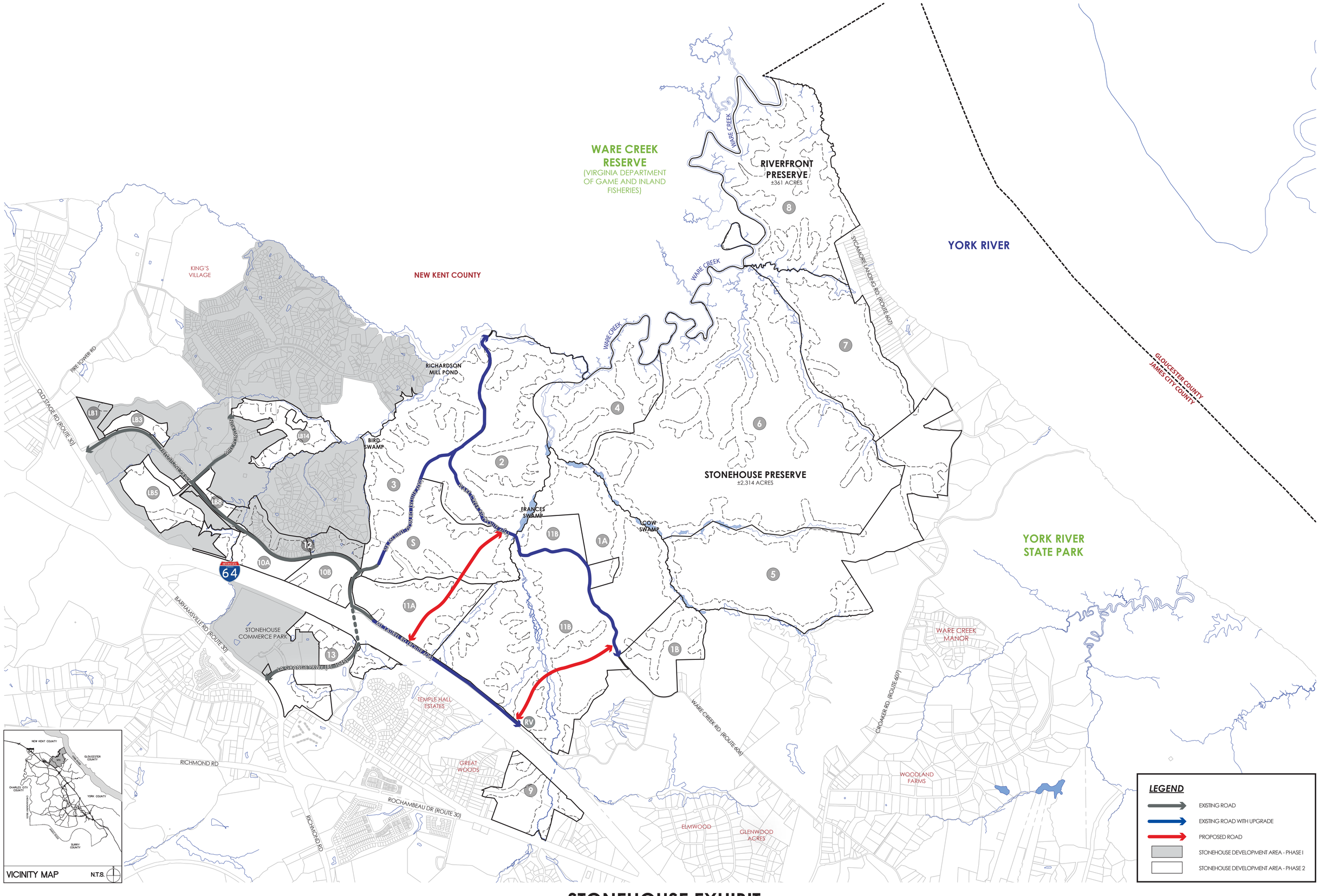
Table E Notes:
[0] **All acreage based on James City County GIS information only.** More detailed information will be provided at the site/subdivision stage.
[1] Minimum mini park/neighborhood park size= 13, 068 SF or 0.3 Ac. Minimum 70% groomed space. Land should be centrally located in the development with not less than 0.25 Ac in a single contiguous piece of land and minimum 60 feet in width. Neighborhood Parks should be within a half mile of residents they are intended to serve.
[2] Trails will be considered to meet the guidelines if the trail is a planned route or provides connections with a planned route in the 2002 JCC Greenway Master Plan or if connection is made to existing trails, sidewalk systems, or adjacent neighborhoods and is a minimum length of 0.3 miles. Trails connecting to schools or parks in the 2002 JCC Greenway Master Plan should be 10' wide and paved. Easements for trails = 20' wide.
[3] Playgrounds should include a minimum of 2,500 SF.
[4] Sports courts/Multi-purpose courts should be in compliance with the Virginia High School League dimensions or other appropriate and professionally recogonized standards or guidelines. Pools should be a minimum length of 25 meters (or alternative design appropropriate for neighborhood if approved by the Director of Planning.
[5] Refer to the Virginia High School League design standards for information on Multi-Use field size.
[6] Recreation areas have been relocated from the original 2008 masterplan; The gross acres reflects the new recreation areas for the 2019 Masterplan.
[-] Final Park locations to be determined during final site plans and subdivision plans.
[-] Final bike path locations to be determined during final site plans and subdivision plans.

STONEHOUSE EXHIBIT

DEVELOPMENT ANALYSIS
JAMES CITY COUNTY, VA
07/26/2019

ColeJenest & Stone

NON-BINDING



STONEHOUSE EXHIBIT

CONCEPTUAL ROAD NETWORK PLAN

JAMES CITY COUNTY, VA

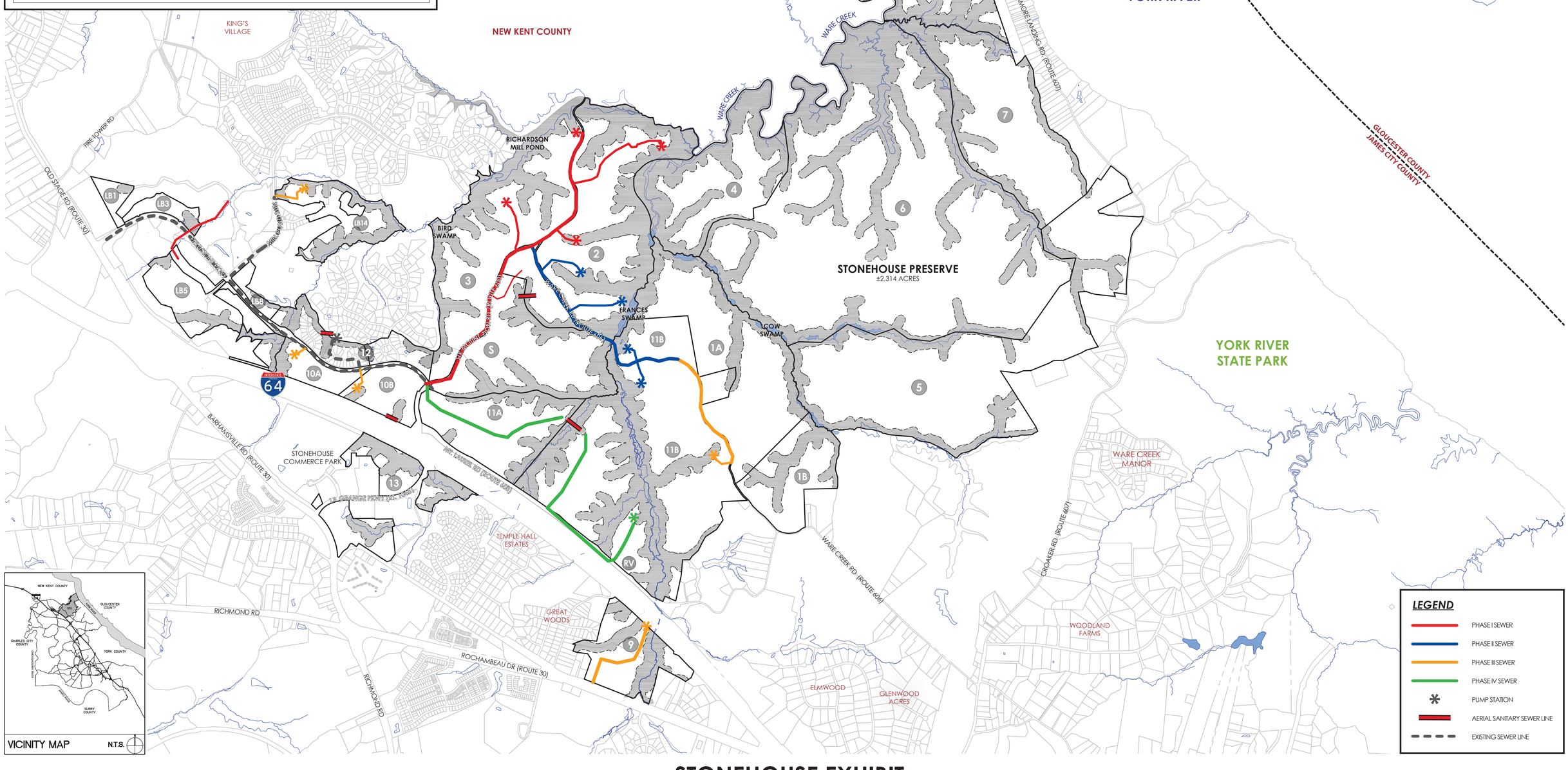
12/03/2018

NON-BINDING

Stonehouse Water & Sewer Demand

Parcel Number	Number of Units/ Gross SF	Unit	Use Rate (GPD/Unit) (GDP/Gross SF) [1]	Duration (hr) [2]	Phase I (Units) Years 1-3	Phase I Flow (A.D.D) (GPD)	Phase II (Units) Years 4-6	Phase II Flow (A.D.D) (GPD)	Phase III (Units) Years 7-10	Phase III Flow (A.D.D) (GPD)	Phase IV (Units) Years 4-6	Phase IV Flow (A.D.D) (GPD)	Total Flow (A.D.D) (GPD)	Peak Flow (gpm) [3]
Land Bay 1	8	Townhome	310	24	8	2,480							2,480	4.3
Land Bay 3	30	Townhome	310	24					30	9,300			9,300	16.1
Land Bay 5	180	Townhome	310	24	180	55,800							55,800	96.9
Land Bay 8	8	Townhome	310	24	8	2,480							2,480	4.3
Land Bay 14	4	Townhome	310	24	4	1,240							1,240	2.2
Tract 1	-	SF Home	310	24									0	0.0
Tract 2	400	SF Home	310	24	400	124,000							124,000	215.3
Tract 3	350	SF Home	310	24	350	108,500							108,500	188.4
Tract 4	-	SF Home	310	24										
Tract 5	-	SF Home	310	24										
Tract 6 [4]	15	SF Home	310	24										
Tract 7	-	SF Home	310	24										
Tract 8 [4]	4	SF Home	310	24										
Tract 9*	1,400	person	6	8									8,400	17.5
Tract 10A	200	Townhome	310	24			200	62,000					62,000	107.6
Tract 10B	100	Townhome	310	24			100	31,000					31,000	53.8
	120,000	Com/Retail	0.2	12			30,000	6,000	90,000	18,000			24,000	50.0
Tract 11A	100	Townhome	310	24			100	31,000					31,000	53.8
	150	SF Home	310	24					150	46,500			46,500	80.7
Tract 11B	600	SF Home	310	24					300	93,000	300	93,000	186,000	322.9
	200,000	Com/Retail	0.2	12					100,000	20,000	100,000	20,000	40,000	81.3
Tract 12	56	SF Home	310	24										
Tract 13	420,000	Com/Retail	0.2	12					300,000	60,000	120,000	24,000	84,000	175.0
Tract 5	300	SF Home	310	24			300	93,000					93,000	161.5
Recreation Areas	78.12													
TOTALS		**Total Residential (DU)**			950		700		480		300			
		Total Commercial (SF)					30,000		490,000		220,000			
		Total Flow (GPD)				294,500		223,000		246,800		137,000	909,700	
		Total Flow (gpm)												1,634

Notes:
[1] Use Rate data obtained from Table 2.1 of the April 2017 Edition of the JCSA Design and Acceptance Criteria for Water Distribution and Sanitary Sewer Systems.
[2] Duration data obtained from Table 2.1 of the April 2017 Edition of the JCSA Design and Acceptance Criteria for Water Distribution and Sanitary Sewer Systems. The commercial.retail flow is for an 12 hour duration.
[3] Peak Factor data obtained from Table 2.1 of the April 2017 Edition of the JCSA Design and Acceptance Criteria for Water Distribution and Sanitary Sewer Systems. A factor of 2.5 was used for dwellings and townhomes and 3.0 was used for shopping centers (commercial/retail) and school.
(4) To be served by well and septic.
* Tract 9 is shown as a middle school site. If utilized, the school flow is for an elementary and middle school at an 8 hour duration.



STONEHOUSE EXHIBIT

NOTE: THIS PLAN IS UPDATED TO REFLECT PROPOSED LAND USE FROM STONEHOUSE WATER AND SEWER MASTER PLAN DATED 10/16/2017 PREPARED WITH STONEHOUSE TRACT 3. A REVISED WATER AND SEWER MASTER PLAN WILL BE PREPARED WITH FINAL SITE PLANS AND SUBDIVISION PLANS.

CONCEPTUAL MASTER SEWER PLAN

JAMES CITY COUNTY, VA
12/03/2018

NON-BINDING

N

1" = 1000'
0' 500' 1000' 2000'

Stonehouse Water & Sewer Demand

Parcel Number	Number of Units/ Gross SF	Unit	Use Rate (GPD/Unit) (GDP/Gross SF) [1]	Duration (hr) [2]	Phase I (Units) Years 1-3	Phase I Flow (A.D.D) (GPD)	Phase II (Units) Years 4-6	Phase II Flow (A.D.D) (GPD)	Phase III (Units) Years 7-10	Phase III Flow (A.D.D) (GPD)	Phase IV (Units) Years 4-6	Phase IV Flow (A.D.D) (GPD)	Total Flow (A.D.D) (GPD)	Peak Flow (gpm) [3]
Land Bay 1	8	Townhome	310	24	8	2,480							2,480	4.3
Land Bay 3	30	Townhome	310	24					30	9,300			9,300	16.1
Land Bay 5	180	Townhome	310	24	180	55,800							55,800	96.9
Land Bay 8	8	Townhome	310	24	8	2,480							2,480	4.3
Land Bay 14	4	Townhome	310	24	4	1,240							1,240	2.2
Tract 1	-	SF Home	310	24									0	0.0
Tract 2	400	SF Home	310	24	400	124,000							124,000	215.3
Tract 3	350	SF Home	310	24	350	108,500							108,500	188.4
Tract 4	-	SF Home	310	24										
Tract 5	-	SF Home	310	24										
Tract 6 [4]	15	SF Home	310	24										
Tract 7	-	SF Home	310	24										
Tract 8 [4]	4	SF Home	310	24										
Tract 9*	1,400	person	6	8									8,400	17.5
Tract 10A	200	Townhome	310	24			200	62,000					62,000	107.6
Tract 10B	100	Townhome	310	24			100	31,000					31,000	53.8
	120,000	Com/Retail	0.2	12			30,000	6,000	90,000	18,000			24,000	50.0
Tract 11A	100	Townhome	310	24			100	31,000					31,000	53.8
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Recreation Areas	78.12													
TOTALS		**Total Residential (DU)**			950		700		480		300			
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		Total Flow (GPD)				294,500		223,000		246,800		137,000	909,700	
		Total Flow (gpm)												1,634

Notes:

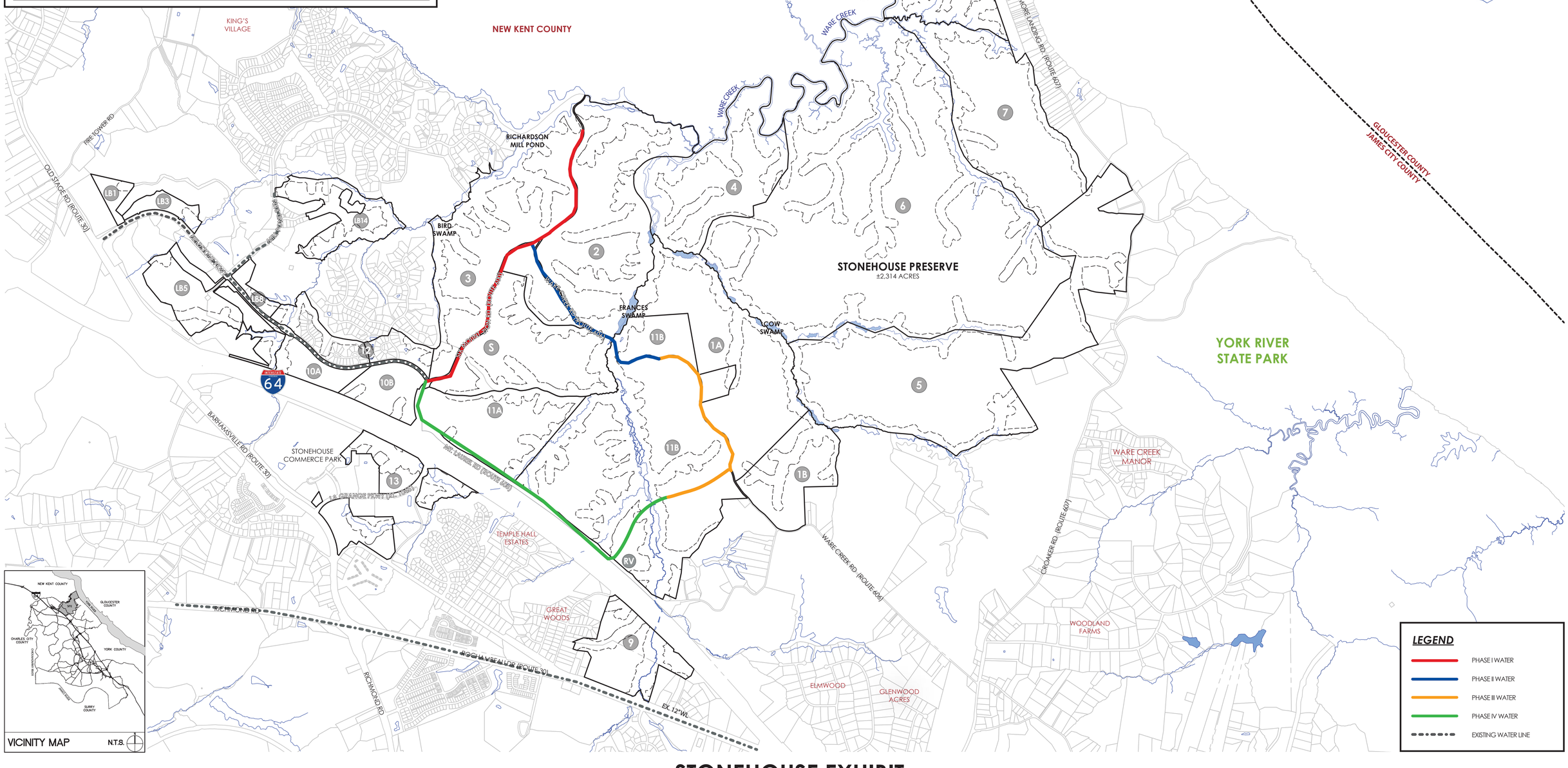
[1] Use Rate data obtained from Table 2.1 of the April 2017 Edition of the JCSA Design and Acceptance Criteria for Water Distributi~ a.~ Sanitary Sewer Systems.

[2] Duration data obtained from Table 2.1 of the April 2017 Edition of the JCSA Design and Acceptance Criteria for Water Distribution and Sanitary Sewer Systems. The commercial.retail flow is for an 12 hour duration.

[3] Peak Factor data obtained from Table 2.1 of the April 2017 Edition of the JCSA Design and Acceptance Criteria for Water Distribution and Sanitary Sewer Systems. A factor of 2.5 was used for dwellings and townhomes and 3.0 was used for shopping centers (commercial/retail) and school.

(4) To be served by well and septic.

* Tract 9 is shown as a middle school site. If utilized, the school flow is for an elementary and middle school at an 8 hour duration.



STONEHOUSE EXHIBIT

NOTE: THIS PLAN IS UPDATED TO REFLECT PROPOSED LAND USE FROM STONEHOUSE WATER AND SEWER MASTER PLAN DATED 10/16/2017 PREPARED WITH STONEHOUSE TRACT 3. A REVISED WATER AND SEWER MASTER PLAN WILL BE PREPARED WITH FINAL SITE PLANS AND SUBDIVISION PLANS.

CONCEPTUAL MASTER WATER PLAN

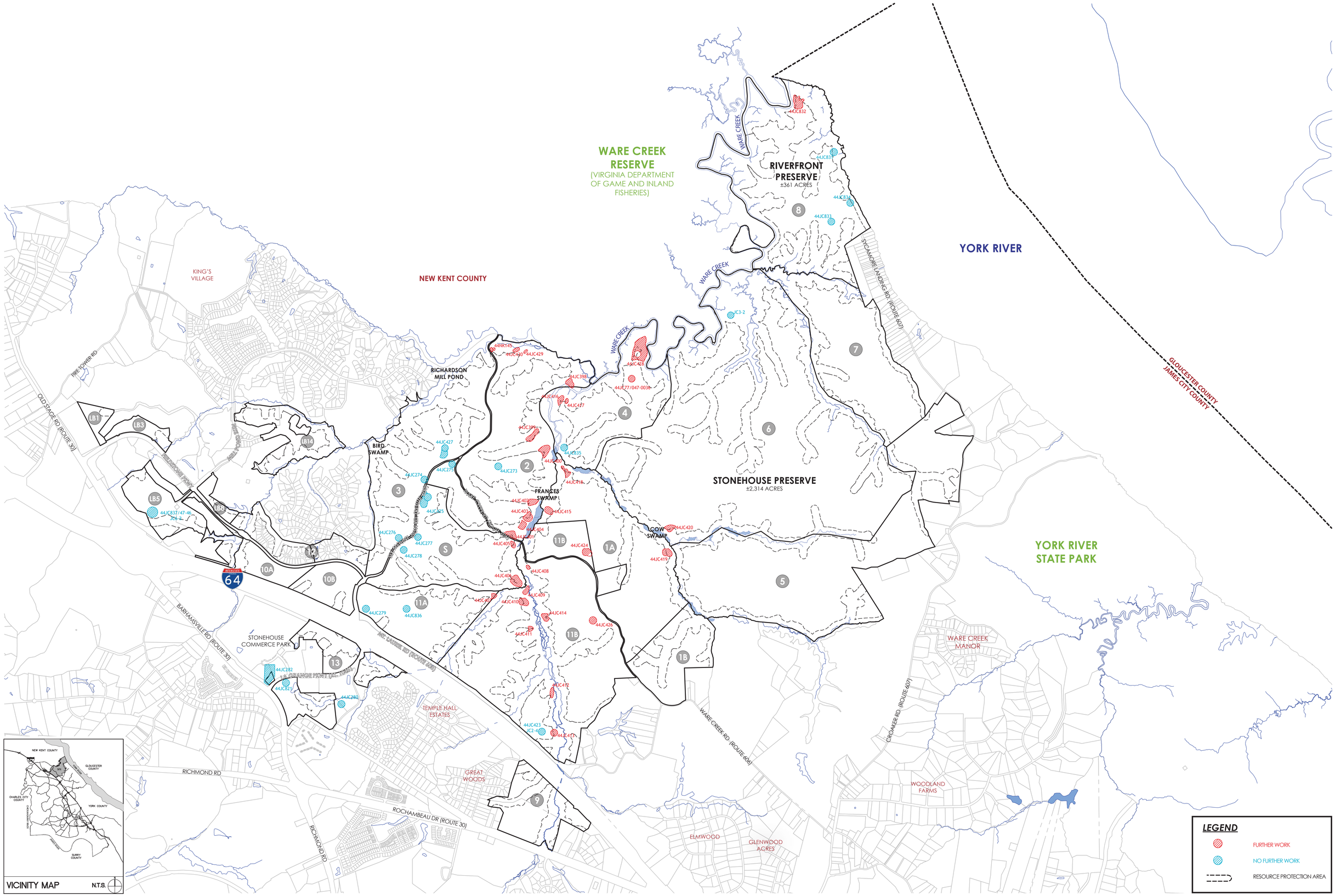
JAMES CITY COUNTY, VA

12/03/2018

NON-BINDING

1" = 1000'

0' 500' 1000' 2000'



STONEHOUSE EXHIBIT

ARCHAEOLOGICAL EXHIBIT

JAMES CITY COUNTY, VA

12/03/2018

NON-BINDING

N

1" = 1000'

0' 500' 1000' 2000'

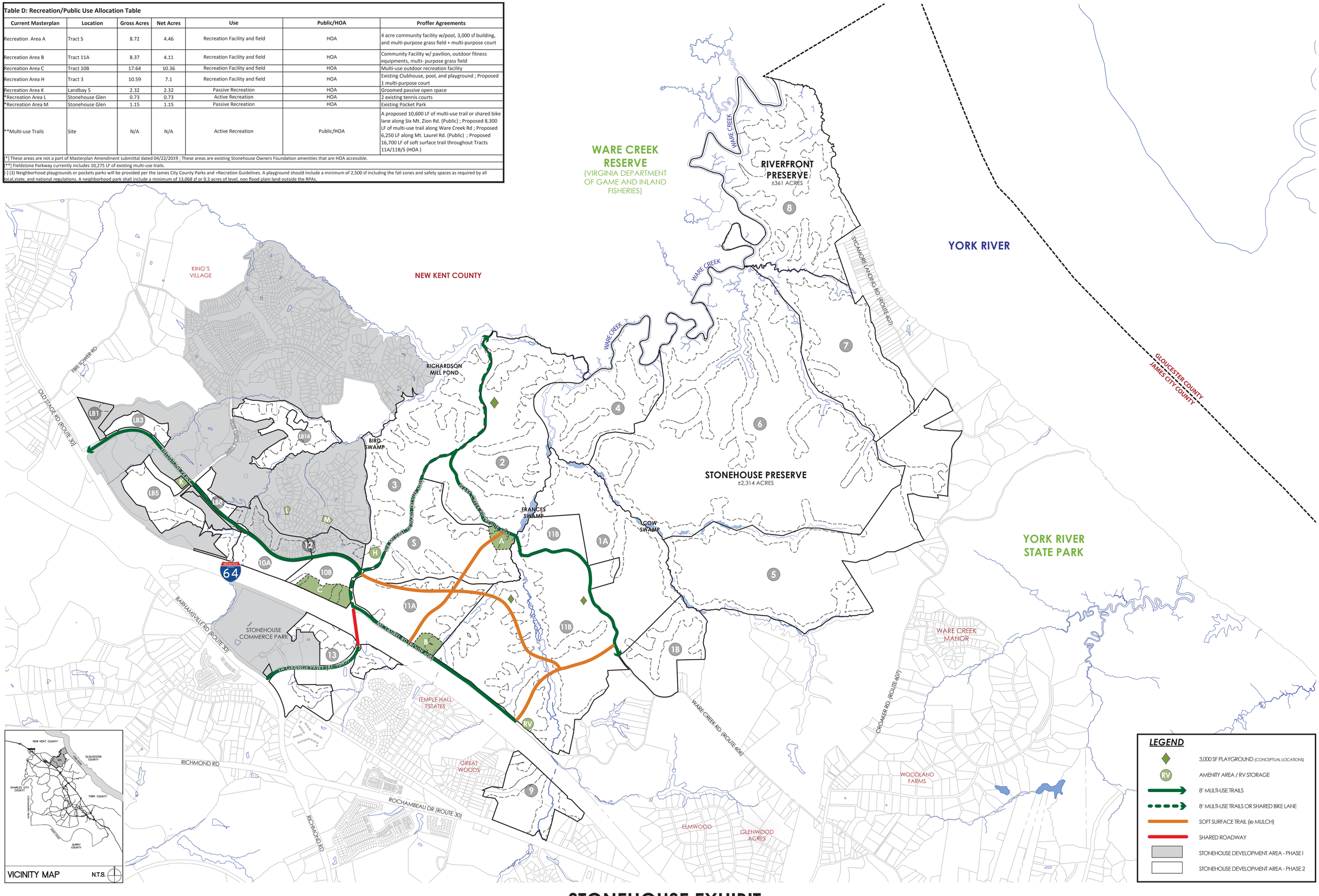
Table D: Recreation/Public Use Allocation Table

Current Masterplan	Location	Gross Acres	Net Acres	Use	Public/HOA	Proffer Agreements
Recreation Area A	Tract S	8.72	4.46	Recreation Facility and field	HOA	4 acre community facility w/pool, 3,000 sf building, and multi-purpose grass field + multi-purpose court
Recreation Area B	Tract 11A	8.37	4.11	Recreation Facility and field	HOA	Community Facility w/ pavilion, outdoor fitness equipments, multi- purpose grass field
Recreation Area C	Tract 10B	17.64	10.36	Recreation Facility and field	HOA	Multi-use outdoor recreation facility
Recreation Area H	Tract 3	10.59	7.1	Recreation Facility and field	HOA	Existing Clubhouse, pool, and playground ; Proposed 1 multi-purpose court
Recreation Area K	Landbay 5	2.32	2.32	Passive Recreation	HOA	Groomed passive open space
*Recreation Area L	Stonehouse Glen	0.73	0.73	Active Recreation	HOA	2 existing tennis courts
*Recreation Area M	Stonehouse Glen	1.15	1.15	Passive Recreation	HOA	Existing Pocket Park
**Multi-use Trails	Site	N/A	N/A	Active Recreation	Public/HOA	A proposed 10,600 LF of multi-use trail or shared bike lane along Six Mt. Zion Rd. (Public) ; Proposed 8,300 LF of multi-use trail along Ware Creek Rd ; Proposed 6,250 LF along Mt. Laurel Rd. (Public) ; Proposed 16,700 LF of soft surface trail throughout Tracts 11A/11B/S (HOA)

[*] These areas are not a part of Masterplan Amendment submittal dated 04/22/2019 ; These areas are existing Stonehouse Owners Foundation amenities that are HOA accessible.

[**] Fieldstone Parkway currently includes 10,275 LF of existing multi-use trails.

[-] (3) Neighborhood playgrounds or pockets parks will be provided per the James City County Parks and +Recration Guidelines. A playground should include a minimum of 2,500 sf including the fall zones and safety spaces as required by all local,state, and national regulations. A neighborhood park shall include a minimum of 13,068 sf or 0.3 acres of level, non flood plain land outside the RPAs.



STONEHOUSE EXHIBIT

RECREATION AMENITY

JAMES CITY COUNTY, VA

04/22/2019

NON-BINDING

1" = 1000'

0' 500' 1000' 2000'

DRAINAGE AREA/SOIL ANALYSIS FOR TRACT 10B

(SEE VRRM WORKSHEET FOR PRELIMINARY CALCULATIONS)

N.T.S.

HYDROLOGIC SOIL GROUP B

HYDROLOGIC SOIL GROUP C

SPECIAL STORMWATER CRITERIA FOR TRACT 10B

(FINAL STORMWATER MANAGEMENT DESIGN TO BE DETERMINED DURING SUBDIVISION PLAN)

- SSCP #1- SAVE A&B TYPE SOILS
- SSCP #2 - PREVIOUS PAVERS (COMMERCIAL USE ONLY)
- SSCP #3 - SHARED PARKING
- SSCP #12 - BIORETENTION SWALE
- SSCP #13 - DRY SWALES
- SSCP #14 - SUMPED OR BOTTOMLESS INLET
- SSCP #15 - MANUFACTURED TREATMENT DEVICE
- SSCP #16 - INFILTRATION TRENCHES/PITS
- SSCP #18 - PERMANENT CHECK DAMS IN SWALES
- SSCP #19 - LEVEL SPREADERS
- SSCP #20 - ENHANCED OUTLET AND PROTECTION MEASURES
- SSCP #21 - FLAT, LARGE BOTTOM WIDTH SWALES
- SSCP #22 - ALTERNATIVE MEASURES - EMERGING TECHNOLOGY
- SSCP #25 - ENHANCED SLOPE STABILIZATION PRACTICES
- SSCP #26 - USE OF FLATTER SITE GRADES
- SSCP #29 - RAIN BARRELS/CISTERNS (RESIDENTIAL USE ONLY)
- SSCP #30 - ON-LOT RAIN GARDENS
- SSCP #38 - BMP POLLUTANT LOAD REDUCTIONS
- SSCP #39 - PROVIDE AS-BUILT DRAWING FOR ENTIRE STORM

STONEHOUSE EXHIBIT

TRACT 10B PRESERVATION SQUARE

JAMES CITY COUNTY, VA

07/26/2019

THIS PLAN IS SCHEMATIC IN NATURE. LOCATIONS OF ROADS, LOTS, AND ALL OTHER AREAS INCLUDING OFF-SITE ROAD IMPROVEMENTS ARE SUBJECT TO FINAL DETERMINATION ON PRELIMINARY AND FINAL PLANS.

ColeJenest & Stone

NON-BINDING N.T.S.

DRAINAGE AREA/SOIL ANALYSIS FOR TRACT 9

(SEE VRRM WORKSHEET FOR PRELIMINARY CALCULATIONS)

N.T.S.

HYDROLOGIC SOIL GROUP B

HYDROLOGIC SOIL GROUP C

SPECIAL STORMWATER CRITERIA FOR TRACT 10B

(FINAL STORMWATER MANAGEMENT DESIGN TO BE DETERMINED DURING SUBDIVISION PLAN)

- SSCP #1- SAVE A&B TYPE SOILS
- SSCP #2 - PREVIOUS PAVERS (COMMERCIAL USE ONLY)
- SSCP #3 - SHARED PARKING
- SSCP #12 - BIORETENTION SWALE
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- SSCP #30 - ON-LOT RAIN GARDENS
- SSCP #38 - BMP POLLUTANT LOAD REDUCTIONS
- SSCP #39 - PROVIDE AS-BUILT DRAWING FOR ENTIRE STORM

STONEHOUSE MASTERPLAN

NON-BINDING

TRACT 9 - MIDDLE SCHOOL SITE

JAMES CITY COUNTY, VA

04/22/2019

THIS PLAN IS SCHEMATIC IN NATURE. LOCATIONS OF ROADS, LOTS, AND ALL OTHER AREAS INCLUDING OFF-SITE ROAD IMPROVEMENTS ARE SUBJECT TO FINAL DETERMINATION ON PRELIMINARY AND FINAL PLANS.

ColeJenest & Stone

0 50' 100' 200'

AMENDED AND RESTATED
STONEHOUSE PROFFERS

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THESE AMENDED AND RESTATED PROFFERS ("Proffers") are made as of this 7th day of August, 2019, by **SCP-JTL STONEHOUSE OWNER 1, LLC**, a Delaware limited liability company; **SCP-JTL STONEHOUSE OWNER 2, LLC**, a Delaware limited liability company; **STONEHOUSE OWNERS FOUNDATION**, a Virginia non-stock corporation; **NVR, INC.**, a Virginia corporation; **MARY CHRISTINA ALLEGRETTO, TRUSTEE** and **JAMES DANIEL ALLEGRETTO, TRUSTEE**, in their capacities as the trustees under that certain **RESTATED REVOCABLE TRUST AGREEMENT OF MARY CHRISTINA ALLEGRETTO dated April 21, 2006 and amended December 4, 2008**; **ANIL JAIN** and **KRISHNAN MENON**; **DAVID CHRISTOPHER FERGUSON** and **TYANNE F. MCDONALD**; **VIANNEY VICTOIRE** and **GLORIA ANN SIMONNET** (all to be indexed as a grantor) (collectively and/or individually hereinafter referred to, together with its successors and assigns, as the "Owner"); and the **COUNTY OF JAMES CITY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "County") (to be indexed as grantee).

RECITALS

A. Owner is the owner of that certain real property (the "Property") located in James City County, Virginia, more particularly described on **Exhibit A** attached hereto and made a part hereof, which is a portion of the property commonly referred to as the Stonehouse Planned Unit Development.

B. The Property constitutes all of the real property owned by Owner located within the Stonehouse Planned Unit Development. The Property is presently zoned PUD and is subject to (i) a conceptual plan of development entitled "STONEHOUSE VIRGINIA REZONING AND MASTER PLAN RESUBMITTAL", dated January 2008, prepared by Chas. H. Sells, Inc., a copy of which is on file with the County Planning Director (the "Existing Master Plan"), and (ii) those

certain Amended and Restated Stonehouse Proffers dated November 27, 2007, which Proffers are recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City (the "Clerk's Office") as Instrument No. 080007838, as amended by First Amendment to Amended and Restated Stonehouse Proffers dated May 31, 2012 and recorded in the Clerk's Office as Instrument No. 120013165, and as amended by Second Amendment to Amended and Restated Stonehouse Proffers dated April 20, 2015 and recorded in the Clerk's Office as Instrument No. 150009210 (collectively, the "Existing Proffers").

C. Currently there are two master residential property owner associations within the Stonehouse Planned Unit Development: the Association at Stonehouse, Inc., a Virginia non-stock corporation and the Stonehouse Owners Foundation, a Virginia non-stock corporation. The Association at Stonehouse, Inc. is the master residential property owners association for the portions of the Stonehouse Planned Unit Development described in the Declaration of Covenants, Restrictions, Rights Affirmative Obligations and Conditions recorded in the Clerk's Office as Instrument Number 970015414, as amended and supplemented. The Stonehouse Owners Foundation is the master residential property owners association for the portions of the Stonehouse Planned Unit Development described in the Amended and Restated Declaration of Protective Covenants and Restrictions Stonehouse Owners Foundation recorded in the Clerk's Office as Instrument Number 100024411, as amended and supplemented.

D. Owner has applied to amend the Existing Master Plan and Existing Proffers. In connection therewith, Owner has filed a master plan amendment application and proffer amendment application with the County which have been assigned case numbers MP-18-0002, Z-18-0002 and Z-19-0010 respectively, by the County Planning Department (collectively, the "Application").

E. Owner has submitted to the County an amended plan of development entitled "Stonehouse Master Plan" prepared by Cole, Jenest & Stone, dated July 26, 2019 (the "Master Plan") in accordance with Section 24-484 and Section 24-23 of the County Zoning Ordinance.

F. Owner has submitted to the County a community impact statement entitled "Community Impact Statement Stonehouse Master Plan Amendment", dated July 25, 2019 (the "Community Impact Statement") in accordance with Section 24-23 of the County Zoning Ordinance.

G. A traffic impact study entitled "Traffic Impact Study Stonehouse Master Plan Amendment, James City County, Virginia" prepared by Gorove Slade Associates, Inc., dated December 10, 2018 and Traffic Impact Study Addendum dated August 8, 2019 (the "Traffic Study") has been submitted to the County in accordance with Section 24-484 and Section 24-23 of the County Zoning Ordinance. The Traffic Study has been reviewed and approved by the County and the Virginia Department of Transportation ("VDOT").

H. Owner has submitted to the County (i) a listing of previous archaeological studies performed on the Stonehouse development, including on the Property, entitled "Previous Archaeological Excavations, Dated May 23, 2007" compiled by Carol Tyrer of Circa-Cultural Resource Management, LLC, (ii) a table listing all identified archaeological sites at the Stonehouse development, including the Property, entitled "Archaeological Sites at the Stonehouse Development, Dated March, 2007" compiled by Carol Tyrer of Circa-Cultural Resource Management, LLC, and (iii) a map identifying the approximate location of each of the identified archaeological sites entitled "Stonehouse Archaeological Exhibit" made by Chas. H. Sells, Inc. and dated April 3, 2007 (together, the "Archaeological Documents"). The Planning Director has reviewed and approved the Archaeological Documents and each of the studies listed therein.

I. It has been established that through the existing zoning of the Property, that the provisions of the Zoning Ordinance are inadequate for protecting and enhancing orderly development of the Property in accordance with the County Comprehensive Plan. Accordingly, the Owner, in furtherance of the Application, desires to amend and restate the Existing Proffers as set forth herein in addition to the regulations provided for by the Zoning Ordinance for the protection and enhancement of the development of the Property, in accordance with the provisions of Section 15.2-2303 of the Code of Virginia (1950), as amended (the "Virginia Code") and Section 24-16 of the County Zoning Ordinance.

J. The County constitutes a high-growth locality as defined by Section 15.2-2303 of the Virginia Code.

NOW, THEREFORE, in consideration of the approval by the County of the Application and the Master Plan and the acceptance of these Proffers, the Existing Proffers are hereby amended and restated insofar as they relate to the Property as set forth below. The Existing Proffers and Existing Master Plan shall continue to govern the portion of the Stonehouse Planned Unit Development not included within the Property; provided, however, these Proffers shall be deemed to satisfy Proffers 3 and 13 in the Existing Proffers. Owner agrees that the following conditions shall be met and satisfied in connection with the development of the Property.

CONDITIONS

1. **Community Association**. Owner, with the concurrence of the Association at Stonehouse, Inc., shall subject Land Bay 3, the portion of Land Bay 8 consisting of James City County Parcel Identification Number 0530100025, and Land Bay 14 (collectively, the "Mill Pond Areas") to the existing Declaration of Covenants, Restrictions, Affirmative Obligations and Conditions for Stonehouse recorded in the Clerk's Office as Instrument Number 970015414 including, without limitation, the architectural review process and guidelines. In the event the

Association at Stonehouse, Inc. does not agree to the above, the Mill Pond Areas shall be subject to the existing Amended and Restated Declaration of Protective Covenants and Restrictions Stonehouse Owners Foundation recorded in the Clerk's Office as Instrument Number 100024411. Owner shall organize a community association or associations (the "Community Association") in accordance with Virginia law in which all property owners in the development on the Property (other than the Mill Pond Areas), by virtue of their property ownership, shall be members, provided, however, Owner may subject by the recordation of supplemental declaration(s) all or portions of the Property to existing property owners association(s) (individually and collectively, considered the "Community Association") and restrictive covenants in satisfaction of this requirement. There shall be one master Community Association for all residential portions of the Property (including the existing Stonehouse Glen subdivision). The Governing Documents (hereinafter defined) shall (i) require that the Community Association adopt an annual maintenance budget and assess members for the maintenance of all properties owned or maintained by the Community Association and (ii) shall grant the Community Association the power to file liens on members' properties for non-payment of such assessments and for the cost of remedying violations of, or otherwise enforcing, the Governing Documents. The Governing Documents shall also provide for one or more design review committee(s) with the power to review and approve all site development and architectural plans within the development. Owner may organize separate neighborhood or commercial associations and impose supplemental or different restrictive covenants on individual sections of the Property. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the

Community Association shall be submitted to the County Attorney for review and approval for consistency with these Proffers.

2. **Density**. There shall be no more than 2,392 residential units and no more than 870,000 square feet of non-residential uses, excluding recreational uses, permitted on the Property. Of the 2,392 residential units no more than 1,200 residential units shall be B - attached structures containing two to four dwelling units, C - attached structures containing more than four dwelling units or D - apartments as those terms are defined in Section 24-487 of the County Zoning Ordinance. Owner shall provide on each site plan or subdivision plan for any development within the Property a then-current accounting of the number of residential units, unit type, and square footage of non-residential development that have previously been approved by the County and are proposed by the plan being submitted for review in a form reasonably acceptable to the Planning Director to permit the accurate tracking of the progression of the development of the Property in accordance with these Proffers.

3. **Transportation Improvements**. This Proffer sets forth external and internal road and intersection improvements recommended in the Traffic Study and the phasing of the construction of such improvements.

3.1 Phase 1 Transportation Improvements. The construction, installation, and/or implementation of the following improvements shall be completed or guaranteed in accordance with Section 15.2-2299 of the Virginia Code (or such successor provision) and the applicable provisions of the County Code of Ordinances (such performance assurances to be herein referred to as a "Guarantee" or "Guarantees") at the times required below:

(a) Modification of the pavement and/or pavement markings on the westbound Fieldstone Parkway approach to State Route 30 to add and/or delineate a second

exclusive left-turn lane in connection with the installation of the traffic signal proffered in subsection (b) of this Section 3.1; and

(b) Prior to approval of a site plan(s) and/or subdivision plan(s) that would result in more than 130 total dwelling units or 27,000 square feet ("sf") of non-residential use(s) on the Property (or, any combination of such uses that would result in 62 or more new peak hour vehicle trips based on the trip generation rates utilized in the Traffic Study), Owner shall submit to the County and VDOT a traffic signal warrant analysis for the intersection of State Route 30 and Fieldstone Parkway. In the event the analysis concludes, and VDOT concurs, that a traffic signal is warranted at this intersection, then the Owner shall Guarantee a traffic signal at the intersection of State Route 30 and Fieldstone Parkway prior to such final site plan or subdivision plat approval and shall complete the installation of such signal prior to the issuance of building permits for the development depicted on such site plan or subdivision plat.

(i) In the event that such traffic signal is not warranted by VDOT, then Owner's development of the Property (and permits and approvals therefor) may proceed above the foregoing thresholds; however, prior to approval of a site plan(s) and/or subdivision plan(s) that would result in more than 390 total dwelling units or 81,000 sf of non-residential use(s) on the Property (or, any combination of such uses that would result in 186 or more new peak hour vehicle trips based on the trip generation rates utilized in the Traffic Study), Owner shall submit to the County and VDOT another traffic signal warrant analysis for the intersection of State Route 30 and Fieldstone Parkway. In the event the analysis concludes, and VDOT concurs, that a traffic signal is warranted at this intersection, then the Owner shall Guarantee a traffic signal at the intersection of State Route 30 and Fieldstone Parkway prior to such final site plan or subdivision

plat approval and shall complete the installation of such signal prior to the issuance of building permits for the development depicted on such site plan or subdivision plat.

(ii) In the event that such traffic signal is still not warranted by VDOT, then Owner's development of the Property (and permits and approvals therefor) may proceed above the foregoing thresholds; however, unless waived by the Planning Director based upon an agreed upon alternative timing plan, the Owner shall (1) Guarantee a traffic signal at the intersection of State Route 30 and Fieldstone Parkway prior to such final site plan or subdivision plat approval, (2) submit to the County and VDOT a subsequent traffic signal warrant analysis for the intersection of State Route 30 and Fieldstone Parkway prior to each following site plan(s) and/or subdivision plan(s) approval for development on the Property, and (3) complete the installation of the traffic signal at the intersection of State Route 30 and Fieldstone Parkway when deemed warranted by VDOT.

(c) Prior to approval of a site plan(s) and/or subdivision plan(s) that would result in more than 400 total dwelling units on the Property within Tract 2 and Tract 3 (Parcels D through I), Owner shall submit to the County and VDOT a left turn lane warrant analysis for the intersection at the southern entrance to Parcel B and the single entrance to Parcel C heading northbound on Six Mount Zion Road. In the event the analysis concludes, and VDOT concurs, that a left turn lane is warranted at one or both entrances, then the Owner shall Guarantee such left turn lane(s) prior to such final site plan or subdivision plat approval and shall complete the installation of such left turn lane(s) prior to the issuance of building permits for the development depicted on such site plan or subdivision plat.

(i) In the event that such left turn lane(s) is/are not warranted by VDOT, then Owner's development of the Property (and permits and approvals therefor) may proceed

above the foregoing threshold; however, prior to approval of a site plan(s) and/or subdivision plan(s) that would result in more than 600 total dwelling units on the Property within Tract 2 and Tract 3 (Parcels D through I), Owner shall submit to the County and VDOT another left turn lane warrant analysis for the intersection at the southern entrance to Parcel B and the single entrance to Parcel C heading northbound on Six Mount Zion Road. In the event the analysis concludes, and VDOT concurs, that such left turn lane(s) is/are warranted at one or both entrances, then the Owner shall Guarantee such left turn lane(s) prior to such final site plan or subdivision plat approval and shall complete the installation of such left turn lane(s) prior to the issuance of building permits for the development depicted on such site plan or subdivision plat.

(ii) In the event that such left turn lane(s) is/are still not warranted by VDOT, then Owner's development of the Property (and permits and approvals therefor) may proceed above the foregoing threshold; however, unless waived by the Planning Director based on an agreed upon alternative timing plan, the Owner shall (1) Guarantee such left turn lane(s) prior to such final site plan or subdivision plat approval, (2) submit to the County and VDOT a subsequent left turn lane warrant analysis for the intersection at the southern entrance to Parcel B and the single entrance to Parcel C heading northbound on Six Mount Zion Road prior to each following site plan(s) and/or subdivision plan(s) approval for development on the Property within Tract 2 and Tract 3 (Parcels D through I), and (3) complete the installation of such left turn lane(s) when deemed warranted by VDOT.

(d) Prior to approval of a site plan(s) and/or subdivision plan(s) that would result in more than 522 total dwelling units or 75,000 sf of non-residential use(s) on the Property (or, any combination of such uses that would result in 248 or more new peak hour vehicle trips based on the trip generation rates utilized in the Traffic Study), Owner shall submit to the County

and VDOT a traffic signal warrant analysis for the intersection of State Route 30 and the I-64 Westbound Off/On-Ramps. In the event the analysis concludes, and VDOT concurs, that a traffic signal is warranted at this intersection, then the Owner shall Guarantee a traffic signal at the intersection of State Route 30 and I-64 Westbound Off/On-Ramps prior to such final site plan or subdivision plat approval and shall complete the installation of such signal prior to the issuance of building permits for the development depicted on such site plan or subdivision plat.

(i) In the event that such traffic signal is not warranted by VDOT, then Owner's development of the Property (and permits and approvals therefor) may proceed above the foregoing thresholds; however, prior to approval of a site plan(s) and/or subdivision plan(s) that would result in more than 1,000 total dwelling units or 170,000 sf of non-residential use(s) on the Property (or, any combination of such uses that would result in 476 or more new peak hour vehicle trips based on the trip generation rates utilized in the Traffic Study), Owner shall submit to the County and VDOT a subsequent traffic signal warrant analysis for the intersection of State Route 30 and I-64 Westbound Off/On-Ramps. In the event the analysis concludes, and VDOT concurs, that a traffic signal is warranted at this intersection, then the Owner shall Guarantee a traffic signal at the intersection of State Route 30 and I-64 Westbound Off/On-Ramps prior to such final site plan or subdivision plat approval and shall complete the installation of such signal prior to the issuance of building permits for the development depicted on such site plan or subdivision plat.

(ii) In the event that such traffic signal is still not warranted by VDOT, then Owner's development of the Property (and permits and approvals therefor) may proceed above the foregoing thresholds; however, unless waived by the Planning Director based on an agreed upon alternative timing plan, the Owner shall (1) Guarantee a traffic signal at the intersection of State Route 30 and I-64 Westbound Off/On-Ramps prior to such final site plan or

subdivision plat approval, (2) submit to the County and VDOT a subsequent traffic signal warrant analysis for the intersection of State Route 30 and I-64 Westbound Off/On-Ramps prior to each following site plan(s) and/or subdivision plan(s) approval for development on the Property, and (3) complete the installation of such traffic signal at the intersection of State Route 30 and I-64 Westbound Off/On-Ramps when deemed warranted by VDOT.

(e) Prior to approval of a site plan(s) and/or subdivision plan(s) that would result in more than 522 total dwelling units or 120,000 sf of non-residential use(s) on the Property (or, any combination of such uses that would result in 248 or more new peak hour vehicle trips based on the trip generation rates utilized in the Traffic Study), Owner shall submit to the County and VDOT a traffic signal warrant analysis for the intersection of State Route 30 and LaGrange Parkway. In the event the analysis concludes, and VDOT concurs, that a traffic signal is warranted at this intersection, then the Owner shall Guarantee a traffic signal at the intersection of State Route 30 and LaGrange Parkway prior to such final site plan or subdivision plat approval and shall complete the installation of such signal prior to the issuance of building permits for the development depicted on such site plan or subdivision plat.

(i) In the event that such traffic signal is not warranted by VDOT, then Owner's development of the Property (and permits and approvals therefor) may proceed above the foregoing thresholds; however, prior to approval of a site plan(s) and/or subdivision plan(s) that would result in more than 1,200 total dwelling units or 275,000 sf of non-residential use(s) on the Property (or, any combination of such uses that would result in 571 or more new peak hour vehicle trips based on the trip generation rates utilized in the Traffic Study), Owner shall submit to the County and VDOT a subsequent traffic signal warrant analysis for the intersection of State Route 30 and LaGrange Parkway. In the event the analysis concludes, and VDOT concurs, that a traffic

signal is warranted at this intersection, then the Owner shall Guarantee a traffic signal at the intersection of State Route 30 and LaGrange Parkway prior to such final site plan or subdivision plat approval and shall complete the installation of such signal prior to the issuance of building permits for the development depicted on such site plan or subdivision plat.

(ii) In the event that such traffic signal is still not warranted by VDOT, then Owner's development of the Property (and permits and approvals therefor) may proceed above the foregoing thresholds; however, unless waived by the Planning Director based on an agreed upon alternative timing plan, the Owner shall (1) Guarantee a traffic signal at the intersection of State Route 30 and LaGrange Parkway prior to such final site plan or subdivision plat approval, (2) submit to the County and VDOT a subsequent traffic signal warrant analysis for the intersection of State Route 30 and LaGrange Parkway prior to each following site plan(s) and/or subdivision plan(s) approval for development on the Property, and (3) complete the installation of such traffic signal at the intersection of State Route 30 and LaGrange Parkway when deemed warranted by VDOT.

(f) Owner shall provide as a separate supplemental document with each site plan or subdivision plan for any development within the Property which would result in a mix of non-residential and residential units on the Property (and with each site plan or subdivision plan for any development within the Property thereafter), the projected peak hour vehicle trip generation associated with the development (i) proposed by the corresponding site plan or subdivision plan submission, and (ii) which has previously received final site plan or final subdivision plat approval from the County (and any site plans or subdivision plans for development within the Property then under review) in a form reasonably acceptable to the Planning Director

to permit the accurate tracking of the progression of the development of the Property in accordance with these Proffers.

3.2 Phase 2 Transportation Improvements. The following additional improvements shall be completed or Guaranteed at the times required below:

(a) Prior to approval of a site plan(s) and/or subdivision plan(s) that would result in more than 657 total dwelling units or 740,000 sf of non-residential use(s) on the Property (or, any combination of such uses that would result in 313 or more new peak hour vehicle trips based on the trip generation rates utilized in the Traffic Study), Owner shall submit to the County and VDOT a traffic signal warrant analysis for the intersection of Six Mount Zion Road and Fieldstone Parkway. In the event the analysis concludes, and VDOT concurs, that a traffic signal is warranted at this intersection, then the Owner shall Guarantee a traffic signal at the intersection of Six Mount Zion Road and Fieldstone Parkway prior to such final site plan or subdivision plat approval and shall complete the installation of such signal prior to the issuance of building permits for the development depicted on such site plan or subdivision plat.

(i) In the event that such traffic signal is not warranted by VDOT, then Owner's development of the Property (and permits and approvals therefor) may proceed above the foregoing thresholds; however, prior to approval of a site plan(s) and/or subdivision plan(s) that would result in more than 2,122 total dwelling units or 740,000 sf of non-residential use(s) on the Property (or, any combination of such uses that would result in 1,010 or more new peak hour vehicle trips based on the trip generation rates utilized in the Traffic Study), Owner shall submit to the County and VDOT a subsequent traffic signal warrant analysis for the intersection of Six Mount Zion Road and Fieldstone Parkway. In the event the analysis concludes, and VDOT concurs, that a traffic signal is warranted at this intersection, then the Owner shall Guarantee a

traffic signal at the intersection of Six Mount Zion Road and Fieldstone Parkway prior to such final site plan or subdivision plat approval and shall complete the installation of such signal prior to the issuance of building permits for the development depicted on such site plan or subdivision plat.

(ii) In the event that such traffic signal is still not warranted by VDOT, then Owner's development of the Property (and permits and approvals therefor) may proceed above the foregoing thresholds; however, unless waived by the Planning Director based on an agreed upon alternative timing plan, the Owner shall (1) Guarantee a traffic signal at the intersection of Six Mount Zion Road and Fieldstone Parkway prior to such final site plan or subdivision plat approval, (2) submit to the County and VDOT a subsequent traffic signal warrant analysis for the intersection of Six Mount Zion Road and Fieldstone Parkway prior to each following site plan(s) and/or subdivision plan(s) approval for development on the Property, and (3) complete the installation of such traffic signal at the intersection of Six Mount Zion Road and Fieldstone Parkway when deemed warranted by VDOT.

(b) Install an eastbound right turn lane on Fieldstone Parkway at the intersection of Six Mount Zion Road with installation of the traffic signal proffered with subsection (a) of this Section 3.2.

(c) Install a northbound left turn lane on Six Mount Zion Road at the intersection of Fieldstone Parkway with installation of the traffic signal proffered with subsection (a) of this Section 3.2.

(d) Prior to approval of a site plan(s) and/or subdivision plan(s) that would result in more than 1,452 total dwelling units or 740,000 sf of non-residential use(s) on the Property (or, any combination of such uses that would result in 691 or more new peak hour vehicle trips

based on the trip generation rates utilized in the Traffic Study), Owner shall submit to the County and VDOT a traffic signal warrant analysis for the intersection of Six Mount Zion Road and Mount Laurel Road. In the event the analysis concludes, and VDOT concurs, that a traffic signal is warranted at this intersection, the Owner shall Guarantee a traffic signal at the intersection of Six Mount Zion Road and Mount Laurel Road prior to such final site plan or subdivision plat approval and shall complete the installation of such signal prior to the issuance of building permits for the development depicted on such site plan or subdivision plat.

(i) In the event that such traffic signal is not warranted by VDOT, then Owner's development of the Property (and permits and approvals therefor) may proceed above the foregoing thresholds; however, prior to approval of a site plan(s) and/or subdivision plan(s) that would result in more than 2,122 total dwelling units or 740,000 sf of non-residential use(s) on the Property (or, any combination of such uses that would result in 1,010 or more new peak hour vehicle trips based on the trip generation rates utilized in the Traffic Study), Owner shall submit to the County and VDOT a subsequent traffic signal warrant analysis for the intersection of Six Mount Zion Road and Mount Laurel Road. In the event the analysis concludes, and VDOT concurs, that a traffic signal is warranted at this intersection, then the Owner shall Guarantee a traffic signal at the intersection of Six Mount Zion Road and Mount Laurel Road prior to such final site plan or subdivision plat approval and shall complete the installation of such signal prior to the issuance of building permits for the development depicted on such site plan or subdivision plat.

(ii) In the event that such traffic signal is still not warranted by VDOT, then Owner's development of the Property (and permits and approvals therefor) may proceed above the foregoing thresholds; however, unless waived by the Planning Director based on an

agreed upon alternative timing plan, then the Owner shall (1) Guarantee a traffic signal at the intersection of Six Mount Zion Road and Mount Laurel Road prior to such final site plan or subdivision plat approval, (2) submit to the County and VDOT a subsequent traffic signal warrant analysis for the intersection of Six Mount Zion Road and Mount Laurel Road prior to each following site plan(s) and/or subdivision plan(s) approval for development on the Property, and (3) complete the installation of such traffic signal at the intersection of Six Mount Zion Road and Mount Laurel Road when deemed warranted by VDOT.

(e) Prior to approval of a site plan(s) and/or subdivision plan(s) that would result in more than 1,452 total dwelling units or 740,000 sf of non-residential use(s) on the Property (or, any combination of such uses that would result in 691 or more new peak hour vehicle trips based on the trip generation rates utilized in the Traffic Study), Owner shall submit to the County and VDOT a warrant analysis for an exclusive westbound right-turn lane on Mount Laurel Road at the intersection of Six Mount Zion road. In the event the analysis concludes, and VDOT concurs, that an exclusive right-turn lane is warranted at this intersection, the Owner shall Guarantee such turn-lane at the intersection of Six Mount Zion Road and Mount Laurel Road prior to such final site plan or subdivision plat approval and shall complete the installation of such turn-lane prior to the issuance of building permits for the development depicted on such site plan or subdivision plat.

(i) In the event that such turn lane is not warranted by VDOT, then Owner's development of the Property (and permits and approvals therefor) may proceed above the foregoing thresholds; however, prior to approval of a site plan(s) and/or subdivision plan(s) that would result in more than 2,122 total dwelling units or 740,000 sf of non-residential use(s) on the Property (or, any combination of such uses that would result in 1,010 or more new peak hour

vehicle trips based on the trip generation rates utilized in the Traffic Study), Owner shall submit to the County and VDOT a subsequent warrant analysis for an exclusive westbound right-turn lane on Mount Laurel Road at the intersection of Six Mount Zion Road and Mount Laurel Road. In the event the analysis concludes, and VDOT concurs, that such turn lane is warranted at this intersection, then the Owner shall Guarantee such turn lane at the intersection of Six Mount Zion Road and Mount Laurel Road prior to such final site plan or subdivision plat approval and shall complete the installation of such turn lane prior to the issuance of building permits for the development depicted on such site plan or subdivision plat.

(ii) In the event that such turn lane is still not warranted by VDOT, then Owner's development of the Property (and permits and approvals therefor) may proceed above the foregoing thresholds; however, unless waived by the Planning Director based on an agreed upon alternative timing plan, then the Owner shall (1) Guarantee a such turn lane at the intersection of Six Mount Zion Road and Mount Laurel Road prior to such final site plan or subdivision plat approval, (2) submit to the County and VDOT a subsequent turn lane warrant analysis for the intersection of Six Mount Zion Road and Mount Laurel Road prior to each following site plan(s) and/or subdivision plan(s) approval for development on the Property, and (3) complete the installation of such turn lane at the intersection of Six Mount Zion Road and Mount Laurel Road when deemed warranted by VDOT.

(f) Prior to approval of a site plan(s) and/or subdivision plan(s) that would result in more than 1,452 total dwelling units or 740,000 sf of non-residential use(s) on the Property (or, any combination of such uses that would result in 691 or more new peak hour vehicle trips based on the trip generation rates utilized in the Traffic Study), Owner shall submit to the County and VDOT a warrant analysis for an exclusive northbound right-turn lane on Six Mount Zion Road

at the intersection of Mount Laurel Road. In the event the analysis concludes, and VDOT concurs, that an exclusive right-turn lane is warranted at this intersection, the Owner shall Guarantee such turn lane at the intersection of Six Mount Zion Road and Mount Laurel Road prior to such final site plan or subdivision plat approval and shall complete the installation of such turn lane prior to the issuance of building permits for the development depicted on such site plan or subdivision plat.

(i) In the event that such turn lane is not warranted by VDOT, then Owner's development of the Property (and permits and approvals therefor) may proceed above the foregoing thresholds; however, prior to approval of a site plan(s) and/or subdivision plan(s) that would result in more than 2,122 total dwelling units or 740,000 sf of non-residential use(s) on the Property (or, any combination of such uses that would result in 1,010 or more new peak hour vehicle trips based on the trip generation rates utilized in the Traffic Study), Owner shall submit to the County and VDOT a subsequent warrant analysis for an exclusive northbound right-turn lane on Six Mount Zion Road at the intersection of Six Mount Zion Road and Mount Laurel Road. In the event the analysis concludes, and VDOT concurs, that such turn lane is warranted at this intersection, then the Owner shall Guarantee such turn lane at the intersection of Six Mount Zion Road and Mount Laurel Road prior to such final site plan or subdivision plat approval and shall complete the installation of such turn lane prior to the issuance of building permits for the development depicted on such site plan or subdivision plat.

(ii) In the event that such turn lane is still not warranted by VDOT, then Owner's development of the Property (and permits and approvals therefor) may proceed above the foregoing thresholds; however, unless waived by the Planning Director based on an agreed upon alternative timing plan, then the Owner shall (1) Guarantee a such turn lane at the intersection of Six Mount Zion Road and Mount Laurel Road prior to such final site plan or subdivision plat

approval, (2) submit to the County and VDOT a subsequent turn lane warrant analysis for the intersection of Six Mount Zion Road and Mount Laurel Road prior to each following site plan(s) and/or subdivision plan(s) approval for development on the Property, and (3) complete the installation of such turn lane at the intersection of Six Mount Zion Road and Mount Laurel Road when deemed warranted by VDOT.

(g) Prior to approval of a site plan(s) and/or subdivision plan(s) that would result in more than 1,452 total dwelling units or 740,000 sf of non-residential use(s) on the Property (or, any combination of such uses that would result in 691 or more new peak hour vehicle trips based on the trip generation rates utilized in the Traffic Study), Owner shall submit to the County and VDOT a warrant analysis for an exclusive southbound left-turn lane on Six Mount Zion Road at the intersection of Mount Laurel Road. In the event the analysis concludes, and VDOT concurs, that an exclusive left-turn lane is warranted at this intersection, the Owner shall Guarantee such turn lane at the intersection of Six Mount Zion Road and Mount Laurel Road prior to such final site plan or subdivision plat approval and shall complete the installation of such turn lane prior to the issuance of building permits for the development depicted on such site plan or subdivision plat.

(i) In the event that such turn lane is not warranted by VDOT, then Owner's development of the Property (and permits and approvals therefor) may proceed above the foregoing thresholds; however, prior to approval of a site plan(s) and/or subdivision plan(s) that would result in more than 2,122 total dwelling units or 740,000 sf of non-residential use(s) on the Property (or, any combination of such uses that would result in 1,010 or more new peak hour vehicle trips based on the trip generation rates utilized in the Traffic Study), Owner shall submit to the County and VDOT a subsequent warrant analysis for an exclusive southbound left-turn lane on Six Mount Zion Road at the intersection of Six Mount Zion Road and Mount Laurel Road. In

the event the analysis concludes, and VDOT concurs, that such turn lane is warranted at this intersection, then the Owner shall Guarantee such turn lane at the intersection of Six Mount Zion Road and Mount Laurel Road prior to such final site plan or subdivision plat approval and shall complete the installation of such turn lane prior to the issuance of building permits for the development depicted on such site plan or subdivision plat.

(ii) In the event that such turn lane is still not warranted by VDOT, then Owner's development of the Property (and permits and approvals therefor) may proceed above the foregoing thresholds; however, unless waived by the Planning Director based on an agreed upon alternative timing plan, then the Owner shall (1) Guarantee a such turn lane at the intersection of Six Mount Zion Road and Mount Laurel Road prior to such final site plan or subdivision plat approval, (2) submit to the County and VDOT a subsequent turn lane warrant analysis for the intersection of Six Mount Zion Road and Mount Laurel Road prior to each following site plan(s) and/or subdivision plan(s) approval for development on the Property, and (3) complete the installation of such turn lane at the intersection of Six Mount Zion Road and Mount Laurel Road when deemed warranted by VDOT.

(h) Prior to approval of a site plan(s) and/or subdivision plan(s) that would result in more than 1,932 total dwelling units or 740,000 sf of non-residential use(s) on the Property (or, any combination of such uses that would result in 920 or more new peak hour vehicle trips based on the trip generation rates utilized in the Traffic Study), Owner shall install or Guarantee:

(i) a second exclusive left-turn lane for the northbound State Route 30 approach to the I-64 Westbound Off/On-Ramps intersection at Exit 227 and widen the westbound I-64 On-Ramp to consist of two receiving lanes including corresponding modifications to the traffic signal proffered in Section 3.1(d).

(ii) a second exclusive left-turn lane on the I-64 Westbound Off-Ramp approach at State Route 30 including corresponding modifications to the traffic signal proffered in Section 3.1(d).

(i) Prior to approval of a site plan(s) and/or subdivision plan(s) that would result in more than 1,662 total dwelling units or 740,000 sf of non-residential use(s) on the Property (or, any combination of such uses that would result in 790 or more new peak hour vehicle trips based on the trip generation rates utilized in the Traffic Study), Owner shall install or Guarantee:

(i) a modification of the pavement and/or pavement markings on La Grange Parkway to add and/or delineate a second exclusive left-turn lane to the westbound LaGrange Parkway approach to State Route 30, including corresponding modifications to the traffic signal proffered in Section 3.1(e).

(ii) a second exclusive left-turn lane for the southbound State Route 30 approach to the LaGrange Parkway intersection, including corresponding modifications to the traffic signal proffered in Section 3.1(e).

(j) If Owner fails to comply with a requirement set forth in Section 3.1 or 3.2 hereof, the County shall not be obligated to grant the corresponding final subdivision or site plan approval or building permits, as applicable, unless and until such requirement is met.

(k) Owner shall provide, as a separate supplemental document with each site plan or subdivision plan for any development within the Property, the projected peak hour vehicle trip generation associated with the development (1) proposed by the corresponding site plan or subdivision plan submission, and (2) which has previously received final site plan or final subdivision plat approval from the County (and any site plans or subdivision plans for development within the Property then under review) in a form reasonably acceptable to the Planning Director

to permit the accurate tracking of the progression of the development of the Property in accordance with these Proffers.

3.3 Updated Traffic Study. Owner may have the Traffic Study updated, amended, or supplemented from time to time by an independent traffic consultant and may submit any such updated, amended, or supplemented Traffic Study to the Board of Supervisors and VDOT for approval. The schedule of road and intersection improvements and the phasing thereof set forth above may be amended based on such updated, amended, or supplemented Traffic Study submitted to the Board of Supervisors and VDOT. Owner shall convey, without charge, to VDOT or the County, as appropriate, all right of way owned by it that is necessary for such improvements and, when completed, shall dedicate all such improvements to VDOT or the County, as appropriate.

3.4 Traffic Signal Warrant Analyses. If VDOT determines that any intersection at which a traffic signal is proffered is approaching meeting warrants for installation of the traffic signal, then at the request of VDOT, Owner shall have a warrant analysis of that intersection conducted and submitted to the County and VDOT.

3.5 VDOT Standards. All improvements proffered in this Section 3 shall be designed and constructed in accordance with applicable VDOT standards and guidelines. All traffic signals proffered hereby shall be designed and installed to accommodate future proffered traffic improvements. Traffic signal timing equipment will be modified and signal timing plans updated as required by VDOT concurrently with capacity improvements at the intersection in question. All traffic signals proffered hereby shall include signal coordination equipment if required by VDOT.

3.6 FHWA Approvals. The proffered modifications to Interstate 64 interchanges will require the approval of the Federal Highway Administration ("FHWA"). If FHWA approval of a modification is not granted after submission through and with the approval of VDOT of all

appropriate and required interchange modification applications and supporting documentation, Owner shall propose to the Board of Supervisors and VDOT substitute improvements and provide VDOT and the Board of Supervisors with a traffic study showing the impact of the proposed substitute improvements, commensurate in traffic benefit and costs with the proffered interchange modifications for review and approval by the Board of Supervisors and VDOT. If such substitute improvements are approved by the Board of Supervisors and VDOT, the completion or posting of Guarantees for their completion with the County shall satisfy the obligation of Owner with respect to the proffered interchange modification for which FHWA approval was not granted.

3.7 Internal Road and Intersection Improvements.

(a) Owner shall improve the portion of Mount Laurel Road if required to meet current VDOT Standards for a 2 lane local road (as identified on the James City County Comprehensive Plan) from Six Mount Zion Road to any entrances constructed on Mount Laurel Road providing access to/from Tract 11A or Tract 11B. Signage shall be provided along Mount Laurel Road to make such roadway a "signed shared roadway" consistent with VDOT regulations.

(b) Owner shall improve the portion of Six Mount Zion Road if required to meet current VDOT Standards for a 2 lane local road (as identified on the James City County Comprehensive Plan) from Ware Creek Road northerly to any entrances constructed on Six Mount Zion Road providing access to/from Tract 2 or Tract 3.

(c) Owner shall improve the portion of Ware Creek Road if required to meet current VDOT Standards for a 2 lane local road (as identified on the James City County Comprehensive Plan) from Six Mount Zion Road to any entrances constructed on Ware Creek Road providing access to/from Tract 2, Tract 11B, or Tract S.

(d) With the prior approval of VDOT, at such time as any of the proffered improvements to the Six Mount Zion Road/Fieldstone Parkway intersection are triggered, Owner may install a roundabout meeting VDOT requirements in lieu of the improvements to the Six Mount Zion Road/Fieldstone Parkway intersection proffered above to include, without limitation, any turn lanes.

(e) With the prior approval of VDOT, at such time as any of the proffered improvements to the Six Mount Zion Road/Mount Laurel Road intersection are triggered, Owner may install a roundabout meeting VDOT requirements in lieu of the improvements to the Fieldstone Parkway/Mount Laurel Road intersection proffered above to include, without limitation, any turn lanes.

3.8 External Road Connections. Within one year from the date of approval of the requested rezoning by the Board of Supervisors, Owner shall petition VDOT to permit the disconnection of Ware Creek Road immediately west of its intersection with Mount Laurel Road from the portion of Ware Creek Road that extends through the Property and, if VDOT approval is obtained, physically disconnect the road, to prevent traffic from the Property from using Ware Creek Road to access Croaker Road. If VDOT refuses to allow this disconnection, Owner shall not improve a segment of Ware Creek Road of at least 1,500 linear feet in length to the west of its intersection with Mount Laurel Road to the first subdivision road in the Property and through the use of signage and other measures as approved by VDOT shall attempt to de-emphasize Ware Creek Road as a means of ingress and egress to and from the Property. A plan for signage and other measures shall be submitted within 180 days of VDOT's notification to Owner of a denial of the petition, should this occur, for Planning Director review and approval, and shall be

implemented within 180 days of such approval or within such other timeframe as is agreed to in advance by both parties.

4. **Public Sites**.

4.1 School Site. Owner shall, in accordance with the terms and conditions set forth in a Memorandum of Understanding and Agreement between the Owner and the County, of even date herewith, (i) convey to the County, without consideration, a site containing approximately 88.73 gross acres (the "School Site") in the location shown on the Master Plan as "9 MIDDLE SCHOOL"; or (ii) make a one-time contribution of $837,200.00 for use by the County in expanding school capacity within the County.

4.2 Public Recreation Trail. A public recreation trail ("Public Trail") will be developed within a portion of the Property as more particularly described herein. Any portions of the Public Trail located outside of public right of way will be owned and maintained by the Community Association but open for use by the public subject to reasonable rules and regulations agreed upon by the Community Association and the County. Any sections of the multi-use paths located outside of public right of way and owned and maintained by the Community Association shall be built to paved trail standards as defined in the now current version of the Parks and Recreation Greenway Master Plan, dated June 25, 2002. Any portion of the Public Trail which is located within the public right of way and to be publically maintained shall be built to VDOT standards. The Public Trail will consist of a minimum of:

(a) 10,000 linear feet of multi-use trail or shoulder bike lane along Six Mount Zion Road. All improvements to Route 600 within the Property shall include a shoulder bike lane or multi-use trail except where Route 600 passes under Interstate 64 in which location a 5 foot sidewalk, which shall transition or tie into the multi-use trail or shoulder bike lane segments, as

applicable, located immediately to the north and south of the subject Interstate 64 overpass area, shall be installed (subject to receipt of all applicable governmental approvals);

(b) 8,000 linear feet of multi-use trail along Ware Creek Road; and

(c) 6,000 linear feet of multi-use trail along Mt. Laurel Road.

The Public Trail will be installed at the time the adjacent road is constructed or improved with the development of adjacent parcels. Any portions of the Public Trail subject to VDOT policies and regulations shall have signage consistent with those requirements.

4.3 Reversion. If (i) the Board of Supervisors makes a formal determination by resolution not to use the School Site conveyed to the Williamsburg-James City County Public School Division or applicable school board for the school facilities before construction of any improvements on such School Site, or (ii) construction of improvements has not been commenced within fifteen (15) years from the date of conveyance to the Williamsburg-James City County Public School Division or the applicable school board, then at the option of Owner title to the School Site shall revert to (a) the Owner or an entity designated by Owner (if, at such time, Owner owns any of the Property), or, if Owner does not then own any of the Property, (b) the master Community Association. The County, at the request of the Owner or Community Association (as applicable), shall deliver deeds to the Owner or Community Association, as provided above, evidencing such reversion of title. The County's obligation to return the School Site to the Owner or Community Association (as applicable) shall expire on the earlier of (i) the commencement of construction on the School Site; and (ii) the fortieth anniversary of the approval of the Application by the County.

5. **Community and Recreational Facilities**.

5.1 Facilities and Phasing. Owner shall construct the community and recreational facilities described below (conditioned upon Owner's obtaining all required governmental permits and approvals and in accordance with the now current James City County Parks and Recreation Master Plan Update 2017 – Appendix F Development Guidelines) generally in the locations shown on the Master Plan:

(a) Tract 3 Amenity (H) – A community building, swimming pool and playground (which currently exist). Before the issuance of the 800th building permit on the Property and within the Stonehouse Glen subdivision, 1 multi-purpose court will be constructed on the Amenity H property.

(b) Ware Creek Road Amenity (A) – Concurrent with the first preliminary site plan or subdivision plan approval for development on all or a portion of Tract 2, Tract S, Tract 3 Parcel D, or Tract 3 Parcel E, conceptual site plans for a single community facility or multiple community facilities totaling approximately 8 acres across Tract 2, Tract S, Tract 3 Parcel D, or Tract 3 Parcel E shall be submitted to the County. Such facility or combination of facilities shall include 3,000 sf of buildings, one swimming pool, one multi-purpose grass field of adequate size to accommodate a regulation soccer field, and one multi-purpose court. The facility or facilities will be required to be open to the homeowners prior to the issuance of more than 1,200 building permits on the Property.

(c) Tract 11A Amenity (B) – Concurrent with the first preliminary site plan or subdivision plan approval for Tract 11A, a conceptual plan for an approximately 8 acre community facility in Tract 11A, with a pavilion, outdoor fitness equipment, and a multi-purpose grass field of adequate size to accommodate a regulation soccer field, will be submitted to the

County. The facility will be required to be open to the homeowners prior to the issuance of more than 150 building permits on Tract 11A.

(d) Tract 10B Amenity (C) – Concurrent with the first preliminary site plan or subdivision plan approval for Tract 10B, a conceptual plan for an approximately 17 acre multi-use outdoor recreation facility and two multipurpose/soccer fields in Tract 10B as shown, generally, on that certain exhibit entitled "Tract 10B Preservation Square", dated July 26, 2019, prepared by Cole Jenest & Stone, a copy of which is on file with the County Planning Director, will be submitted to the County. The facility will be required to be open to the homeowners prior to the issuance of more than 40 building permits on Tract 10B.

(e) Playgrounds – A minimum of 3 playgrounds shall be provided within the Property. Such playgrounds will be sited, identified, and the apparatus' specified within the preliminary site plan or subdivision plan where such facilities are to be located.

(f) Land Bay 5 Amenity (K) – Concurrent with the first preliminary site plan or subdivision plan approval for Land Bay 5, a conceptual plan for an approximately 2 acre groomed passive open space, will be submitted to the County. The facility will be required to be open to the homeowners prior to the issuance of more than 80 building permits on Land Bay 5.

5.2 Modification of Facilities. The exact facilities to be provided at each amenity site may be modified from time to time by Owner (or the Community Association if ownership of such site has been conveyed to same) provided any such modification provides an equivalent or greater recreational benefit. Any such modification shall be subject to the prior approval of the Planning Director for consistency with this Proffer.

5.3 Trail System. In addition to the Public Trail, Owner shall install a minimum of 16,000 linear feet of soft-surface trail(s) within Tracts 11A, 11B, and S which provide connection

to Six Mount Zion Road, Ware Creek Road, and Mt. Laurel Road. Design plans for the path within a Tract shall be submitted to the County with the first development plan for the Tract and construction of such path shall begin or Guarantees for such construction shall be posted before the County is obligated to grant final subdivision or site plan approval for more than 50% of residential lots or units permitted in the Tract and in any event the path shall be installed within three years from the date of final approval of the first subdivision plat or site plan for development within the Tract in question. Such soft-surface trails shall be built to mulch trail standards as currently defined in the Parks and Recreation Greenway Master Plan, dated June 25, 2002.

6. **Archaeological Sites**.

6.1 Archaeological Sites.

(a) Prior to the issuance of building permits that would result in more than 50 total dwelling units or 30,000 sf of non-residential use(s) on Tract 10B, an interpretive kiosk will be constructed or Guaranteed, as generally depicted upon that certain exhibit entitled "Tract 10B Preservation Square", dated July 26, 2019, prepared by Cole Jenest Stone, a copy of which is on file in the Office of the County Planning Director. This interpretive kiosk will provide images and a cultural narrative of the historical events, significance, and sites that are located on the Stonehouse property.

(b) Archaeological sites listed in the Archaeological Documents (defined in Recital H) (each referred to as a "Site") that are potentially eligible for the National Register of Historic Places that can be avoided by the development will be clearly marked on site plans or subdivision construction plans ("development plans"). In addition, if land clearing or construction activities take place near a Site area, then the Site boundaries will be cordoned-off in the field with orange snow fencing prior to land disturbing near the area. If a Site cannot be avoided by the

development, then a Phase II evaluation will be completed on the Site prior to any land disturbance activity in the Site area. The Phase II evaluation will be submitted to the County Planning Director for review.

(c) At the conclusion of the Phase II evaluation, if a Site is determined not eligible for listing on the National Register of Historic Places, then development may occur in the Site area. If the determination is made that a Site is eligible for listing on the National Register of Historic Places, then several mitigation options are available:

(i) Avoidance. The Site may be avoided by the development by setting aside the Site in a park, RPA buffer, or vegetative area. National Register-eligible archaeological Sites that can be avoided by the development will be clearly marked on project development plans. In addition, if land clearing or construction activities take place near the Site area, then the Site boundaries will be cordoned-off in the field with orange snow fencing prior to land disturbing in the area.

(ii) Partial Avoidance/Data Recovery. The Site may be partially avoided and partially impacted. In this case, data recovery will be limited to the Site area to be impacted. The portion of the Site area to be avoided will be clearly marked on project development plans. In addition, if land clearing or construction activities take place near the Site area, then the remaining Site boundaries will be cordoned-off in the field with orange snow fencing prior to land disturbing in the area. A Treatment Plan for the portion of the Site area to be impacted will be completed and submitted to the County Planning Director for review.

(iii) Data Recovery. If the Site cannot be avoided, then a Treatment Plan will be completed and submitted to the County Planning Director for review.

(d) If the Phase II or Phase III study of a Site determines the Site is eligible for inclusion on the National Register of Historic Places and such Site is to be preserved in place, the treatment plan shall include nomination to the National Register of Historic Places. All approved treatment plans shall be incorporated into the plan of development for the affected portion of the Property and the clearing, grading or construction activities thereon.

6.2 Unexpected Archaeological Discoveries. Should previously unidentified historic properties be identified during development of the Property, the applicant will halt all construction work involving subsurface disturbance in the area of the resource and in the surrounding area where further subsurface remains can reasonably be expected to occur and notify the Planning Director and the Virginia State Historic Preservation Officer ("SHPO") of the discovery. The Planning Director and the SHPO will be allowed to immediately inspect the work site and determine the area and nature of the affected archaeological resource. Construction work may then continue in the area outside the archaeological resource as defined by Planning Director and the SHPO, or their designated representative. Within 14 working days of the original notification of discovery, the Planning Director, in consultation with the SHPO, will determine the National Register eligibility of the resource based on information provided by Owner's archaeologist recovered from the field, site type, artifacts, and historic research. If the resource is determined eligible for the National Register, the applicant will prepare a plan for its avoidance, protection, recovery of information, or destruction without data recovery. The plan shall be approved by the Planning Director, in consultation with the SHPO, prior to implementation. Work in the affected area shall not proceed until either (i) the development and implementation of appropriate data recovery or other recommended mitigation procedures, or (ii) the determination is made that the located remains are not eligible for inclusion on the National Register.

6.3 Qualifications and Standards. The archaeological excavations will be conducted under the direct supervision of an archaeologist who meets the *Secretary of the Interior's Professional Qualification Standards*. All work and resulting reports will meet the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* and applicable Virginia Department of Historic Resource guidance.

7. **Cash Contributions for Community Impacts**.

(a) Owner shall make a one-time contribution to the County of $2,571.27 for each residential dwelling unit constructed on the Property. Such contributions shall be used by the County for school uses.

(b) Owner shall make a one-time contribution to the County of $1,254.94 for each residential dwelling unit constructed on the Property. Such contributions shall be used by the County for the provision of affordable housing within the County.

(c) Owner shall make to the JCSA a one-time contribution $0.14 per gallon per day of average daily sanitary sewage flow for each non-residential building based on the use of the building(s) the sewer flows from which discharge into JCSA Lift Station 9-5 as determined by JCSA.

(d) Owner shall make to the JCSA a one-time contribution of $0.31 per gallon per day of average daily sanitary sewage flow for each non-residential building based on the use of the building(s) the sewer flows from which discharge into JCSA Lift Station 9-7 as determined by JCSA.

(e) Owner shall make a one-time contribution of $800,000.00 for use by the County in expanding school capacity within the County. The foregoing contribution shall be made by Owner to the County upon the earlier of (i) the approval by the County of site plans or

subdivision plats for at least 1,000 dwelling units on the Property, or (ii) within 90 days after receipt of a written request from the school district for the funds. The County shall not be obligated to grant final subdivision plat or site plan approval for residential dwelling units on the Property after such payment is triggered until the contribution is made.

(f) The contributions described in subsections (a) through (d) above shall be payable at the time of issuance of a certificate of occupancy for the residential unit or non-residential building.

(g) The per unit contribution amounts shall consist of the amounts set forth in subsections (a) and (b) above plus any adjustments included in the Marshall and Swift Building Costs Index (the "Index") from 2019 to the year a payment is made if payments are made after on or after January 1, 2020. The per unit contribution amount shall be adjusted once a year with the January supplement of the Index of the payment year. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in the preceding subsections of this Section. In the event that the Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining the Index (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

(h) The County, JCSA, and Owner acknowledge and agree that the obligations of Owner to make cash contributions for water system improvements is governed by the Water Facilities Agreement dated April 29, 2005 among JCSA and the predecessors in title to Owner to the Property.

8. **Water Conservation**.

(a) The Owner shall be responsible for developing water conservation standards to be submitted to and approved by JCSA. The Community Association shall be responsible for enforcing these standards. The standards shall address such water conservation measures as (i) use of a reclaimed water system ("Reclaimed Water System") for irrigation if such system is constructed, (ii) limitations on the installation and use of irrigation systems (other than the Reclaimed Water System) and irrigation wells, (iii) if the Reclaimed Water System is not constructed, the use of approved landscaping materials such as warm season turf in appropriate growing areas and drought tolerant native plants, and (iv) the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by JCSA prior to final subdivision or she plan approval for development on the Property.

(b) If the Owner desires to have outdoor watering of common areas on the Property it shall provide water for irrigation utilizing the Reclaimed Water System if it is constructed or otherwise from recycled water or surface water collection from surface water ponds and shall not use JCSA water or well water for irrigation purposes, except as provided below. This requirement prohibiting the use of well water may be waived or modified by the General Manager of JCSA if the Owner demonstrates to JCSA General Manager that there is insufficient water for irrigation from recycled water or in the surface water impoundments, and the Owner may apply for a waiver for shallow (less than 100 feet) wells to supplement the recycled water supply or surface water impoundments. Owner acknowledges a waiver will be required for each well requested.

9. **Environmental Protection**.

9.1 Stormwater Management Plans. At least 60 days prior to submission of development plans for a Tract as designated on the Master Plan within the Property, Owner shall submit to the County a conceptual master stormwater management plan for that Tract ("Stormwater Plan"). Each Stormwater Plan shall include the following: (i) narrative providing information about specific site plans including proposed land use, significant environmental constraints, and proposed method for meeting stormwater management requirements; (ii) preliminary site plan with conceptual layout of road network and utilities; (iii) completed Significant Design Consideration Checklist; (iv) identification of proposed location and type of each stormwater management device; (v) mapping of existing conditions drainage areas and environmental constraints; (vi) identification of stream crossings including proposed type of crossing and summary of environmental impacts and mitigation requirements; and (vii) outfall channels. The submittal will not include calculations or detail sheets representing the design of stormwater management devices.

9.2 Stormwater Management Inventory System. Owner shall create a comprehensive inventory of all stormwater management devices within the Property. This inventory shall include data sheets for every device that will include basic information including location, type, and size of device. Additionally, a digital picture and other design information such as required storage volume and general operations and maintenance requirements shall be included. The goal of the system is to provide an interactive means by which the Community Association can maintain the stormwater management system and work proactively with the County. The database will be designed in accordance with any existing James City County stormwater management inventory

standards. The initial version of the system shall be submitted with the first conceptual Stormwater Plan for the Property and the inventory system shall be updated as each Tract develops.

9.3 Building RPA Setback. A 25 foot setback from the defined RPA buffer is hereby established so that no building will be erected within 25 feet of the RPA. This additional setback shall be shown on all site plans, subdivision plans, and plans of development.

9.4 Natural Resources. A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2, or G3 resources as defined in the County's Natural Resources Policy on the portion of the Property then proposed for development shall be submitted to the Planning Director for his/her review and approval prior to land disturbance of such portion of the Property. If the inventory confirms that a natural heritage resource exists, a conservation management plan shall be submitted to and approved by the Planning Director for the affected area. All inventories and conservation management plans shall meet the Virginia Department of Conservation and Recreation's Division of Natural Resources ("DCR/DNH") standards for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by the DCR/DNH or the United States Fish and Wildlife Service. All approved conservation management plans shall be incorporated into the plan of development for the portion of the Property then proposed for development, and the clearing, grading or construction activities thereon, to the maximum extent possible. Upon approval by the Planning Director, a mitigation plan may substitute for the incorporation of the conservation management plan into the plan of development for the site. This proffer shall be interpreted in accordance with the County's Natural Resources Policy adopted by the County on July 27, 1999.

9.5 Nutrient Management Plan. The Association shall be responsible for contacting an agent of the Virginia Cooperative Extension Office ("VCEO") or, if a VCEO agent is unavailable,

a soil scientist licensed in the Commonwealth of Virginia, an agent of the Soil and Water Conservation District or other qualified professional to conduct soil tests and to develop, based upon the results of the soil tests, customized nutrient management plans (the "Plans") for all common areas within the Property and for the single family lots shown on each subdivision plat of the Property. The Plans shall be submitted to the County's Stormwater & Resource Protection Director for review and approval prior to the issuance of the building permits for more than 25% of the units shown on the subdivision plat. Upon approval, the Owner so long as it controls the Community Association and thereafter the Community Association shall be responsible for ensuring that any nutrients applied to common areas which are controlled by the Community Association be applied in strict accordance with the Plan. The Owner shall provide a copy of the individual Plan for each lot to the initial purchaser thereof. Within five years after issuance of the Certificate of Occupancy for the first dwelling unit on the Property and every three years thereafter, a turf management information seminar shall be conducted on the site. The seminar shall be designed to acquaint residents with the tools, methods, and procedures necessary to maintain healthy turf and landscape plants.

9.6 Water Quality Monitoring Program. Owner shall cooperate with the Environmental and Stormwater Divisions in establishing three water quality monitoring stations on the Property in locations approved by Owner. These stations will be located to operate in conjunction with any other stream monitoring conducted by Owner pursuant to permit or regulatory requirements.

9.7 Low Impact Development Education. Prior to the issuance of building permits that would result in more than 50 total dwelling units or 30,000 sf of non-residential use(s) on Tract 10B, an interpretive kiosk will be constructed or Guaranteed, as generally depicted upon that

certain exhibit entitled "Tract 10B Preservation Square", dated July 26, 2019, prepared by Cole Jenest & Stone, a copy of which is on file in the Office of the County Planning Director. This interpretive kiosk will provide images and a narrative explaining the significance of low impact development techniques and the location of example features within the Property.

10. **Conceptual Review**. At least 60 days prior to submission of a development plan for all or any portion of a Tract, Owner shall submit a conceptual development plan for the development of the entire Tract to the Planning Director for review and comment by the Planning Director and the Development Review Committee. The conceptual development plan shall show the layout of lots/units or commercial buildings, density in units or square footage, road locations, amenity areas and improvements, trails and pedestrian paths, common and natural open space, required or proffered buffers, proposed clearing limits and any archaeology or natural resource preservation areas within the tract. Such review shall be for the purposes of determining general consistency with zoning ordinance requirements, the Master Plan, these proffers, and other applicable County policies.

11. **Work Force Housing**. A minimum of 85 of the residential units shall be offered for sale at a price at or below $313,735.50 ("Workforce Units") subject to adjustment as set forth herein. The maximum price for Workforce Units shall be adjusted annually, on January 1st of each year, by increasing such price by the cumulative rate of inflation as measured by the Index annual average change for the period from 2019 to the year a Workforce Unit is sold if such sale occurs on or after January 1, 2020. In the event that the Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining the Index (approved in advance by the County Manager of Financial Management

Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the maximum price for Workforce Units to approximate the rate of annual inflation in the County.

The Planning Director shall be provided with a copy of the settlement statement for each sale of a Workforce Unit and a spreadsheet prepared by Owner showing the prices of all of the Workforce Units that have been sold for use by the County in tracking compliance with the price restrictions applicable to the Workforce Units.

12. **Water and Sewer Master Plans**. Owner shall submit to the JCSA for its review and approval an overall master water and sanitary sewer plan for the Property prior to the submission of any development or subdivision plans for the Property. The overall Master Plan will be submitted as a skeletized layout reflecting the major pressure lines of the system with calculations justifying the line sizes. The purpose of the overall water master plan is to be sure the "system backbone" is appropriately sized for total build-out and not handled on a section-by-section submittal basis. The overall Master Water Plan shall also identify at what point in the development a future water source/facility may be required. JCSA will not require lift station locations and gravity sewer layout to be shown as part of the overall Master Sewer Plan. These items will be included on sub-Development Area master plan submittals when more detail can be provided (i.e. lift station locations, gravity sewer layout, looping of waterlines, etc.). It is understood the Reclaimed Water System if implemented will impact the overall Master Sewer Plan. Assuming that the project will be moving forward with sections of the development prior to this determination, notes/disclaimers will be added to the overall Master Sewer Plan stating the

water re-use facility is not included. If the Reclaimed Water System does happen, then revised overall Master Sewer Plans will have to be submitted.

13. **Strip Shopping Centers Prohibited**. No non-residential development in Tract 10 shall consist of an unbroken row or line of building fronts which are one unit deep and parallel or principally oriented to either Fieldstone Parkway or Six Mount Zion Road, with the parking field for such buildings located between the building and Fieldstone Parkway. It is the intent of this proffer to prohibit retail development commonly known as "strip retail/commercial development." Development plans for non-residential development in Tract 10 shall be subject to approval by the Planning Director as to their compliance with this proffer.

14. **Design Review**. Owner shall prepare and submit design review guidelines for each Tract of the Property to the Planning Director setting forth design and architectural standards consistent with the section of the Community Impact Statement, a copy of which is on file in the Office of the County Planning Director, entitled "Architectural Criteria" for the development of the Tract prior to the County being obligated to grant final approval to any development plans for the Tract (the "Guidelines"). Owner shall establish one or more Design Review Board(s) to review all building plans and building elevations for conformity with the Guidelines and to approve or deny such plans.

15. **Tract 10B**. Prior to approval of a site plan and/or subdivision plan for residential development of Tract 10B, Owner shall obtain approval of a subdivision plat that establishes a parcel or parcels for the non-residential use intended on Tract 10B. Such residential site plan and or subdivision plan shall include easements for access and utilities adequate to serve the non-

residential development intended for Tract 10B. The gross acreage of non-residential use(s) in Tract 10B shall be not less than 8.0 acres.

16. **Headings**. All section and subsection headings of Conditions herein are for convenience only and are not a part of these Proffers.

17. **Severability**. If any condition or part thereof set forth herein shall be held invalid or unenforceable for any reason by a court of competent jurisdiction, the invalidity or unenforceability of such condition or part thereof shall not invalidate any other remaining condition contained in these Proffers.

18. **Successors and Assigns**. These Proffers shall run with the title to the Property and shall be binding on the parties hereto and their respective successors and assigns; provided, however once a party ceases to own any portion of the Property, such party shall have no continuing liability hereunder.

19. **Void if Amended Application not Approved**. In the event that the Amended Application is not approved by the County or is overturned by subsequent judicial determination, these Proffers and the Master Plan shall be null and void.

[Signatures located on following pages]

Signature page to the Amended and Restated Stonehouse Proffers.

WITNESS the following signatures and seals:

SCP-JTL STONEHOUSE OWNER 1 LLC

By: David A. Land
Title: Authorized Representative

STATE OF TEXAS
CITY/COUNTY OF DALLAS, to-wit:

The foregoing instrument was acknowledged before me this 20th day of September, 2019, by DAVID A. LAND, AUTHORIZED REPRESENTATIVE, of SCP-JTL STONEHOUSE OWNER 1 LLC, a Delaware limited liability company, on behalf of the company.

Linda G. Neal
NOTARY PUBLIC

My commission expires:

7-29-2021

LINDA G NEAL
NOTARY PUBLIC
STATE OF TEXAS
ID# 1494644
EXPIRES 7-29-2021

Signature page to the Amended and Restated Stonehouse Proffers.

SCP-JTL STONEHOUSE OWNER 2 LLC

By: David C. Lane
Title: AUTHORIZED REPRESENTATIVE

STATE OF TEXAS
CITY/COUNTY OF DALLAS, to-wit:

The foregoing instrument was acknowledged before me this 20th day of September, 2019, by DAVID A. LANE, AUTHORIZED REPRESENTATIVE, of SCP-JTL STONEHOUSE OWNER 2 LLC, a Delaware limited liability company, on behalf of the company.

Linda G. Neal
NOTARY PUBLIC

My commission expires:

7-29-2021

LINDA G NEAL
NOTARY PUBLIC
STATE OF TEXAS
ID# 1494644
EXPIRES 7-29-2021

Signature page to the Amended and Restated Stonehouse Proffers.

STONEHOUSE OWNERS FOUNDATION

By: Robert W. Woodruff
Title: PRESIDENT

STATE OF Virginia
CITY/COUNTY OF Loudoun, to-wit:

The foregoing instrument was acknowledged before me this 23RD day of September, 2019, by Robert W. Woodruff, President, of STONEHOUSE OWNERS FOUNDATION, a Virginia

NOTARY PUBLIC

My commission expires:
2/28/2021

TIMOTHY O. TRANT, II
COMMONWEALTH OF VIRGINIA
306659
NOTARY PUBLIC

Signature page to the Amended and Restated Stonehouse Proffers.

NVR, INC.

By: _____
Title: Vice President

STATE OF VA
CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged before me this 23 day of September, 2019, by Jeff Ambrose, Vice President, of NVR, INC., a Virginia corporation, on behalf of the company.

_____
NOTARY PUBLIC

My commission expires:
5/31/2023

Kelly Lynn Wroten
NOTARY PUBLIC - Reg. No. 7149229
Commonwealth of Virginia
My Commission Expires May 31, 2023

Signature page to the Amended and Restated Stonehouse Proffers.

The authorized officer of NVR, Inc
Attorney in fact for Anil Jain
Anil Jain

By: Jeffrey C. Ambrose, the authorized officer of NVR, Inc., attorney-in-fact for Anil Jain

Name: Jeffrey C. Ambrose
Title: Authorized Officer

The authorized officer of NVR, Inc
Attorney in fact for Krishnan Menon
Krishnan Menon

By: Jeffrey C. Ambrose, the authorized officer of NVR, Inc., attorney-in-fact for Krishnan Menon

Name: Jeffrey C. Ambrose
Title: Authorized Officer

STATE OF VA
CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged this 23 day of September, 2019, by Jeffrey C. Ambrose, the authorized officer of NVR, Inc. as attorney-in-fact for Anil Jain and Kirshnan Menon.

Kelly Wroten
NOTARY PUBLIC

My commission expires:
5/31/23

Kelly Lynn Wroten
NOTARY PUBLIC - Reg. No. 7149229
Commonwealth of Virginia
My Commission Expires May 31, 2023

Signature page to the Amended and Restated Stonehouse Proffers.

Mary Christina Allegretto

Mary Christina Allegretto, Trustee of the Restated Revocable Trust Agreement of Mary Christina Allegretto, dated April 21, 2006, amended December 4, 2008

James Daniel Allegretto

James Daniel Allegretto, Trustee of the Restated Revocable Trust Agreement of Mary Christina Allegretto, dated April 21, 2006, amended December 4, 2008

STATE OF VA
CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged this 11th day of October, 2019, by Mary Christina Allegretto, Trustee and James Daniel Allegretto, Trustee of the Restated Revocable Trust Agreement of Mary Christina Allegretto, dated April 21, 2006, as amended.

Mary R. Hopkins
NOTARY PUBLIC

My commission expires:
10/31/2023

Mary Rogers Hopkins
NOTARY PUBLIC - Reg. No. 7839295
Commonwealth of Virginia
My Commission Expires October 31, 2023

Signature page to the Amended and Restated Stonehouse Proffers.

The authorized officer of NVR Inc
Attorney in fact for David Christopher Ferguson.

David Christopher Ferguson

By: Jeffrey C. Ambrose, the authorized officer of NVR, Inc., attorney-in-fact for David Christopher Ferguson

Name: Jeffrey C. Ambrose
Title: Authorized Officer

STATE OF VA
CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged this 23 day of September, 2019, by Jeffrey C. Ambrose, the authorized officer of NVR, Inc. as attorney-in-fact for David Christopher Ferguson.

NOTARY PUBLIC

My commission expires:
5/31/23

Kelly Lynn Wroten
NOTARY PUBLIC - Reg. No. 7149229
Commonwealth of Virginia
My Commission Expires May 31, 2023

Signature page to the Amended and Restated Stonehouse Proffers.

_____, the authorized officer of NVR, Inc.
Attorney in fact for Tyanne F. McDonald
Tyanne F. McDonald

By: Jeffrey C. Ambrose, the authorized officer of NVR, Inc., attorney-in-fact for Tyanne F. McDonald

Name: Jeffrey C. Ambrose
Title: Authorized Officer

STATE OF VA
CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged this 23 day of September, 2019, by Jeffrey C. Ambrose, the authorized officer of NVR, Inc. as attorney-in-fact for Tyanne F. McDonald.

_____
NOTARY PUBLIC

My commission expires:
5/31/23

Kelly Lynn Wroten
NOTARY PUBLIC - Reg. No. 7149229
Commonwealth of Virginia
My Commission Expires May 31, 2023

Signature page to the Amended and Restated Stonehouse Proffers.

_____, the authorized officer of NVR, Inc., attorney in fact for Vianney Victor
Vianney Victoire

By: Jeffrey C. Ambrose, the authorized officer of NVR, Inc., attorney-in-fact for Vianney Victoire

Name: Jeffrey C. Ambrose
Title: Authorized Officer

STATE OF VA
CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged this 29 day of October, 2019, by Jeffrey C. Ambrose, the authorized officer of NVR, Inc. as attorney-in-fact for Vianney Victoire.

Kelly Lynn Wroten
NOTARY PUBLIC - Reg. No. 7149229
Commonwealth of Virginia
My Commission Expires May 31, 2023

_____
NOTARY PUBLIC

My commission expires:
5/31/23

Signature page to the Amended and Restated Stonehouse Proffers.

_____, the authorized officer of NVR, Inc., attorney in fact for Gloria Ann Simonnet
Gloria Ann Simonnet

By: Jeffrey C. Ambrose, the authorized officer of NVR, Inc., attorney-in-fact for Gloria Ann Simonnet

Name: Jeffrey C. Ambrose
Title: Authorized Officer

STATE OF VA
CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged this 29 day of October, 2019, by Jeffrey C. Ambrose, the authorized officer of NVR, Inc. as attorney-in-fact for Gloria Ann Simonnet.

Kelly Lynn Wroten
NOTARY PUBLIC - Reg. No. 7149229
Commonwealth of Virginia
My Commission Expires May 31, 2023

Kelly Lynn Wroten
NOTARY PUBLIC

My commission expires:
5/31/23

EXHIBIT "A"
PROPERTY DESCRIPTION

OWNER: SCP-JTL STONEHOUSE OWNER 1 LLC

PIN NUMBERS: 0440100030; 0530100009; 0440100029; and 0440100025

Land Bay 5:

Parcel ID 0440100030:

All that certain lot, parcel or tract of land, lying, situate and being in Stonehouse Magisterial District, James City County, Virginia and being more particularly shown and described as Parcel B-1 on that certain plat entitled "Plat Showing Boundary Line Adjustment & Lotline Extinguishment being New Parcel B-1 and Lot 1, Section 1-A for 2J Investments, L.L.C.", prepared by G.T. Wilson, Jr., L.S., of AES Consulting Engineers, dated February 9, 2005 and recorded March 29, 2005 in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City as Instrument No. 050007055 to which plat reference is hereby made for a more particular description such property.

Parcel ID No. 0530100009:

All that certain lot, parcel or tract of land, situate, lying and being more particularly shown and described as Parcel B-2 on that certain plat of subdivision entitled "Subdivision Plat of Stonehouse Development Area One, Phase 1, Section 1-B, Section II-A, Section III-C, Parcel B and Parcel C being a subdivision of properties owned by Stonehouse Limited Liability Company and Stonehouse, Inc., prepared by Langley and McDonald, P.C., dated November 19, 1999, revised December 9, 1999, a copy of which is of record in the Clerk's Office of the Circuit Court of the City of Williamsburg and the County of James City, Virginia, in Plat Book 75 at Page 93 to which reference is hereby made for a more particular description of such property.

Land Bay 3:

Tax Parcel ID No.: 0440100029:

Section 1-B containing 19.1500 acres as shown on "Subdivision Plat of Stonehouse Development Area One, Phase I, Section I-B, Section II-A, Section III-C, Being a Subdivision of Properties Owned by Stonehouse Limited Liability Company and Stonehouse, Inc.", made by Langley and McDonald, Inc., dated November 19, 1999, last revised December 9, 1999, recorded in Plat Book 75, Pages 93-97, and that certain property shown as "Parcel R-5" on that certain "Subdivision Plat Showing Stonehouse Glen Section 1 & 2 and Right of Way of Fieldstone Parkway being a subdivision of the property of Fieldstone Investment, LLC and Stonehouse Glen, LLC" dated May 31, 2006, prepared by LandMark Design Group, recorded in the Clerk's Office for the City of Williamsburg and the County of James City as Instrument Number 060016179.

Land Bay 5 & Part of Tract 10A:

Tax Parcel ID No.: 0440100025:

All those certain lots, pieces or parcels of real property lying, being, and situated in the Stonehouse Magisterial District of James City County, Virginia, shown as "PARCEL B" on a that certain plat entitled "BOUNDARY LINE ADJUSTMENT PLAT OF PROPERTY OWNED BY STONEHOUSE, INC. AND GOLF TRUST OF AMERICA, L.P.", dated May 5, 1997, made by Langley and McDonald, P.C., recorded in the Circuit Court Clerk's Office for the County of James City and City of Williamsburg (the "Clerk's Office"), in Plat Book 66, at pages 89-93; and all that certain lot, piece or parcel of real property lying, being, and situated in the Stonehouse Magisterial District of James City County, Virginia, shown as "SECTION II-A" on that certain plat entitled "SUBDIVISION PLAT OF STONEHOUSE DEVELOPMENT AREA ONE, PHASE 1 SECTION I-B, SECTION II-A, SECTION III-C PARCEL B AND PARCEL C BEING A SUBDIVISION OF PROPERTIES OWNED BY STONEHOUSE LIMITED LIABILITY COMPANY AND STONEHOUSE INC.", dated November 19, 1999, revised December 9, 1999, prepared by Langley and McDonald, Inc., recorded in the Clerk's Office in Plat Book 75, at pages 93-97; LESS AND EXCEPT the following described property:

1. All that property shown as "PARCEL B-1" and "PARCEL B-2" on that certain plat entitled "SUBDIVISION PLAT OF STONEHOUSE DEVELOPMENT AREA ONE, PHASE 1 SECTION I-B, SECTION II-A, SECTION III-C PARCEL B AND PARCEL C BEING A SUBDIVISION OF PROPERTIES OWNED BY STONEHOUSE LIMITED LIABILITY COMPANY AND STONEHOUSE INC.", dated November 19, 1999, revised December 9, 1999, prepared by Langley and McDonald, Inc., recorded in the Clerk's Office in Plat Book 75, at pages 93-97;

2. All that property shown as "WELL FACILITY W-25" and "EXISTING WELL FACILITY W-26" on that certain plat entitled "SUBDIVISION & CONVEYANCE PLAT OF WELL FACILITY W-25 AND VARIABLE WIDTH UTILITY EASEMENT TO JAMES CITY SERVICE AUTHORITY FROM STONEHOUSE DEVELOPMENT CO., LLC", dated February 11, 2002, prepared by Landmark Design Group, recorded in the Clerk's Office in Plat Book 85, at pages 72 and 73;

3. All that property shown as "WASTEWATER LIFT STATION NO. 9-1" on that certain plat entitled "SUBDIVISION AND CONVEYANCE PLAT OF WASTEWATER LIFT STATION NO. 9-1 TO JAMES CITY SERVICE AUTHORITY FROM STONEHOUSE DEVELOPMENT CO., LLC.", dated January 15, 2002, prepared by Landmark Design Group, recorded in the Clerk's Office in Plat Book 85, at page 71; and

4. Public Right of Way and all that property shown as "FIELDSTONE PARKWAY", "BMP #6", "PARCEL R-3", "PARCEL R-4", and "Parcel R-5" on that certain plat entitled "SUBDIVISION PLAT SHOWING STONEHOUSE GLEN SECTION 1 & 2 AND RIGHT OF WAY OF FIELDSTONE PARKWAY BEING A SUBDIVISION OF THE PROPERTY OF FIELDSTONE INVESTMENT, LLC AND STONEHOUSE GLEN, LLC", dated May 31, 2006, prepared by LandMark Design Group, recorded in the Clerk's Office as Instrument Number 060016179.

OWNER: SCP-JTL STONEHOUSE OWNER 2, LLC

PIN NUMBERS: 0540100011; 0540100012; 05401000015; 05401000016; 0630100005; 0630100006; and 0540100002

Tract S:

Parcel ID 0540100011:

"Slater" Tract, containing 158 acres, more or less, as depicted on a plat thereof dated May 4, 1914, made by Sidney Smith, Surveyor, recorded in Plat Book 2, Page 50, including the church lot and the James Taylor Lot shown on the plat. Less and Except that portion of the property conveyed to the Commonwealth of Virginia for Route 600 recorded in Deed Book 53, Page 186, Being the same property conveyed The Chesapeake Corporation of Virginia by A.D. Slater and wife by deed dated December 13, 1972, recorded in Deed Book 143, Page 425.

Tax Parcel ID No.: 0540100012:

"FILICHKO" Tract, containing 10.238 acres, being more particularly shown and described on a plat of survey by B.C. Littlepage, C.L.S., dated November 5, 1971, recorded in Plat Book 29, Page 6, being the same property conveyed to Chesapeake Corporation by John R. Filichko and wife by deed dated April 11, 1988, recorded in Deed Book 387, Page 143. Less and Except that property shown as "New Right of Way" on that certain plat entitled "Plat Showing Right of Way Being The Extension of Lagrange Parkway and Re-Alignment of A Portion of State Route 600", dated July 8, 2002, last revised January 16, 2003, prepared by LandMark Design Group, recorded in the Clerk's Office for the City of Williamsburg and the County of James City as Instrument Number 030010861.

Land Bay 3:

Tax Parcel No. 0540100015:

That certain tract or parcel of land located in James City County, Virginia shown and designated as "Tract One 272.98+/- AC." on the plat entitled Boundary Line Adjustment of the Properties of GS Stonehouse Green Land Sub, LLC" made by LandMark Design Group and dated 08-21-08, which plat is recorded in the Clerk's Office as Instrument No. 080027247.

A portion of which is also shown on that certain plat entitled "SUBDIVISION PLAT SHOWING PUMP HOUSE PARCEL ON STONEHOUSE TRACT 3" dated Feb. 7, 2018 made by Timmons Group and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City as Instrument No. 180020132.

Tax Parcel Nos.: 0540800001A; 0540800022; 0540800023; 0540800024; 0540800025; 0540800026; 0540800027; 0540800028; 0540800029; 0540800030; 0540800031; 0540800032; 0540800033; 0540800036; 0540800037; 0540800038; 0540800039; 0540800040; 0540800041; 0540800078; 0540800079; 0540800080; 0540800081; 0540800082; 0540800083; 0540800084; 0540800085; 0540800086:

A portion of which is also shown on that certain plat entitled "SUBDIVISION OF STONEHOUSE TRACT 3 PARCEL "A" & PARCEL "A", SECTION 1 LOTS 22 THROUGH 33, LOTS 36 THROUGH 41, & LOTS 78 THROUGH 86 STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA" dated 01/29/2019 made by LandTech Resources, Inc. and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City as Instrument No. 190002836.

A portion of which is also shown on that certain plat entitled "BOUNDARY LINE ADJUSTMENT PLAT LOTS 22 THROUGH 33, LOTS 36 THROUGH 41, LOTS 78 THROUGH 86, OPEN SPACE #1 & PARCEL A FUTURE DEVELOPMENT STONEHOUSE TRACT 3 PARCEL "A", SECTION 1 STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA" dated September 4, 2019 made by LandTech Resources, Inc. and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City as Instrument No. 190015433.

Tax Parcel Nos.: 0540900001A; 0540900002; 0540900003; 0540900004; 0540900005; 0540900006; 0540900007; 0540900008; 0540900009; 0540900010; 050900011; 0540900012; 0540900013; 0540900014; 0540900015; 0540900016; 0540900017; 0540900018; 0540900019; 0540900020; 0540900021; 0540900022; 0540900023; 0540900024; 0540900025; 0540900026; 0540900027:

A portion of which is also shown on that certain plat entitled "SUBDIVISION OF STONEHOUSE TRACT 3 CREATING PARCEL "B" & PARCEL "B" SECTION 1 LOTS 2 THROUGH 27 STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA" dated 12/12/2018 made by LandTech Resources, Inc. and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 190000917.

Tract 11A & Part of Tract 11B:

Tax Parcel No. 0540100016:

That certain tract or parcel of land located in James City County, Virginia shown and designated as "Tract Two 587.43+/- AC." on the plat entitled "Boundary Line Adjustment of the Properties of GS Stonehouse Green Land Sub, LLC" made by LandMark Design Group and dated 08-21-08, which plat is recorded in the Clerk's Office as Instrument No. 080027247.

Tract 8, Tracts 1A, 1B, 4, 5, 6 & 7, Part of Tract 11B and Part of Tract 2:

Tax Parcel No. 0630100005:

That certain tract or parcel of land located in James City County, Virginia shown and designated as "Tract Three 3031.43+/- AC." On the plat entitled "Boundary Line Adjustment of the Properties of GS Stonehouse Green Land Sub, LLC" made by LandMark Design Group and dated 08-21-08, which plat is recorded in the Clerk's Office as Instrument No. 0800272427.

LESS AND EXCEPT those certain pieces or parcels of land shown as 'RIVERFRONT PRESERVE" and "STONEHOUSE PRESERVE" on that certain exhibit entitled "EXHIBIT SHOWING THE PROPOSED LOCATION OF SUBDIVISION OF THE RIVERFRONT

PRESERVE & STONEHOUSE PRESERVE JAMES CITY COUNTY VIRGINIA" dated 10/08/2019 made by LandTech Resources, Inc., a copy of which is attached hereto as Exhibit B and made a part hereof.

Part of Tract 2:

Tax Parcel No. 0630100006:

That certain tract or parcel of land located in James City County, Virginia shown and designated as "Tract Four 38.74+/- AC." on that plat entitled "Boundary Line Adjustment of the Properties of GS Stonehouse Green Land Sub, LLC" made by LandMark Design Group and dated 08-21-08, which plat is recorded in the Clerk's Office as Instrument No. 080027247.

Part of Tract 10A and Tract 10B

Tax Parcel No. 0540100002:

"LAGRANGE" Tract, containing 203.29 acres, more or less, being Parcels A, B and D on a plat of survey made by John B. Vance, Jr., C.L.S., dated February 5, 1972, recorded in Plat Book 29, page 40. Being the same land conveyed to the Chesapeake Corporation of Virginia by Littleberry James Haley, Jr. et al., by deed dated March 30, 1981, recorded in Deed Book 212, Page 411.

LESS AND EXCEPT all lands lying north of the southerly boundary line of "Fieldstone Parkway" shown on that certain plat entitled "SUBDIVISION PLAT SHOWING STONEHOUSE GLEN SECTION 1 & 2 AND RIGHT OF WAY OF FIELDSTONE PARKWAY BEING A SUBDIVISION OF THE PROPERTY OF FIELDSTONE INVESTMENT, LLC AND STONEHOUSE GLEN, LLC" dated May 31, 2006, prepared by LandMark Design Group, recorded in the Clerk's Office for the City of Williamsburg and the County of James City as Instrument Number 060016179.

OWNER: SCP-JTL STONEHOUSE OWNER 1 LLC

PIN NUMBERS: 0530100010; 0530100020; 0530100025; 0530100023; 0530100024; 0640100001; 1210100047; 1310100008A; and 1310100019

Land Bay 14:

Parcel I:
Tax Parcel ID No. 0530100010:

Section III-C containing 16.0620 acres, all as shown on "Subdivision Plat of Stonehouse Development Area One, Phase I, Section I-B, Section II-A, Section III-C, Being a Subdivision of Properties Owned by Stonehouse Limited Liability Company and Stonehouse Inc.", made by Langley and McDonald, Inc., dated November 19, 1999, last revised December 9, 1999 and recorded in Plat Book 75 at Pages 93-97.

Parcel II: Tax Parcel ID No.: 0530100020:

All that certain piece, parcel or tract of land, situate, lying and being in Stonehouse Magisterial District, James City County, Virginia, and being more particularly shown and described on that certain plat entitled "Composite Plat showing a Portion of Parcel A, Stonehouse Development Company, L.L.C., prepared by G.T. Wilson, Jr. L.S., dated January 14, 2004 and revised March 18, 2004, a copy of which is recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City as Instrument No. 040008576, which plat was recorded with that certain Deed of Bargain and Sale from Stonehouse Development Company, LLC, a Virginia limited liability company, to 2J Investments, LLC, a Virginia limited liability company, dated March 16, 2004 and recorded March 25, 2004 in the aforesaid Clerk's Office as Instrument No. 040008576, and to which plat reference is hereby made for a more particular description of such property.

Land Bay 8:

Parcel I: Tax Parcel ID No.: 0530100025:

That certain property shown as "Parcel R-5", on that certain "Subdivision Plat showing Stonehouse Glen Section 1 and 2 and Right-of-Way of Fieldstone Parkway being a Subdivision of the Property of Fieldstone Investment, LLC and Stonehouse Glen, LLC", dated May 31, 2006, prepared by LandMark Design Group, recorded in the Clerk's Office of the City of Williamsburg and the County of James City as Instrument No. 060016179.

Parcel II: Tax Parcel ID No.: 0530100023:

All that property shown as "Parcel R-4", on that certain plat entitled "Subdivision Plat showing Stonehouse Glen Section 1 and 2 and Right-of-Way of Fieldstone Parkway being a Subdivision of the property of Fieldstone Investment, LLC and Stonehouse Glen, LLC", dated May 31, 2006, prepared by LandMark Design Group, recorded in the Clerk's Office of the City of Williamsburg and the County of James City as Instrument No. 060016179.

Parcel III: Tax Parcel ID No.: 0530100024:

All that certain piece or parcel of land located in James City County, Virginia shown and designated as "BMP #6 1.1797 ac.", on that certain plat entitled "Subdivision Plat showing Stonehouse Glen Sections 1 and 2 and Right-of-Way of Fieldstone Parkway being a Subdivision of the Property of Fieldstone Investment, LLC and Stonehouse Glen, LLC", dated May 31, 2006, prepared by LandMark Design Group, recorded in the Clerk's Office of the City of Williamsburg and the County of James City as Instrument No. 060016179.

Tract 13 & Open Space around Commerce Park:

Tax Parcel ID Nos.: 0640100001 and 1210100047:

"Lagrange" Tract containing (i) 223.89 acres as depicted on that Plat of survey dated August 26, 1988, made by Charles J. Kerns, Jr., L.S., and recorded in Plat Book 50, Page 11, as conveyed to Chesapeake Corporation by Sheldon Lumber Company, Incorporated, dated April 29, 1987 and recorded in Deed Book 393 at Page 285, and (ii) 4.75 acres, depicted as Parcel B on Plat of survey dated March 29, 1984, made by AES, and recorded in Deed Book 246 at Page 313, as conveyed

to Stonehouse Inc. by deed from Howard V. Clayton and Marion P. Clayton, dated January 28, 1992 and recorded in Deed Book 549, Page 59.

Less and Except the following described property:

1. 15.00 acres depicted on "Plat of Section A of Stonehouse Commerce Park at Stonehouse for Stonehouse, Inc." dated October 10, 1995, made by Langley and McDonald, P.C., and recorded in Plat Book 62 at Pages 94-96, as conveyed to Amoco/Enron Solar, by deed dated October 12, 1995 and recorded in Deed Book 758 at Page 721;

2. 11.1906 acres depicted as Parcel A on "Plat of Section A of Stonehouse Commerce Park at Stonehouse for Stonehouse Inc.", dated October 10, 1995, made by Langley and McDonald, P.C., and recorded in Plat Book 62 at Page 94-96, as conveyed to the Industrial Development Authority of James City County, by deed dated September 30, 1996 and recorded in Deed Book 809 at Page 728;

3. 4.600 acres depicted as Stonehouse Commerce Park, Section B, Parcel A on that Plat entitled "Plat of Section B of Stonehouse Commerce Park at Stonehouse for Stonehouse Inc.", made by Langley and Mc Donald, P.C., dated January 23, 1998 and recorded in Plat Book 68 at Pages 60-61, as conveyed to The Barre Company, L.L.C., by deed dated March 3, 1998 and recorded as Document No. 98-4099;

4. 6.245 acres as depicted on "Plat of Boundary Line Adjustment Stonehouse Commerce Park between Avid Realty, L.L.C. and Stonehouse Inc.", dated May 2, 2002, made by AES Consulting Engineers, and recorded in the Clerk's Office aforesaid in Plat Book 87 at Page 89, of which 3.100 acres, depicted as Stonehouse Commerce Park, Section B, Parcel B on that Plat entitled "Plat of Section B of Stonehouse Commerce Park at Stonehouse for Stonehouse Inc.", made by Langley and McDonald, P.C., dated January 23, 1998 and recorded in Plat Book 68 at Pages 60-61, was conveyed to Avid Realty, L.L.C., by deed from Stonehouse Inc., dated June 23, 1998 and recorded as Document No. 98-11721;

5. 74.3712 acres depicted as "Stonehouse Commerce Park, Section C, Parcel A", on the Plat entitled "Plat of Section C of Stonehouse Commerce Park at Stonehouse Commerce Park at Stonehouse Inc.", made by Langley and McDonald, P.C., dated March 22, 1999 and recorded in Plat Book 73 at Page 38-39, as conveyed to Wachovia Capital Investments, Inc., by deed from Stonehouse Inc., dated May 17, 1999 and recorded as Instrument No. 99-11248;

6. 4.1278 acres depicted as "Stonehouse Commerce Park, New Parcel B-1, Section C", on the Plat entitled "Resubdivision Plat of Section C, Parcel B of Stonehouse Commerce Park at Stonehouse Commerce Park at Stonehouse for Stonehouse Inc.", made by Landmark Design Group, dated April 5, 2000 and recorded in Plat Book 77 at Pages 28-29, as conveyed to Friendship Partnership, LLC, by deed from Stonehouse Inc., dated April 6, 2000 and recorded as Instrument No. 00-7666;

7. Parcel A-2B containing 4151 S.F., Parcel A-2A containing 2750 S.F. and Parcel A-1A containing 2050 S.F., all as depicted on "Resubdivison Plat of Section A, Parcel A of Stonehouse Commerce Park at Stonehouse for the Industrial Development Authority of the County of James City, Virginia", made by Landmark Design Group, dated March 17, 2000, last revised June 23, 2000 and recorded in Plat Book 78 at Pages 4-5, and as conveyed to The Industrial Development

Authority of James City County by three deeds from Stonehouse Inc., all dated June 23, 2000, June 23, 2000 and June 23, 2000 and recorded as Instrument Nos. 00-12706, 00-12707 and 00-12708, respectively;

8. All that certain lot, piece or parcel of land with all improvements hereon and appurtenances thereunto belonging, situate, lying and being in the County of James City, Virginia, known and designated as "New Parcel", consisting of 10.3+/- acres, more or less, as shown on that certain Plat entitled "Subdivision of the Property of Stonehouse at Williamsburg, LLC at Stonehouse Commerce Park, Stonehouse District, James City County, Virginia, made by Landmark Design Group, dated October 24, 2003 and revised October 28, 2003 and recorded in the Clerk's Office of the Circuit Court for the County of James City, Virginia, as Instrument No. 030039997, to which reference is here made;

9. All that certain lot, piece or parcel of land with all improvements thereon and appurtenances thereunto belonging, situate, lying and being in the County of James City, Virginia, known and designated as "Parcel A 24,157 S.F. .05689 AC", on that certain Plat entitled "Subdivision Plat of Parcel A & Parcel B Section D, Stonehouse Commerce Park being a portion of the property of Commerce Park at Stonehouse, LLC", made by Landmark Design Group, dated September 26, 2005, attached hereto as Exhibit A-1, and the easement rights to be conveyed therewith as noted on the aforementioned Plat;

10. All that property shown as "New Right-of-Way" on that certain Plat entitled "Plat showing Right-of-Way being the extension of LaGrange parkway and Realignment of a portion of State Route 600", dated July 8, 2002, last revised January 16, 2003, prepared by LandMark Design Group, and recorded in the Clerk's Office for the City of Williamsburg and the County of James City as Instrument No. 030010861;

11. That certain lot or parcel of land located in the Stonehouse District of James City County, Virginia, shown and set out as "Parcel B, 100,898 S.F., 2.3163 AC", on the Plat of Subdivision entitled "Subdivision Plat of Parcel A and Parcel B, Section D, Stonehouse Commerce Park Being a Portion of the Property of Commerce Park at Stonehouse, LLC", prepared by Landmark Design Group, dated February 16, 2006 consisting of three sheets, which Plat of Subdivision is recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City as Instrument No. 060009197;

Tract 9 (Middle School):

Tax Parcel ID No.: 1310100008A:

Parcel I:

All that certain tract or parcel of land situate, lying and being in Stonehouse District, James City County, Virginia, known and designated as "35.0 acres, +/-", on a certain Plat entitled "Survey of 35 Acres +/- , for Conveyance to: Jackie L., Gary M. and Steve L. Massie from: Leon Carr Avery and Maxie G. Avery", made by AES, a professional corporation, dated March 11, 1982, which Plat is recorded in the Clerk's Office, Circuit Court, James City County, Virginia, in Plat Book 37 at Page 24.

Parcel II:

All that certain tract or parcel of land, situate, lying and being in Stonehouse District, James City County, Virginia, known and designated as “7.31 acres”, on Plat entitled “Boundary Survey of 7.31 acres located on the North line of Route 30”, made by AES, a professional corporation, dated December 17, 1984 and described by metes and bounds in that certain deed recorded in the Clerk’s Office aforesaid in Deed Book 262 at Page 455.

Tax Parcel ID No.: 1310100019:

All that certain tract of land lying in Stonehouse District, James City County, Virginia, containing 48.21 acres, more or less, and being in the residue of the “Tankard” Tract, known among the tax records for said county as Tax Map 13-1 (1-19). Reference is made to that Plat of survey recorded in the Clerk’s Office, Circuit Court, James City County, Virginia, in Plat Book 50 at Page 14, and Deed recorded in Deed Book 420 at Page 712, that Plat recorded in Plat Book 88 at Pages 43-44, and that Deed recorded as Instrument No. 020027159.

OWNER: STONEHOUSE OWNERS FOUNDATION

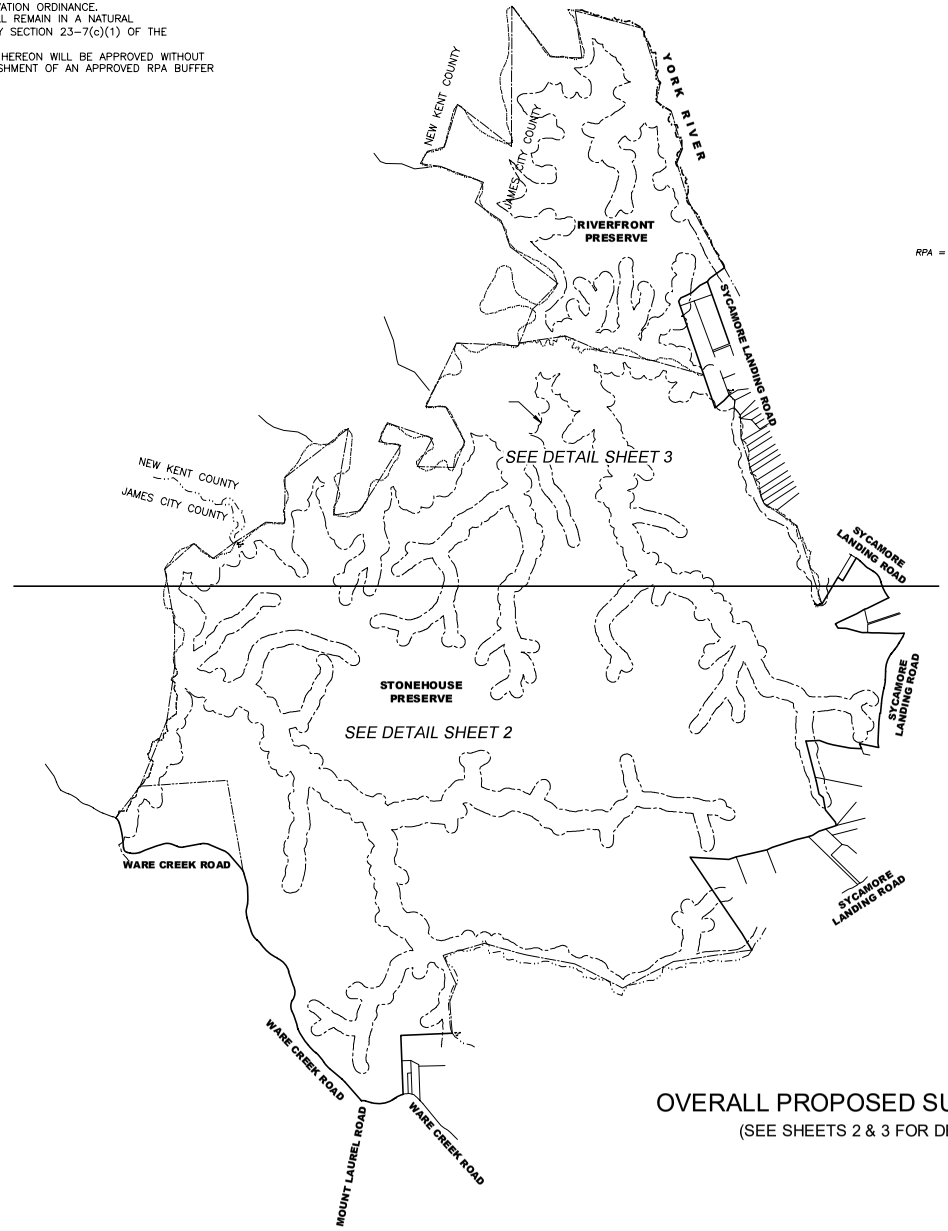
Tax Parcel ID #0540100017

All that certain lot or parcel of land conveyed to Stonehouse Owners Foundation in Instrument No. 140015279 and shown as “New Parcel, Amenity H, 461,136 S.F./10.586 Acres” on plat recorded as Instrument No. 090021691.

EXHIBIT "B"

NOTES:

1. THIS EXHIBIT WAS COMPILED FROM PLATS OF RECORD AND DOES NOT REPRESENT A CURRENT FIELD SURVEY OF THE PROPERTY SHOWN HEREON.
2. THIS PROPERTY LIES WITHIN A RESOURCE PROTECTION AREA AND A RESOURCE MANAGEMENT AREA AND IS SUBJECT TO JAMES CITY COUNTY'S CHESAPEAKE BAY PRESERVATION ORDINANCE.
3. WETLANDS AND LANDS WITHIN RESOURCE PROTECTION AREAS SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT FOR THOSE ACTIVITIES PERMITTED BY SECTION 23-7(c)(1) OF THE JAMES CITY COUNTY CODE.
4. NO SUBDIVISION AND/OR DEVELOPMENT OF THE PARCELS SHOWN HEREON WILL BE APPROVED WITHOUT THE REQUIRED WETLAND DELINEATION AND MAPPING AND ESTABLISHMENT OF AN APPROVED RPA BUFFER PER COUNTY CODE SECTION 23-7(C).



RECORD MERIDIAN
INST. #080027247

RPA = APPROXIMATE LIMIT OF RESOURCE PROTECTION AREA (PER INST. #080027247)

OVERALL PROPOSED SUBDIVISION

(SEE SHEETS 2 & 3 FOR DETAIL)

1000' 0' 1000' 1000'

SCALE: 1"=1000'

EXHIBIT

SHOWING THE PROPOSED LOCATION OF SUBDIVISION OF THE

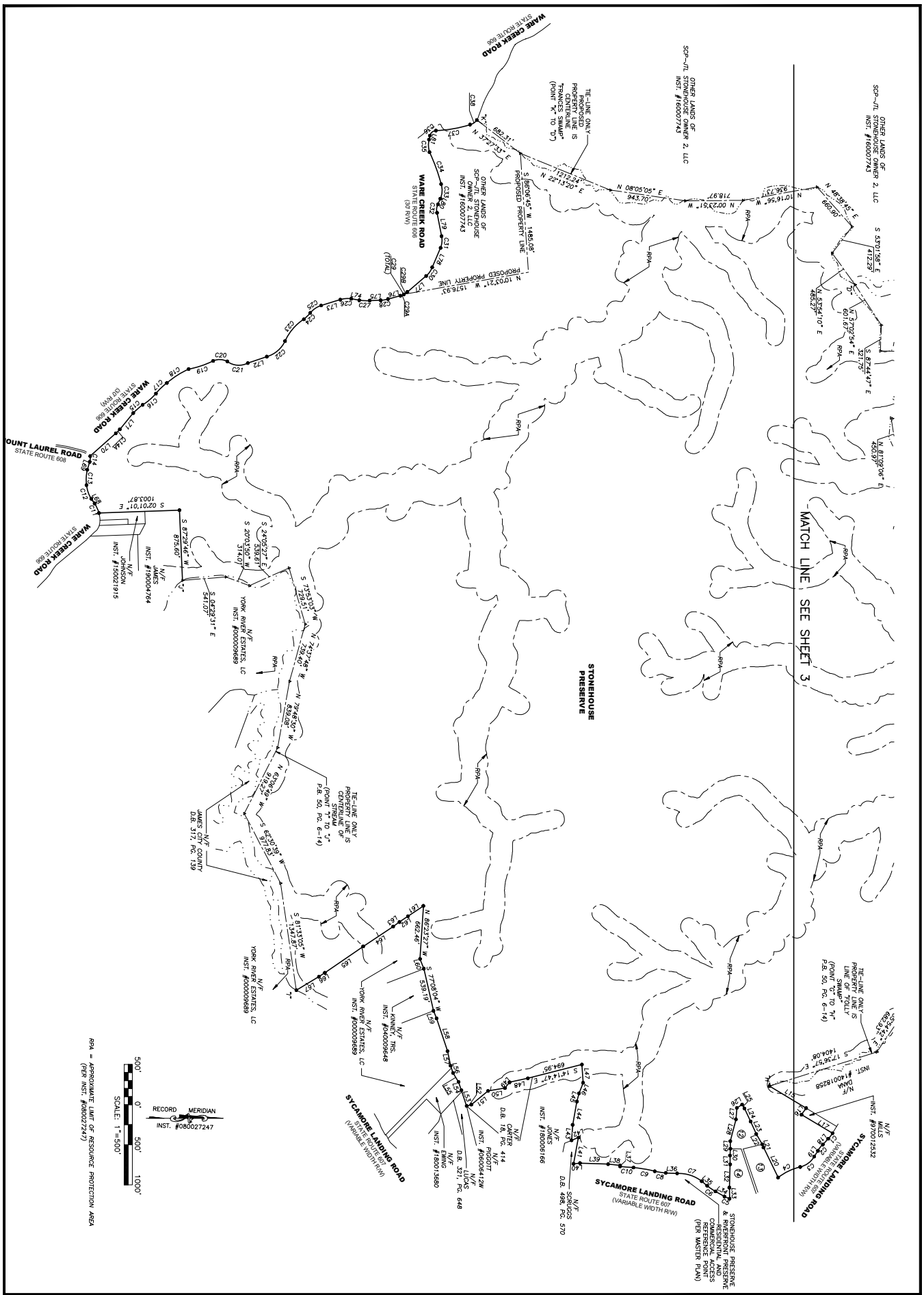
RIVERFRONT PRESERVE & STONEHOUSE PRESERVE

JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE

LRI LANDTECH RESOURCES, INC.
ENGINEERING & SURVEYING CONSULTANTS
3925 Midlands Road Williamsburg, VA 23188
Ph: (757) 565-1677 Fax: (757) 565-0792
www.landtechresources.com

SCALE: 1"=1000'
DATE: 10/08/2019
JOB: 17-378
DRAWN BY: LRI
SHEET: 1 OF 3



SCALE:	1"=1000'
DATE:	10/08/2019
JOB:	17-378
DRAWN BY:	LRI
SHEET:	2 OF 3

LRI LANDTECH RESOURCES, INC.
ENGINEERING & SURVEYING CONSULTANTS
3925 Midlands Road Williamsburg, VA 23188
Ph: (757) 565-1677 Fax: (757) 565-0782
web: landtechresources.com

NO.	DATE	REVISION / COMMENT / NOTE

EXHIBIT

SHOWING THE PROPOSED LOCATION OF SUBDIVISION OF THE

RIVERFRONT PRESERVE & STONEHOUSE PRESERVE

JAMES CITY COUNTY VIRGINIA

EXISTING LINE TABLE

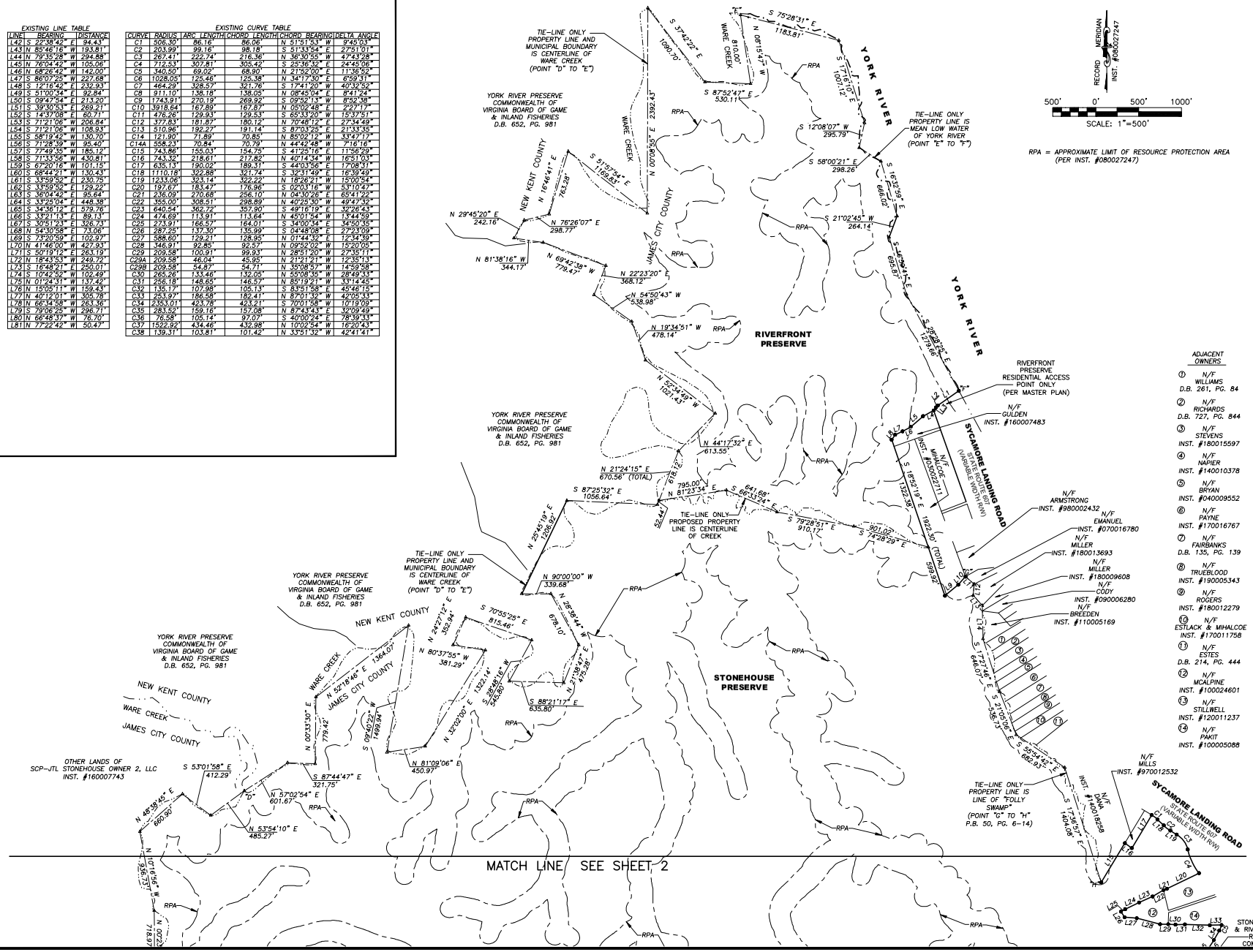
LINE	BEARING	DISTANCE
L1	S 54°57'16" W	299.17'
L2	S 44°57'23" W	31.56'
L3	S 36°14'58" W	44.23'
L4	S 62°00'42" W	140.68'
L5	S 48°54'19" W	190.07'
L6	S 61°25'14" W	107.51'
L7	S 65°32'57" W	95.33'
L8	S 35°25'06" W	71.47'
L9	N 50°17'26" E	201.10'
L10	N 41°47'26" E	127.00'
L11	S 48°50'29" E	133.05'
L12	S 04°35'34" W	130.27'
L13	S 40°48'57" E	159.83'
L14	S 01°30'16" E	387.55'
L15	N 30°57'54" E	533.46'
L16	S 54°18'43" E	99.52'
L17	N 30°58'07" E	450.80'
L18	S 47°19'06" E	99.31'
L19	S 57°08'01" E	87.40'
L20	S 64°03'25" W	416.27'
L21	S 69°24'34" W	42.32'
L22	S 59°30'15" W	147.79'
L23	S 65°53'43" W	172.02'
L24	S 64°27'32" W	180.33'
L25	S 59°51'10" W	56.51'
L26	S 30°48'47" E	78.30'
L27	S 85°27'09" E	142.49'
L28	S 75°32'08" E	280.67'
L29	N 89°34'14" E	94.51'
L30	S 86°50'13" E	85.02'
L31	N 88°51'30" E	109.46'
L32	S 87°59'01" E	290.30'
L33	N 88°48'33" E	136.85'
L34	S 29°47'52" W	129.10'
L35	S 39°42'50" W	87.40'
L36	S 02°12'36" W	141.99'
L37	N 88°27'44" W	11.04'
L38	S 06°13'16" W	149.83'
L39	S 02°13'16" W	350.71'
L40	S 06°19'44" E	81.87'
L41	N 79°12'44" W	334.44'

EXISTING LINE TABLE

LINE	BEARING	DISTANCE
L42	S 22°38'42" E	94.43'
L43	N 88°46'16" W	193.81'
L44	N 79°35'28" W	294.88'
L45	N 76°04'42" W	105.06'
L46	N 68°26'42" W	142.00'
L47	S 86°07'25" W	227.68'
L48	S 12°16'42" E	232.93'
L49	S 51°00'34" E	92.84'
L50	S 09°47'54" E	213.20'
L51	S 39°30'53" E	269.21'
L52	S 14°37'08" E	60.71'
L53	S 71°21'08" W	206.84'
L54	S 71°21'06" W	108.93'
L55	S 58°19'42" W	130.70'
L56	S 71°28'39" W	95.40'
L57	S 77°49'35" W	185.12'
L58	S 71°33'56" W	430.81'
L59	S 67°20'16" W	101.15'
L60	S 68°44'21" W	130.43'
L61	S 33°59'52" E	230.75'
L62	S 33°59'52" E	129.22'
L63	S 36°04'42" E	95.64'
L64	S 33°22'04" E	448.38'
L65	S 34°36'12" E	579.76'
L66	S 33°21'13" E	89.13'
L67	S 30°51'23" E	326.73'
L68	N 54°30'58" E	73.06'
L69	S 73°20'59" E	102.97'
L70	N 41°48'00" W	427.93'
L71	S 50°19'12" E	263.19'
L72	N 18°43'53" W	249.72'
L73	S 16°48'21" E	250.01'
L74	S 10°42'52" W	102.49'
L75	N 01°24'31" W	137.42'
L76	N 15°05'11" W	159.43'
L77	N 40°12'01" W	305.78'
L78	N 66°34'58" W	263.36'
L79	S 79°06'25" W	296.71'
L80	N 66°48'37" W	76.70'
L81	N 77°22'42" W	50.47'

EXISTING CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	506.30'	86.16'	86.06'	N 51°51'53" W	9°45'03"
C2	203.99'	99.16'	98.18'	S 51°33'54" E	27°51'01"
C3	267.41'	222.74'	216.36'	N 36°30'55" W	47°43'28"
C4	712.53'	307.81'	305.42'	S 25°36'52" E	24°45'06"
C5	340.50'	69.02'	68.90'	N 21°52'06" E	11°36'52"
C6	1028.05'	125.46'	125.38'	N 34°17'30" E	6°59'31"
C7	464.29'	328.57'	321.76'	S 17°41'20" W	40°32'52"
C8	911.10'	138.18'	138.05'	N 08°45'04" E	8°41'24"
C9	1743.91'	270.19'	269.92'	S 09°52'13" W	8°52'38"
C10	3918.64'	167.89'	167.87'	N 05°02'48" E	2°27'17"
C11	476.26'	129.93'	129.53'	S 65°33'20" W	15°37'51"
C12	377.83'	181.87'	180.12'	N 70°48'12" E	27°34'49"
C13	510.96'	192.27'	191.14'	S 87°03'25" E	21°33'35"
C14	121.90'	71.89'	70.85'	N 85°02'12" W	33°47'17"
C14A	558.23'	70.84	70.79'	N 44°42'48" W	7°16'16"
C15	743.86'	155.03'	154.75'	S 41°29'16" E	11°56'29"
C16	743.32'	218.61'	217.82'	N 40°14'34" W	16°51'03"
C17	635.13'	190.02'	189.31'	S 44°03'56" E	17°08'31"
C18	1110.18'	322.88'	321.74'	S 32°31'49" E	16°39'49"
C19	1233.06'	323.14'	322.22'	N 18°26'21" W	15°00'54"
C20	197.67'	183.47'	176.96'	S 02°03'16" W	53°10'47"
C21	235.09'	270.68'	256.10'	N 04°30'26" E	65°41'25"
C22	355.00'	308.51'	298.89'	N 40°23'30" W	49°47'32"
C23	640.54'	362.72'	357.90'	S 49°16'19" E	32°26'43"
C24	474.69'	113.91'	113.64'	N 45°01'54" W	13°44'59"
C25	273.91'	166.57'	164.01'	S 34°00'54" E	34°50'35"
C26	287.25'	137.30'	135.99'	S 04°48'08" E	27°23'09"
C27	588.60'	129.21'	128.95'	N 01°44'32" E	12°34'39"
C28	346.91'	92.85	92.57'	N 09°52'05" W	15°20'05"
C29	209.58'	100.91'	99.93'	N 28°51'20" W	27°35'11"
C29A	209.58'	46.04'	45.95'	N 21°21'21" W	12°35'13"
C29B	209.58'	54.87'	54.71'	N 35°08'57" W	14°59'58"
C30	265.26'	133.46'	132.05'	N 53°08'35" W	28°49'33"
C31	256.18'	148.65'	146.57'	N 85°19'21" W	33°14'45"
C32	135.17'	107.98'	105.13'	S 8°51'58" E	45°46'15"
C33	253.97'	186.58'	182.41'	N 87°01'39" W	42°08'14"
C34	2353.01'	423.78'	423.21'	S 70°01'58" W	10°19'09"
C35	283.52'	159.16'	157.08'	N 87°43'43" E	32°09'49"
C36	76.58'	105.14'	97.07'	S 40°00'24" E	78°39'33"
C37	1522.92'	434.46'	432.98'	N 10°02'54" W	16°20'43"
C38	139.31'	103.81'	101.42'	N 33°51'32" W	42°41'41"



EXHIBIT

SHOWING THE PROPOSED LOCATION OF SUBDIVISION OF THE

RIVERFRONT PRESERVE & STONEHOUSE PRESERVE

JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE

LRI LANDTECH RESOURCES, INC.
ENGINEERING & SURVEYING CONSULTANTS
3925 Midlands Road Williamsburg, VA 23188
Ph: (757) 565-1677 Fax: (757) 565-0782
www.landtechresources.com

SCALE: 1"=1000'
DATE: 10/08/2019
JOB: 17-378
DRAWN BY: LRI
SHEET: 3 OF 3

Stonehouse Non-Traffic Proffer Comparison (2007 versus 2019)

Non-Traffic Proffers	
School/public use sites	
2007	2019

• 179-acre public school site on Six Mount Zion Road
• 10-acre area in Tract 9 for public uses
• Four illuminated softball fields at school site
• Eight tennis courts at school site
• $2,000 per unit cash contribution toward schools
	• 88.73-acre public school site on Rochambeau Road (included conceptual grading plan and completion of site grading)
	  o Alternative $837,200 cash contribution if conceptual grading plan cannot be reached
	• Public Trail (maintained by Association), consisting of:
	  o 10,000 linear feet multi-use/shoulder bike lane along Six Mount Zion Road
	  o 8,000 linear feet multi-use along Ware Creek Road
	  o 6,000 linear feet multi-use along Mt. Laurel Road
	• Cash Contributions for Community Impact
	  o $2,571.27 for each residential dwelling unit for school uses
	  o $1,254.94 for each residential dwelling unit for affordable housing
	  o $0.14 per gallon per day per average daily sanity sewage flow for non-residential units to Lift Station 9-5
	  o $0.31 per gallon per day per average daily sanitary sewage flow for non-residential building to Lift Station 9-7
	  o $800,000 one-time contribution for expanding school capacity

Recreational sites	

• 75.88 acres
• Major amenity center with 18,000 square foot building, indoor basketball court, junior Olympic pool, kid's fun pool, 2 softball fields, 2 soccer fields, toddler and older kids playground, 2 sand volleyball courts (just constructed at Amberly, Cary, NC neighborhood). Amenity building will achieve LEED certification under U.S. Green Building Council's certification program.
• 2 canoe launches on Ware Creek
• 4 pocket parks with benches
• 11 playgrounds/pocket parks throughout neighborhoods, 5 play apparatuses each for both toddlers and older children
• Gazebo
• Community garden
	• Tract 3 Amenity (H)
	  o 1 multipurpose court along with existing community building, swimming pool and playground.
	• Ware Creek Road Amenity (A)
	  o Single or multiple community facilities totaling approximately 8 acres to include 3,000 sf of buildings, one swimming pool, one multi-purpose grass field and one multi-purpose court.
	• Tract 11 Amenity (B)
	  o 8 acre community facility with a pavilion, outdoor fitness equipment, and multi-purpose grass field
	• Tract 10B Amenity (C)
	  o 17 acre multi-use outdoor recreation facility known as Tract

• 2 unstructured play areas, $30,000 each
• Recreation center and pool in Tract 3, including 3,000 square foot building, 4,500 square foot pool, 20' x 20' wading pool, 30,000 square foot open lawn
	10B Preservation Square
	• At least 3 playgrounds
	• Land Bay 5 Amenity (K)
	  o 2 acre groomed passive open space
	• Trail System
	  o Minimum of 16,000 linear feet of soft-surface trails within Tracts 11A, 11B, and S

Archeology	
• 15.87 acres in 2 sites • Benches, markers, walkways at each site	• Interpretive kiosk in 10B
Marina	
• 24.72 acres • Two boat slips for use by U.S. Coast Guard and/or County Fire or Police departments	• Not included
Vehicle storage	
• Three acre boat/RV storage for Stonehouse residents in Tract 9 • Boat/RV storage for Stonehouse residents in Land Bay 5	• Not included
Pedestrian paths	
• Multi-use paths, approximately 15 miles along Six Mount Zion Road, Mt. Laurel Road, new parkway over I-64 and north to marina, and along Ware Creek Road within Stonehouse @ $32/linear foot • Soft surface pedestrian paths, approximately 6 miles along Ware Creek and connecting neighborhoods to amenity areas @ $19/linear foot	• Captured in Public Trails (above)
Affordable/Work Force Housing	
• $1,000 per unit • Minimum 125 residences at "workforce" housing price of $250,000 average	• 85 units for sale at or below $313,735.50 subject to adjustments • $1,254.94 for each residential dwelling unit for affordable housing (as described above)
Water Conservation	
• Installation of gray water/ re-use lines for irrigation • 15 miles of 6" line @ $31/linear foot • 15 miles of 4" lines @ $26/linear foot	• Responsible for developing water conservation standards • If Owner desires outdoor watering of common areas, it shall use reclaimed water system (it shall not use JCSA water or well water for irrigation purposes)

RPA Conservation	
• Owner shall grant a conservation easement to the Williamsburg Land Conservancy or other County-approved land conservation organization over all portions of the property over which the Owner has granted a natural open space easement to the County for Chesapeake Bay Preservation Ordinance purposes. • 25' setback from the defined RPA buffer will be established so that no building will be erected within 25' of the RPA	• 25' setback from the defined RPA buffer will be established so that no building will be erected within 25' of the RPA
Nutrient Management Plan	
• As described in the proffers	• As described in the proffers
Special Stormwater Criteria	
• As described in proffers, including a stormwater management inventory	• As described in the proffers
Stream Monitoring	
• One-time cash contribution of $16,240 for use by the County to purchase monitoring equipment and establish monitoring stations for County's water quality monitoring program • Annual payment of $4,840 for nine years for on-going maintenance and sampling	• Owner shall cooperate with the Environmental and Stormwater Divisions in establishing three water quality monitoring stations on the Property
Conceptual Review	
• Prior to submission of a development plan for all or any portion of a Tract, Owner shall submit a conceptual development plan for the development of the entire Tract to the Director of Planning for review and comment by the Director of Planning and the Development Review Committee	• No change
LID educational center	
• Proffer includes features such as various types of pervious pavement parking spaces, terraced roof garden, rain barrels, rain gardens, parking lot island stormwater features, all at an educational kiosk at the main amenity center. Additionally, a cistern for irrigation at the main amenity center will be provided.	• Interpretive kiosk in Tract 10B

Economic Development	
• Within 12 months of the approval of the rezoning request, design plans for the realignment of Mt. Laurel Road from its intersection with Six Mount Zion Road to its intersection with the bridge road, along with the water and sewer lines necessary for serving Tracts 11A and 11B, will be submitted. Such improvements shall be constructed within 18 months of approval of such design plans. • Owner shall provide County's Office of Economic Development, any state or regional economic development agency or any prospective user with marketing information for properties listed as E, F, G, or H, on the Master Plan. • Limit of 70,000 square feet of retail development and limit of 7,500 square feet per individual retail user in Tracts 10B and 11A. If mixed use buildings are permitted, no more than 10% of any building in those tracts will be retail uses.	• No non-residential development in Tract 10 consisting of "strip shopping centers" along Fieldstone Parkway, Six Mount Zion Road, or Mount Laurel Road • Design review guidelines for each Tract to the Planning Director. Owner shall establish one or more Design Review Boards to review all building plans and elevations for conformity.

Stonehouse Transportation Proffer Amendment Comparison 2007 VS 2015 VS 2019

Initial Improvements 2007 Proffers	Phase 1 Transportation Improvements 2015 Amendment	Phase 1 Transportation Improvements Currently Proposed (2019)
2007 (before 947 PM peak hour trips)	Proffered Phase 1 Transportation Improvements per Section 3.2 of 2015 Zoning Amendment	Proffered Phase 1 Transportation Improvements per Section 3.1 of 2015 Zoning Amendment
Installation of 4-lane Roadway Bridge connecting site and Route 30, including intersection improvements at Route 30	3.2(a)(b) Install signal at Route 30 and Fieldstone Parkway and modify pavement markings to add 2nd SB left-turn lane to Fieldstone Parkway at Route 30.	3.1(a)(b) Install signal at Route 30 and Fieldstone Parkway and modify pavement markings to add 2nd SB left-turn lane to Fieldstone Parkway at Route 30.
Widening of Route 30 from Bridge Connector Road to Route 607 (including bike lanes or separate bike facility)		
At intersection of Routes 30 and 607, add dual left-turn lanes and a channelized right-turn lane	3.2(c) Install Signal at Route 30 and WB I-64 ramp (Exit 227).	3.1(c) Install left turn lane on NB Mount Zion Road at the southern entrance of Parcel B and the entrance of Parcel C in Tract 2.
Install Signal at Route 30 and Fieldstone Parkway, if Warranted	3.2(d)(e)(f) Install signal at relocated State Route 30 and LaGrange Parkway, install a second southbound left turn lane on Route 30 at the intersection with La Grange Parkway, and install a second southbound right turn lane on La Grange Pkwy at the intersection with Route 30	3.1(d) Install Signal at Route 30 and WB I-64 ramp (Exit 227).
Install Signal at Route 30 and WB I-64 ramp (Exit 227), if warranted		3.1(e) Install signal at relocated State Route 30 and LaGrange Parkway

Initial Improvements	Phase 2 Transportation Improvements	Phase 2 Transportation Improvements
2007 Proffers	**2015 Amendment**	**Currently Proposed (2019)**
2007 (before 947 PM peak hour trips)	Proffered Phase 2 Transportation Improvements per Section 3.3 of 2015 Zoning Amendment	Proffered Phase 2 Transportation Improvements per Section 3.2 of 2019 Zoning Amendment
Install signal at relocated Route 600 (Route 1045) and Route 30, if warranted	3.3(a) Modify he pavement markings on southbound La Grange Pkwy to add a second left turn lane to southbound La Grange Pkwy approach to VA Route 30 after installation of traffic signal in 3.2(f).	3.2(a)(b)(c) Install Signal at Six Mount Zion Road and Fieldstone Parkway, install eastbound right turn lane, and install northbound left turn lane. Proffer 3.7(b) allows for a roundabout as alternate mitigation.
	3.2(b) Add a second left turn lane to the westbound State Route 30 approach to the westbound I-64 on-ramp at exit 227 and widen the westbound I-64 on-ramp to two lanes after installation of traffic signal in 3.2c	3.2(d)(e)(f)(g) Install Signal at Six Mount Zion Road and Mount Laurel Road, install westbound right turn lane, install northbound right turn lane, and southbound left turn lane. Proffer 3.7(c) allows for a roundabout as alternate mitigation.
	3.3C Add a second southbound left turn lane on the I-64 westbound off-ramp at Route 30 after completion of the traffic signal proffered in 3.2C	3.2(l)(i) Modify the pavement markings on southbound La Grange Pkwy to add a second left turn lane to southbound La Grange Pkwy approach to VA Route 30 after installation of traffic signal in 3.1(e).
Update traffic counts/traffic study every year	Update traffic counts every year	3.2(l)(ii) Add a second left turn lane to the southbound State Route 30 approach to the La Grange Parkway intersection after installation of traffic signal in 3.1e
		3.2(h)(i) Add a second left turn lane to the westbound State Route 30 approach to the westbound I-64 on-ramp at exit 227 and widen the westbound I-64 on-ramp to two lanes after installation of traffic signal in 3.1d
		3.2(h)(ii) Add a second southbound left turn lane on the I-64 westbound off-ramp at Route 30 after completion of the traffic signal proffered in 3.2C
		~~Update traffic counts every year~~ (NO LONGER NEEDED)

Level 1 Improvements	Phase #3, 4 Development	Phase #3, 4 Development
2007 Proffers	**2015 Amendment**	**Currently Proposed (2019)**
2007 (by 2,135 PM peak hour trips)	**Imrovements will be implemented as determined by an updated traffic study as allowed in the proffers**	**NA**
Modify pavement markings to add 2nd SB left-turn lane to Fieldstone Parkway at Route 30	Installation of 4-lane Roadway Bridge connecting site and Route 30, including intersection improvements at Route 30	
Add 2nd left-turn lane to WB I-64 off-ramp at Route 30; add 2nd left-turn lane to NB Route 30 onto WB I-64 on-ramp; widen WB I-64 on-ramp to 2 lanes	Widening of Route 30 from Bridge Connector Road to Route 607 (including bike lanes or separate bike facility)	
Install dual left-turn lanes on SB Route 607 at intersection with US 60	At intersection of Routes 30 and 607, add dual left-turn lanes and a channelized right-turn lane	
Install 2nd left-turn lane and separate right-turn lane on NB Route 607 at Route 30 intersection	Install dual left-turn lanes on SB Route 607 at intersection with US 60	
Add a left and right turn lane and second through lanes to westbound State Route 755 (Rochambeau Dr) approach to Route 607 (Croaker Rd) (3.3(e))	Add a left and right turn lane and second through lanes to westbound State Route 755 (Rochambeau Dr) approach to Route 607 (Croaker Rd)	
Update traffic counts/traffic study every year	Update traffic counts/traffic study every year	

Level 2 Improvements	Phase #3, 4 Development	Phase #3, 4 Development
2007 Proffers	**2015 Amendment**	**Currently Proposed (2019)**
2007 (by 2,793 PM peak hour trips)	**Improvements will be implemented as determined by an updated traffic study as allowed in the proffers**	**NA**
Add 2nd EB left-turn lane on Route 30 at Bridge Road	Install 2nd left-turn lane and separate right-turn lane on NB Route 607 at Route 30 intersection	
Add 2nd left-turn lane to SB Route 1045 (relocated Route 600) at Route 30	Add 2nd EB left-turn lane on Route 30 at Bridge Road	
Extend the on-ramp from NB Route 607 onto EB I-64 by 200 feet	Extend the on-ramp from NB Route 607 onto EB I-64 by 200 feet	
Update traffic counts/traffic study every year **including an updated traffic study**	Update traffic counts/traffic study every year	

JCC TAX PARCEL ID #: a portion of 0630100005
CONSIDERATION: $1.00

THIS DEED IS EXEMPT FROM TAXATION UNDER VIRGINIA CODE
§§ 58.1-811 (A)(3)

DEED OF EASEMENT
STONEHOUSE PRESERVE

THIS DEED OF EASEMENT ("Easement") is made this _____ day of _____, 2019, by and between **SCP-JTL STONEHOUSE OWNER 2 LLC**, a Delaware limited liability company ("Grantor"), and the **COUNTY OF JAMES CITY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, (the "County" or "Grantee" and, together with Grantor, the "Parties").

WITNESSETH:

WHEREAS, Grantor is the owner in fee simple of real property located in James City County, Virginia and described in **Exhibit A** attached hereto and incorporated herein by reference which property is shown as the "Stonehouse Preserve" as more particularly shown on **Exhibit B** attached hereto and incorporated herein by reference (the "Property") ;

WHEREAS, Grantor desires to ensure that development of the Property, under certain conditions, be limited as more particularly described herein and have the Property be subject to the terms, limitations, and obligations of this Easement in perpetuity; and

WHEREAS, Grantor has voluntarily agreed to subject the Property to the terms of this Easement.

NOW, THEREFORE, in consideration of the recitals and the mutual benefits, covenants, and terms herein contained, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants, conveys, covenants, and agrees as follows:

1. FUTURE USES. No use shall be established on the Property except as approved herein.

(a) *Uses permitted.* All uses that are (i) permitted under the Agricultural, A-1 zoning district, as amended; or (ii) specially permitted under the Agricultural, A-1 zoning district, as amended, upon the issuance of a special use permit; and, in either case, consistent with this Easement (individually a "Permitted Use" and collectively, "Permitted Uses").

(b) *Other permitted uses.* Grantor may petition the Grantee for approval of a new or additional use of the Property other than a Permitted Use, provided the proposed use is: (i) not expressly prohibited by this Easement; (ii) consistent with the conservation purposes of this

Easement; and (iii) otherwise permitted on the Property by the County Code . The Grantee's prior written approval pursuant to this section shall be in addition to any use permit, special exception, variance, and/or rezoning that may be required by the County Code.

2. FUTURE BUILDINGS, STRUCTURES AND IMPROVEMENTS. There shall be no construction, placement, or maintenance of any buildings, structures, or other improvements on the Property unless the building, structure, or improvement is authorized as follows:

(a) *Residential Dwellings.* Grantor may construct up to fifteen (15) residential dwellings on the Property. For each dwelling on the Property, Grantor may construct an accessory apartment, subject to the applicable requirements of the County Code, which shall not be deemed a dwelling for the purposes of the limitation prescribed herein.

(b) *Buildings, structures and improvements.* Grantor may construct non-commercial buildings, structures, and improvements on the Property, provided they are otherwise consistent with this Easement. Subject to applicable requirements of the County Code, the permitted buildings, structures, and improvements may include, without limitation, garages, barns, stables, equestrian facilities, storage sheds, driveways, access roads, trails, docks, boat houses, duck blinds, piers, bulk heads, revetments, drainage facilities, and other similar improvements and facilities.

(c) *Commercial structures.*

(1) *Buildings, structures and improvements.* Grantor may construct buildings, structures, and improvements for a Permitted Use conducted on the Property, provided they are otherwise consistent with this Easement. Subject to applicable requirements of the County Code, the permitted buildings, structures, and improvements may include, without limitation, lodges, club houses, stables, equestrian facilities, winery facilities, driveways, access roads, trails, docks, boat houses, duck blinds, piers, bulk heads, revetments, drainage facilities, and other improvements and facilities incidental to a Permitted Use.

(2) *Structure size.* The maximum square footage of the aggregate of all commercial buildings on the Property shall not exceed 130,000 square feet without the prior written consent of the Grantee.

(3) *Deed allocation.* The 130,000 square feet of commercial building area permitted on the Property shall be allocated by Grantor by deed at the time of conveyance of any portion of the Property to a successor in title. At such time, Grantor shall provide a copy of each such deed to the County Director of Planning.

3. ACCESS TO AND FROM PUBLIC RIGHT OF WAY. Access to and from the Property and public rights of way shall be restricted from being on that stretch of Sycamore Landing Road west of the location shown on Exhibit B as the "Stonehouse Preserve & Riverfront Preserve

Residential and Commercial Access Reference Point" but, without limitation, shall be permitted on the other portions of Sycamore Landing Road, Croaker Road, and Ware Creek Road.

4. GRADING, EXCAVATION, EARTH REMOVAL, BLASTING, AND MINING.

(a) Grading, excavation, plowing, ditching, erosion control, restoration, and other land disturbance activities are allowed, but shall not materially alter the topography of the Property. Such activities may include, without limitation, (i) dam construction to create private ponds, (ii) restoration, enhancement, or development of wetlands, streams, or other ecosystem functions on the Property including, without limitation, stream bank restoration, wetland and stream mitigation, biological carbon sequestration, and biodiversity mitigation, (iii) construction of permitted structures or improvements associated with Permitted Uses, and (iv) installation of horse and walking trails and farm roads. Earth removal is prohibited, except for activities incidental to Permitted Uses. Blasting is prohibited. The exploration for, or development and extraction of minerals and hydrocarbons by mining or any other method is prohibited. Notwithstanding any other provision of this Easement, earth removal from the Property and the stockpile of materials on the Property shall be permitted in connection with the development of the adjacent Stonehouse Planned Unit Development, subject to applicable requirements of the County Code.

(b) Prior to any land disturbance within fifty (50) feet of any archaeological site located on the Property as identified in the Virginia Cultural Resource Information System maintained by the Virginia Department of Historic Resources and that can be avoided by the development of the Property, such site will be clearly marked on site plans or subdivision plans ("development plans") and the site boundaries will be cordoned-off in the field with orange snow fencing. If such sites are not intended to be avoided by the development, then a Phase II evaluation will be completed on the site prior to any land disturbance activity in the site area. The Phase II evaluation will be submitted to the County Planning Director for review and approval. At the conclusion of the Phase II evaluation, if a site is determined not eligible for listing on the National Register of Historic Places, then development may occur in the site area. If the determination is made that the site is eligible for listing on the National Register of Historic Places, then the following mitigation options are available:

(1) Avoidance. The site may be avoided by the development and clearly marked on project development plans. In addition, if land clearing or construction activities take place near the site area, then the site boundaries will be cordoned-off in the field with orange snow fencing prior to land disturbing in the area.

(2) *Partial Avoidance/Data Recovery*. The site may be partially avoided and partially impacted. In this case, data recovery will be limited to the site area to be impacted. The portion of the site area to be avoided will be clearly marked on project development plans. In addition, if land clearing or construction activities take place near the site area, then the remaining site boundaries will be cordoned-off in the field with orange snow fencing prior to land disturbing in the area. A treatment plan for the portion of the site area to be impacted will be completed and submitted to the County Planning Director for review and approval.

(3) *Data Recovery*. If the site cannot be avoided, then a treatment plan will be completed and submitted to the County Planning Director for review and approval.

(c) Grantor shall preserve the site of the foundations of the "Stone House" located within the Property and specifically identified by the Virginia Department of Historic Resources as "Stone House (44JC77)" with identification number 047-0036.

All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the project development plans and the clearing, grading or construction activities thereon.

5. MANAGEMENT OF RESOURCES.

(a). *Silviculture*. All silvicultural activities on the Property shall be conducted in accordance with or pursuant to a forest stewardship plan or plans (each a "Forestry Plan"). The Forestry Plan shall be prepared by a qualified professional forester. The Forestry Plan shall include recommended Forestry Best Management Practices and other scientifically based recommendations as may be appropriate for protecting the health of the forest, protecting water quality, and providing wildlife habitat. The Forestry Plan shall be professionally updated at least once every five years. Grantor shall provide Grantee or, at Grantee's sole discretion, an experienced individual or organization designated by Grantee (collectively "Grantee's Designee") with a copy of the Forestry Plan, including updates. Grantor shall submit to Grantee or the Grantee's Designee written notice not less than forty-five (45) days prior to the anticipated commencement of any commercial timber harvest. If an aspect of the harvest activities is materially inconsistent with one or more purposes of this Easement, Grantee or the Grantee's Designee shall have the right to require modifications to the harvest activities that will minimize such impacts. Pursuant to and in compliance with the Forestry Plan, Grantor reserves the right to convert forested areas to Permitted Uses.

(b). *Agriculture and aquaculture*. All agricultural and aquacultural activities on the Property shall be conducted in accordance with or pursuant to a stewardship plan (the "A/A Plan"). The A/A Plan shall be prepared by a qualified agricultural or aquacultural professional, as the case may be. The A/A Plan shall include recommended Best Management Practices and other scientifically based recommendations as may be appropriate for protecting the soil and natural resources, and protecting water quality. The A/A Plan shall be professionally updated at least once every five years. Grantor shall provide the Grantee's Designee with a copy of the A/A Plan, including updates. Pursuant to and in compliance with the A/A Plan, Grantor reserves the right to convert agricultural areas to Permitted Uses.

6. OPEN SPACE. The total aggregate acreage of open space (as currently defined in the County Zoning Ordinance) to be preserved on the Property shall be no less than 1,317.66 acres. The 1,317.66 acres of open space shall be allocated by Grantor by deed at the time of conveyance of any portion of the Property to a successor in title. At such time, Grantor shall provide a copy of each such deed to the County Director of Planning.

7. ACCUMULATION OF WASTE MATERIAL. There shall be no accumulation or dumping of trash, refuse, or junk (e.g., old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material) on the Property. This restriction shall not prohibit management practices which are customary to a Permitted Use, including, but not limited to, establishing brush piles, compost piles, manure piles, or the routine and customary short-term accumulation of trash via dumpster.

8. NOTICE AND PERMISSION.

(a). *Notice*. Whenever notice is to be given pursuant to any of the provisions of this Easement, or where a request for permission is required of the Grantee, or for a change of address, such notice or request for permission shall be in writing and shall be deemed to have been given (i) upon delivery by hand, (ii) upon receipt if deposited in the U.S. mail with postage prepaid, for delivery by certified mail, return receipt requested, (iii) upon receipt if delivered by a recognized national courier service for overnight delivery, or (iv) upon receipt by email to:

If to Grantor:
SCP-JTL Stonehouse Owner 2 LLC
4807 W Lover's Lane, Floor 2
Dallas, TX 75209

With a copy to:
Timothy O. Trant II
Kaufman & Canoles
4801 Courthouse Street, Suite 300
Williamsburg, VA 23188
totrant@kaufcan.com

If to County:
County Administrator
101-D Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23185
county.administration@jamescitycountyva.gov

With Copy To:

County Attorney
101-D Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23185
county.attorney@jamescitycountyva.gov

(b). *Grantee Approval.* When approval of the Grantee is sought by the Grantor, the Grantor shall submit such request and any supporting documentation in writing to the Grantee. The request for approval shall be considered by the Board of Supervisors at a public meeting within one hundred (100) days.

9. MISCELLANEOUS PROVISIONS.

(a). *No public right-of-access to Property.* This Easement does not create, and shall not be construed to create, any right of the public to enter upon or to use the Property or any portion thereof, except as Grantor may otherwise allow in a manner consistent with the terms of this Easement.

(b). *Continuation.* The covenants, terms, conditions, and restrictions of this Easement shall apply to the Property as a whole, and shall run with the land and be binding upon the parties, their successors, assigns, personal representatives, and heirs, and be considered a servitude running with the land in perpetuity.

(c). *Enforcement.* In addition to any remedy provided by law or equity to enforce the terms of this Easement, the Parties shall have the following rights and obligations:

(1) *Annual monitoring.* On an annual basis, subject to reasonable prior notice in writing or by email to the Grantor and arrangement of a mutually agreeable time, employees or agents of Grantee may enter the Property for the purpose of monitoring compliance with the terms of this Easement. The Grantor shall not unreasonably withhold, condition or delay permission for entry onto the Property.

(2) *Other inspections.* At any time, if the Grantee has reason to believe that the Grantor, their successors or assigns, are in violation or in breach any of the terms, conditions and restrictions herein contained, upon reasonable prior notice in writing or by email to the Grantor and arrangement of a mutually agreeable time, employees or agents of Grantee may enter the Property for the purpose of inspecting and investigating compliance with the terms of this Easement. The Grantor shall not unreasonably withhold, condition or delay permission for entry onto the Property.

(3) *Administrative enforcement.* If Grantor is in breach of, or submits a plan of development that is inconsistent with, any terms, conditions, and/or restrictions herein contained, Grantee shall not be obligated to approve any plans of development or issue any administrative permits related thereto.

(d). *Action at law inadequate remedy.* The Parties agree that monetary damages would not be an adequate remedy for the breach of any terms, conditions, and/or restrictions herein contained, and therefore, in the event that the Grantor, their successors or assigns, violate or breach any of the terms, conditions, and/or restrictions herein contained, the Grantee, its successors, or assigns, may institute a suit and shall be entitled to enjoin such violation by temporary and/or permanent injunction.

(e). *Restoration.* Upon any breach of the terms of this Easement by Grantor, Grantee may require by written demand to the Grantor that the Property be restored promptly to a condition consistent with the terms of this Easement. Furthermore, after thirty (30) days' prior written notice to the Grantor, the Grantee shall have the right to restore the Property to a condition consistent with the terms of this Easement and assess the cost of such restoration against the owner of the parcel in violation of this Easement. The cost of restoration shall be an automatic lien against the parcel in violation of this Easement; provided, however, that no such lien shall affect the rights of a subsequent bona fide purchaser or lender unless a memorandum of such lien was recorded among the land records prior to such purchase, and such lien shall be subordinate to any deed of trust recorded prior to the recordation of a memorandum of such lien.

(f). *Failure to enforce does not waive right to enforce.* The failure of Grantee to enforce any term of this Easement shall not be deemed a waiver of the right to do so thereafter, nor discharge nor relieve Grantor from complying with any such term.

(g). *Costs of enforcement.* Any reasonable, documented costs and expenses incurred by the Grantee in enforcing the terms of this Easement against the Grantor, including, without limitation, costs of suit and reasonable attorneys' and expert fees shall be borne by the Grantor. Notwithstanding the foregoing, however, if the Grantor substantially prevails in any claim, litigation, or administrative order or ruling, the Grantee shall not be entitled to recover any of its costs or expenses.

(h). *No right of enforcement by the public.* This Easement does not create, and shall not be construed to create, any right of the public to maintain a suit for enforcement of this Easement or for any damages against the Grantor for any violation of this Easement. The public shall not be considered third party beneficiaries of this Easement.

(i). *Extinguishment, conversion and diversion.* The Parties intend that this Easement be perpetual and not be extinguished.

(j). *Notice of proposed transfer or sale.* The Grantor shall notify the Grantee in writing at the time of closing on any transfer or sale of the Property. In any deed conveying all or any part of the Property, this Easement shall be referenced by instrument number in the deed of conveyance and shall state that this Easement is binding upon all successors in interest in the Property in perpetuity.

(k). *Relation to applicable laws.* This Easement does not replace, abrogate, or otherwise supersede any federal, state, or local laws applicable to the Property. Notwithstanding any other provision of this Easement, the County Code shall apply to the Property. In the event of a conflict between any applicable law and this Easement, the more restrictive provision shall apply.

(l). *Severability.* If any provision of this Easement is determined to be invalid by a court of competent jurisdiction, the remainder of this Easement shall not be affected thereby.

(m). *Recordation.* Upon execution by the parties, the Grantor shall record this Easement with the land titles in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City, Virginia.

(n). *Authority to convey easement.* The Grantor covenants that it is vested with good title to the Property and may convey this Easement. The Grantor further covenants that the person executing the Easement has the authority to act on behalf of the Grantor. If, for any reason, the execution by such person is invalid, the Grantor shall take action to ratify this Easement.

(o). *Transfer of easement by Grantee.* Neither Grantee nor their successors and assigns may convey or lease the Easement established and conveyed hereby.

(p). *Liability and indemnification.* Grantor agrees that Grantee has no obligations, express or implied, relating to the maintenance or operation of the Property. Grantor agrees to indemnify and hold Grantee harmless from any and all costs, claims or liability, including but not limited to reasonable attorneys' fees arising from any personal injury, accidents, negligence, damage, or any claim relating to the Property. Grantor warrants that it has no actual knowledge of a release or threatened release of hazardous substances or wastes on the Property and agrees to hold harmless, indemnify, and defend Grantee from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorneys' fees arising from or out of the existence, actual or alleged, of any and all environmentally hazardous or toxic substances or materials on or under the Property.

(q). *Taxes and assessments.* Grantor shall be responsible for paying all taxes, levies, assessments, and other governmental charges which, due to the direct action of the Grantor, may become a lien on the Property.

(r). *Entire agreement.* This instrument sets forth the entire agreement of the Parties with respect to this Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to this Easement, all of which are merged herein.

(s). *Amendments.* This Easement may be amended only with the written consent of the Grantee and the then owner of the Property, and such amendment shall be duly recorded. Any amendment shall be at the sole discretion of the Grantee.

(t). *Opportunity to cure.* Notwithstanding any other provision of this Deed, the Grantor shall not be deemed to be in violation of this Deed unless such violation continues for a period of thirty (30) days after receipt of notice thereof from Grantee; provided however, that to the extent a violation cannot be cured within thirty (30) days, such period shall be extended so long as Grantor is in diligent pursuit of a cure.

(Remainder of page left blank. Signature pages to follow)

[Signature Page to Easement Agreement]

WITNESS the following signature and seal:

SCP-JTL Stonehouse Owner 2 LLC

By: David C. Lane

Name: DAVID A. LANE

Title: AUTHORIZED REPRESENTATIVE

~~COMMONWEALTH OF VIRGINIA~~ STATE OF TEXAS

City/County of DALLAS, to-wit:

The foregoing Agreement was signed, sworn to and acknowledged before me this 20th day of September, 2019, by DAVID A. LANE, AS AUTHORIZED REPRESENTATIVE OF SCP-JTL Stonehouse Owner 2 LLC , Grantor.

WITNESS my signature and notarial seal.

Linda G. Neal
Notary Public

Registration # 1494644

Expiration Date 7-29-2021

LINDA G NEAL
NOTARY PUBLIC
STATE OF TEXAS
ID# 1494644
EXPIRES 7-29-2021

[Signature Page to Easement Agreement]

GRANTEE: THE COUNTY OF JAMES CITY, VIRGINIA

Acceptance of this Easement is approved and, pursuant to a Resolution of the Board of Supervisors of James City County, Virginia, duly adopted on _____, this conveyance is hereby accepted on behalf of Grantee.

_____
By:
Title: County Administrator

STATE/COMMONWEALTH OF _____
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ___ day of _____, 2019, by _____ as County Administrator of James City County, Virginia.

_____
Notary Public

My commission expires:_____
Notary Registration No. _____

Approved as to form:

_____
COUNTY ATTORNEY

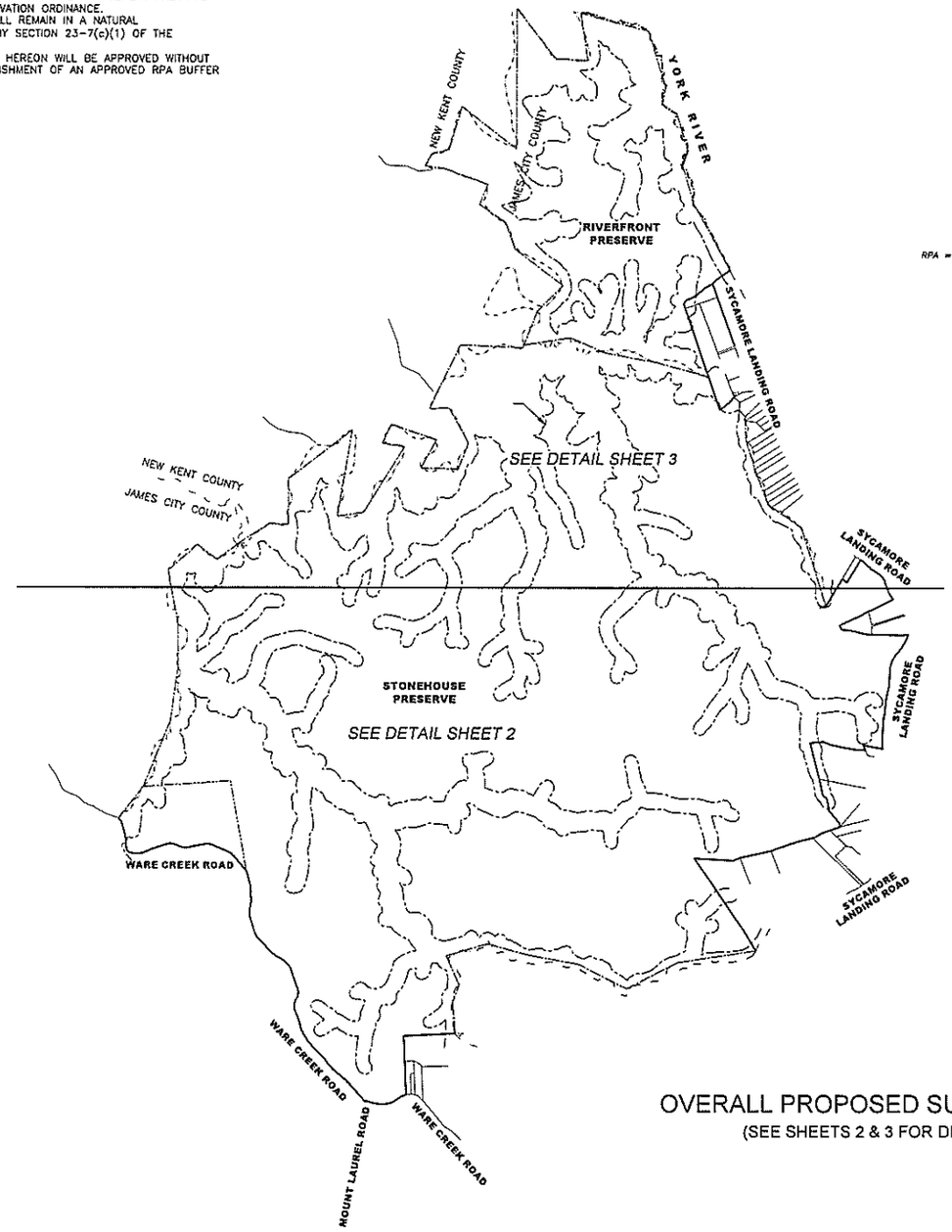
EXHIBIT A

All that certain piece or parcel of land shown as "STONEHOUSE PRESERVE" on that certain exhibit entitled "EXHIBIT SHOWING THE PROPOSED LOCATION OF SUBDIVISION OF THE RIVERFRONT PRESERVE & STONEHOUSE PRESERVE JAMES CITY COUNTY VIRGINIA" dated 10/08/2019 made by LandTech Resources, Inc., a copy of which is attached hereto as Exhibit B and made a part hereof.

EXHIBIT B

NOTES:

1. THIS EXHIBIT WAS COMPILED FROM PLATS OF RECORD AND DOES NOT REPRESENT A CURRENT FIELD SURVEY OF THE PROPERTY SHOWN HEREON.
2. THIS PROPERTY LIES WITHIN A RESOURCE PROTECTION AREA AND A RESOURCE MANAGEMENT AREA AND IS SUBJECT TO JAMES CITY COUNTY'S CHESAPEAKE BAY PRESERVATION ORDINANCE.
3. WETLANDS AND LANDS WITHIN RESOURCE PROTECTION AREAS SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT FOR THOSE ACTIVITIES PERMITTED BY SECTION 23-7(c)(1) OF THE JAMES CITY COUNTY CODE.
4. NO SUBDIVISION AND/OR DEVELOPMENT OF THE PARCELS SHOWN HEREON WILL BE APPROVED WITHOUT THE REQUIRED WETLAND DELINEATION AND MAPPING AND ESTABLISHMENT OF AN APPROVED RPA BUFFER PER COUNTY CODE SECTION 23-7(C).



RECORD MERIDIAN INST. #080027247

RPA = APPROXIMATE LIMIT OF RESOURCE PROTECTION AREA (PER INST. #080027247)

OVERALL PROPOSED SUBDIVISION
(SEE SHEETS 2 & 3 FOR DETAIL)

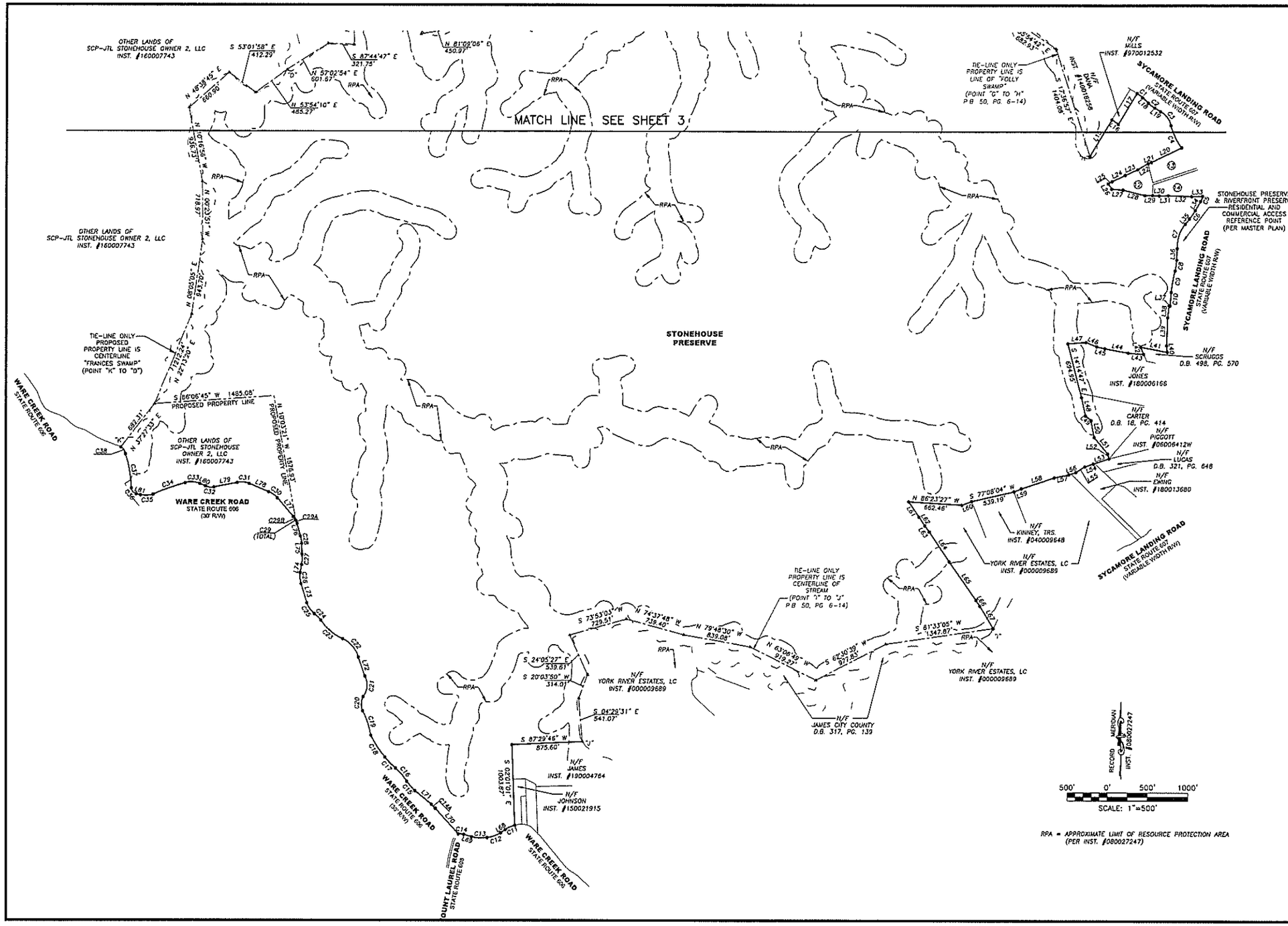
1000' 0' 1000' 1000'
SCALE: 1"=1000'

EXHIBIT
SHOWING THE PROPOSED LOCATION OF SUBDIVISION OF THE
RIVERFRONT PRESERVE &
STONEHOUSE PRESERVE
JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE

LRI LANDTECH RESOURCES, INC.
ENGINEERING & SURVEYING CONSULTANTS
3915 McGinnis Road Williamsburg, VA 23188
Ph: (757) 565-1677 Fax: (757) 565-0132
www.landtechresources.com

SCALE: 1"=1000'
DATE: 10/08/2019
JOB: 17-378
DRAWN BY: LRI
SHEET: 1 OF 3



EXHIBIT

SHOWING THE PROPOSED LOCATION OF SUBDIVISION OF THE RIVERFRONT PRESERVE & STONEHOUSE PRESERVE

JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE

LRI LANDTECH RESOURCES, INC.
ENGINEERING & SURVEYING CONSULTANTS
3923 Midlands Road Williamsburg, VA 23188
Ph: (757) 565-1677 Fax: (757) 565-0182
www.landtechresources.com

SCALE: 1"=1000'
DATE: 10/08/2019
JOB: 17-378
DRAWN BY: LRI
SHEET: 2 OF 3

EXISTING LINE TABLE

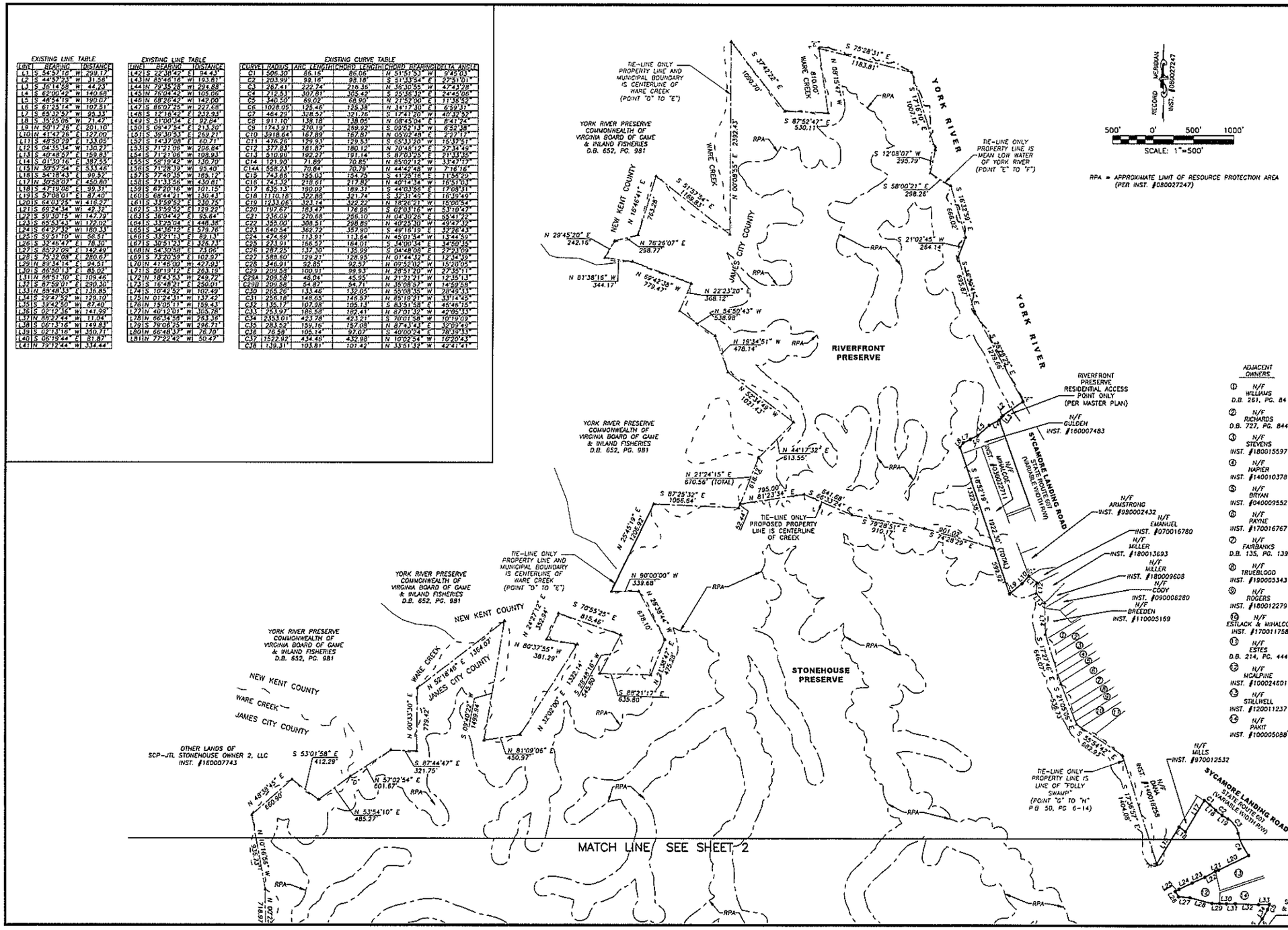
LINE	BEARING	DISTANCE
L1	S 54°53'16" W	299.1'
L2	S 44°37'29" W	31.58'
L3	S 16°14'58" W	44.23'
L4	S 62°00'42" W	140.68'
L5	S 48°54'19" W	190.07'
L6	S 61°23'14" W	107.51'
L7	S 65°32'57" W	94.33'
L8	S 15°25'08" W	71.47'
L9	N 50°17'28" E	201.10'
L10	N 41°47'26" E	127.00'
L11	S 48°50'29" E	133.05'
L12	S 04°35'34" W	136.27'
L13	S 40°48'37" E	159.83'
L14	S 01°39'16" E	387.55'
L15	N 05°57'54" E	533.46'
L16	S 54°18'43" E	99.53'
L17	N 30°58'07" E	430.80'
L18	S 47°19'06" E	99.31'
L19	S 37°58'01" E	87.40'
L20	S 64°01'25" W	416.27'
L21	S 66°24'54" W	42.12'
L22	S 59°30'15" W	142.79'
L23	S 65°51'43" W	172.02'
L24	S 64°27'32" W	180.33'
L25	S 59°51'10" W	56.51'
L26	S 32°48'47" E	78.30'
L27	S 85°27'09" E	142.49'
L28	S 79°32'08" E	280.67'
L29	N 89°34'14" E	94.51'
L30	S 66°50'13" E	85.03'
L31	N 89°51'10" E	109.46'
L32	S 87°59'01" E	290.30'
L33	N 89°48'33" E	136.85'
L34	S 79°47'52" W	129.10'
L35	S 39°42'50" W	87.40'
L36	S 02°12'16" W	141.99'
L37	N 88°22'44" W	11.04'
L38	S 06°13'16" W	149.83'
L39	S 02°13'16" W	350.71'
L40	S 06°19'44" E	81.87'
L41	N 79°12'44" W	334.44'

EXISTING LINE TABLE

LINE	BEARING	DISTANCE
L42	S 22°38'42" E	94.43'
L43	N 85°46'16" W	193.81'
L44	N 79°35'28" W	294.88'
L45	N 76°04'42" W	105.06'
L46	N 58°26'42" W	142.00'
L47	S 86°07'25" W	227.68'
L48	S 12°18'42" E	232.93'
L49	S 51°00'34" E	92.64'
L50	S 09°47'54" E	213.50'
L51	S 39°30'53" E	269.21'
L52	S 14°37'08" E	60.71'
L53	S 71°21'06" W	206.64'
L54	S 71°21'06" W	108.93'
L55	S 58°19'42" W	130.70'
L56	S 71°28'39" W	95.40'
L57	S 77°49'15" W	165.12'
L58	S 71°33'56" W	430.61'
L59	S 67°20'16" W	101.15'
L60	S 69°44'21" W	130.41'
L61	S 31°39'52" E	230.75'
L62	S 33°59'52" E	129.22'
L63	S 16°04'42" E	95.64'
L64	S 37°25'04" E	448.38'
L65	S 34°16'12" E	579.76'
L66	S 39°21'13" E	89.13'
L67	S 39°51'43" E	326.71'
L68	N 54°30'58" E	73.06'
L69	S 73°20'59" E	102.97'
L70	N 41°46'00" W	427.93'
L71	S 50°19'17" E	263.16'
L72	N 18°43'54" W	249.72'
L73	S 16°48'21" E	250.01'
L74	S 10°42'52" W	102.49'
L75	N 01°24'31" W	137.42'
L76	N 15°05'11" W	159.43'
L77	N 40°12'01" W	305.78'
L78	N 66°34'59" W	263.36'
L79	S 79°06'25" W	236.71'
L80	N 66°48'37" W	76.70'
L81	N 77°22'42" W	50.47'

EXISTING CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	506.30'	86.15'	86.06'	N 51°51'53" W	9°45'03"
C2	1203.99'	99.16'	99.13'	S 51°33'54" E	2°25'01"
C3	287.41'	222.24'	216.35'	N 36°30'55" W	47°43'28"
C4	712.53'	307.81'	305.43'	S 25°36'32" E	24°45'06"
C5	340.50'	69.02'	68.90'	N 21°52'00" E	11°36'52"
C6	1028.05'	125.46'	125.38'	N 34°17'30" E	6°59'31"
C7	464.29'	328.52'	321.76'	S 17°41'20" W	40°32'52"
C8	911.10'	138.18'	138.05'	N 08°45'04" E	8°41'24"
C9	1743.91'	230.19'	229.92'	S 09°52'13" W	8°52'38"
C10	3918.64'	167.89'	167.87'	N 05°02'48" E	2°27'17"
C11	476.76'	129.93'	129.53'	S 55°33'20" W	15°37'51"
C12	377.83'	181.82'	180.12'	N 70°48'17" E	27°34'49"
C13	510.91'	192.27'	191.14'	S 87°03'25" E	21°33'35"
C14	121.90'	71.89'	70.85'	N 85°02'12" W	33°47'17"
C14A	558.23'	70.84'	70.79'	N 44°42'48" W	7°16'16"
C15	743.46'	155.03'	154.73'	S 41°25'16" E	11°56'29"
C16	74.32'	218.61'	217.82'	N 40°14'34" W	16°51'03"
C17	635.13'	190.02'	189.37'	S 44°03'56" E	17°08'31"
C18	1110.18'	322.88'	321.74'	S 33°31'46" E	16°39'49"
C19	1233.06'	323.14'	322.22'	N 18°26'21" W	15°00'54"
C20	197.67'	183.47'	176.98'	S 02°03'16" W	53°10'47"
C21	236.09'	270.68'	259.10'	N 04°30'26" E	65°41'22"
C22	385.00'	308.51'	298.69'	N 40°25'30" W	45°27'39"
C23	640.34'	362.72'	357.93'	S 49°18'10" E	32°26'43"
C24	474.59'	113.91'	113.64'	N 45°01'54" W	13°44'59"
C25	223.91'	166.57'	164.01'	S 34°00'34" E	34°50'35"
C26	287.25'	137.30'	135.99'	S 04°48'08" E	27°23'09"
C27	588.60'	129.21'	128.95'	N 01°44'32" E	12°34'39"
C28	346.91'	92.85'	92.57'	N 09°52'02" W	15°20'05"
C29	209.55'	100.01'	99.93'	N 28°51'20" W	27°36'11"
C29A	209.58'	46.04'	45.95'	N 21°21'21" W	12°35'13"
C29B	209.58'	54.87'	54.71'	N 35°08'57" W	14°59'58"
C30	265.26'	133.46'	132.05'	N 55°08'35" W	28°49'33"
C31	265.26'	146.05'	144.57'	N 85°19'21" W	33°14'45"
C32	135.17'	107.98'	105.14'	S 63°51'58" E	45°46'15"
C33	253.97'	186.58'	182.41'	N 87°01'32" W	42°05'33"
C34	2353.01'	423.78'	423.21'	S 70°01'58" W	10°19'09"
C35	283.59'	159.16'	157.08'	N 87°43'43" E	32°09'49"
C36	76.59'	105.14'	97.07'	S 40°00'24" E	78°39'33"
C37	1522.92'	434.46'	432.98'	N 10°02'54" W	16°20'43"
C38	139.31'	103.81'	101.42'	N 33°51'32" W	42°41'41"



JCC TAX PARCEL ID #: a portion of 0630100005
CONSIDERATION: $1.00

THIS DEED IS EXEMPT FROM TAXATION UNDER VIRGINIA CODE
§§ 58.1-811 (A)(3)

DEED OF EASEMENT
RIVERFRONT PRESERVE

THIS DEED OF EASEMENT ("Easement") is made this _____ day of _____, 2019, by and between **SCP-JTL STONEHOUSE OWNER 2 LLC**, a Delaware limited liability company ("Grantor"), and the **COUNTY OF JAMES CITY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, (the "County" or "Grantee" and, together with Grantor, the "Parties").

WITNESSETH:

WHEREAS, Grantor is the owner in fee simple of real property located in James City County, Virginia and described in **Exhibit A** attached hereto and incorporated herein by reference which property is shown as the "Riverfront Preserve" as more particularly shown on **Exhibit B** attached hereto and incorporated herein by reference (the "Property") ;

WHEREAS, Grantor desires to ensure that development of the Property, under certain conditions, be limited as more particularly described herein and have the Property be subject to the terms, limitations, and obligations of this Easement in perpetuity; and

WHEREAS, Grantor has voluntarily agreed to subject the Property to the terms of this Easement.

NOW, THEREFORE, in consideration of the recitals and the mutual benefits, covenants, and terms herein contained, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants, conveys, covenants, and agrees as follows:

1. FUTURE USES. No use shall be established on the Property except as approved herein.

(a) *Uses permitted.* All uses that are (i) permitted under the Agricultural, A-1 zoning district, as amended; or (ii) specially permitted under the Agricultural, A-1 zoning district, as amended, upon the issuance of a special use permit; and, in either case, consistent with this Easement (individually a "Permitted Use" and collectively, "Permitted Uses").

(b) *Other permitted uses.* Grantor may petition the Grantee for approval of a new or additional use of the Property other than a Permitted Use, provided the proposed use is: (i) not expressly prohibited by this Easement; (ii) consistent with the conservation purposes of this

Easement; and (iii) otherwise permitted on the Property by the County Code . The Grantee's prior written approval pursuant to this section shall be in addition to any use permit, special exception, variance, and/or rezoning that may be required by the County Code.

(c) *Commercial uses.* No commercial uses shall be permitted on the Property other than environmental impact mitigation.

2. FUTURE BUILDINGS, STRUCTURES AND IMPROVEMENTS. There shall be no construction, placement, or maintenance of any buildings, structures, or other improvements on the Property unless the building, structure, or improvement is authorized as follows:

(a) *Dwellings.* Grantor may construct up four (4) residential dwellings on the Property.

(b) *Buildings, structures and improvements.* Grantor may construct non-commercial buildings, structures, and improvements on the Property, provided they are otherwise consistent with this Easement. Subject to applicable requirements of the County Code, the permitted buildings, structures, and improvements may include, without limitation, accessory apartments, garages, barns, stables, equestrian facilities, storage sheds, driveways, access roads, trails, docks, boat houses, duck blinds, piers, bulk heads, revetments, drainage facilities, and other similar improvements and facilities. For each dwelling on the Property, Grantor may construct an accessory apartment, subject to the applicable requirements of the County Code, which shall not be deemed a dwelling for the purposes of the limitation prescribed in Section 2(a)(1).

3. GRADING, EXCAVATION, EARTH REMOVAL, BLASTING, AND MINING.

(a) Grading, excavation, plowing, ditching, erosion control, restoration, and other land disturbance activities are allowed, but shall not materially alter the topography of the Property. Such activities may include, without limitation, (i) dam construction to create private ponds, (ii) restoration, enhancement, or development of wetlands, streams, or other ecosystem functions on the Property including, without limitation, stream bank restoration, wetland and stream mitigation, biological carbon sequestration, and biodiversity mitigation, (iii) construction of permitted structures or improvements associated with Permitted Uses, and (iv) installation of horse and walking trails and farm roads. Earth removal is prohibited, except for activities incidental to Permitted Uses. Blasting is prohibited. The exploration for, or development and extraction of minerals and hydrocarbons by mining or any other method is prohibited.

(b) Prior to any land disturbance within fifty (50) feet of any archaeological site located on the Property as identified in the Virginia Cultural Resource Information System maintained by the Virginia Department of Historic Resources and that can be avoided by the development of the Property, such site will be clearly marked on site plans or subdivision plans ("development plans") and the site boundaries will be cordoned-off in the field with orange snow fencing. If such sites are not intended to be avoided by the development, then a Phase II evaluation will be completed on the site prior to any land disturbance activity in the site area. The Phase II evaluation will be

submitted to the County Planning Director for review and approval. At the conclusion of the Phase II evaluation, if a site is determined not eligible for listing on the National Register of Historic Places, then development may occur in the site area. If the determination is made that the site is eligible for listing on the National Register of Historic Places, then the following mitigation options are available:

(1) Avoidance. The site may be avoided by the development and clearly marked on project development plans. In addition, if land clearing or construction activities take place near the site area, then the site boundaries will be cordoned-off in the field with orange snow fencing prior to land disturbing in the area.

(2) *Partial Avoidance/Data Recovery.* The site may be partially avoided and partially impacted. In this case, data recovery will be limited to the site area to be impacted. The portion of the site area to be avoided will be clearly marked on project development plans. In addition, if land clearing or construction activities take place near the site area, then the remaining site boundaries will be cordoned-off in the field with orange snow fencing prior to land disturbing in the area. A treatment plan for the portion of the site area to be impacted will be completed and submitted to the County Planning Director for review and approval.

(3) *Data Recovery.* If the site cannot be avoided, then a treatment plan will be completed and submitted to the County Planning Director for review and approval.

All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the project development plans and the clearing, grading or construction activities thereon.

4. OPEN SPACE. The total aggregate acreage of open space (as currently defined in the County Zoning Ordinance) to be preserved on the Property shall be no less than 268.19 acres. The 268.19 acres of open space shall be allocated by Grantor by deed at the time of conveyance of any portion of the Property to a successor in title. At such time, Grantor shall provide a copy of each such deed to the County Director of Planning.

5. ACCUMULATION OF WASTE MATERIAL. There shall be no accumulation or dumping of trash, refuse, or junk (e.g., old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material) on the Property. This restriction shall not prohibit management practices which are customary to a Permitted Use, including, but not limited to, establishing brush piles, compost piles, manure piles, or the routine and customary short-term accumulation of trash via dumpster.

6. NOTICE AND PERMISSION.

(a) *Notice.* Whenever notice is to be given pursuant to any of the provisions of this Easement, or where a request for permission is required of the Grantee, or for a change of address, such notice or request for permission shall be in writing and shall be deemed to have been given (i) upon delivery by hand, (ii) upon receipt if deposited in the U.S. mail with postage prepaid, for delivery by certified mail, return receipt requested, (iii) upon receipt if delivered by a recognized national courier service for overnight delivery, or (iv) upon receipt by email to:

If to Grantor:
SCP-JTL Stonehouse Owner 2 LLC
4807 W Lover's Lane, Floor 2
Dallas, TX 75209

With a copy to:
Timothy O. Trant II
Kaufman & Canoles
4801 Courthouse Street, Suite 300
Williamsburg, VA 23188
totrant@kaufcan.com

If to County:
County Administrator
101-D Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23185
county.administration@jamescitycountyva.gov

With Copy To:
County Attorney
101-D Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23185
county.attorney@jamescitycountyva.gov

(b) *Grantee Approval.* When approval of the Grantee is sought by the Grantor, the Grantor shall submit such request and any supporting documentation in writing to the Grantee. The request for approval shall be considered by the Board of Supervisors at a public meeting within one hundred (100) days.

7. MISCELLANEOUS PROVISIONS.

(a) *No public right-of-access to Property.* This Easement does not create, and shall not be construed to create, any right of the public to enter upon or to use the Property or any portion

thereof, except as Grantor may otherwise allow in a manner consistent with the terms of this Easement.

(b) *Continuation.* The covenants, terms, conditions, and restrictions of this Easement shall apply to the Property as a whole, and shall run with the land and be binding upon the parties, their successors, assigns, personal representatives, and heirs, and be considered a servitude running with the land in perpetuity.

(c) *Enforcement.* In addition to any remedy provided by law or equity to enforce the terms of this Easement, the Parties shall have the following rights and obligations:

(1) *Annual monitoring.* On an annual basis, subject to reasonable prior notice in writing or by email to the Grantor and arrangement of a mutually agreeable time, employees or agents of Grantee may enter the Property for the purpose of monitoring compliance with the terms of this Easement. The Grantor shall not unreasonably withhold, condition or delay permission for entry onto the Property.

(2) *Other inspections.* At any time, if the Grantee has reason to believe that the Grantor, their successors or assigns, are in violation or in breach any of the terms, conditions and restrictions herein contained, upon reasonable prior notice in writing or by email to the Grantor and arrangement of a mutually agreeable time, employees or agents of Grantee may enter the Property for the purpose of inspecting and investigating compliance with the terms of this Easement. The Grantor shall not unreasonably withhold, condition or delay permission for entry onto the Property.

(3) *Administrative enforcement.* If Grantor is in breach of, or submits a plan of development that is inconsistent with, any terms, conditions, and/or restrictions herein contained, Grantee shall not be obligated to approve any plans of development or issue any administrative permits related thereto.

(d) *Action at law inadequate remedy.* The Parties agree that monetary damages would not be an adequate remedy for the breach of any terms, conditions, and/or restrictions herein contained, and therefore, in the event that the Grantor, their successors or assigns, violate or breach any of the terms, conditions, and/or restrictions herein contained, the Grantee, its successors, or assigns, may institute a suit and shall be entitled to enjoin such violation by temporary and/or permanent injunction.

(e) *Restoration.* Upon any breach of the terms of this Easement by Grantor, Grantee may require by written demand to the Grantor that the Property be restored promptly to a condition consistent with the terms of this Easement. Furthermore, after thirty (30) days' prior written notice to the Grantor, the Grantee shall have the right to restore the Property to a condition consistent with the terms of this Easement and assess the cost of such restoration against the owner of the parcel in violation of this Easement. The cost of restoration shall be an automatic lien against the parcel in violation of this Easement; provided, however, that no such lien shall affect the rights of

a subsequent bona fide purchaser or lender unless a memorandum of such lien was recorded among the land records prior to such purchase, and such lien shall be subordinate to any deed of trust recorded prior to the recordation of a memorandum of such lien.

(f) *Failure to enforce does not waive right to enforce.* The failure of Grantee to enforce any term of this Easement shall not be deemed a waiver of the right to do so thereafter, nor discharge nor relieve Grantor from complying with any such term.

(g) *Costs of enforcement.* Any reasonable, documented costs and expenses incurred by the Grantee in enforcing the terms of this Easement against the Grantor, including, without limitation, costs of suit and reasonable attorneys' and expert fees shall be borne by the Grantor. Notwithstanding the foregoing, however, if the Grantor substantially prevails in any claim, litigation, or administrative order or ruling, the Grantee shall not be entitled to recover any of its costs or expenses.

(h) *No right of enforcement by the public.* This Easement does not create, and shall not be construed to create, any right of the public to maintain a suit for enforcement of this Easement or for any damages against the Grantor for any violation of this Easement. The public shall not be considered third party beneficiaries of this Easement.

(i) *Extinguishment, conversion and diversion.* The Parties intend that this Easement be perpetual and not be extinguished.

(j) *Notice of proposed transfer or sale.* The Grantor shall notify the Grantee in writing at the time of closing on any transfer or sale of the Property. In any deed conveying all or any part of the Property, this Easement shall be referenced by instrument number in the deed of conveyance and shall state that this Easement is binding upon all successors in interest in the Property in perpetuity.

(k) *Relation to applicable laws.* This Easement does not replace, abrogate, or otherwise supersede any federal, state, or local laws applicable to the Property. Notwithstanding any other provision of this Easement, the County Code shall apply to the Property. In the event of a conflict between any applicable law and this Easement, the more restrictive provision shall apply.

(l) *Severability.* If any provision of this Easement is determined to be invalid by a court of competent jurisdiction, the remainder of this Easement shall not be affected thereby.

(m) *Recordation.* Upon execution by the parties, the Grantor shall record this Easement with the land titles in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City, Virginia.

(n) *Authority to convey easement.* The Grantor covenants that it is vested with good title to the Property and may convey this Easement. The Grantor further covenants that the person

executing the Easement has the authority to act on behalf of the Grantor. If, for any reason, the execution by such person is invalid, the Grantor shall take action to ratify this Easement.

(o) *Transfer of easement by Grantee.* Neither Grantee nor their successors and assigns may convey or lease the Easement established and conveyed hereby.

(p) *Liability and indemnification.* Grantor agrees that Grantee has no obligations, express or implied, relating to the maintenance or operation of the Property. Grantor agrees to indemnify and hold Grantee harmless from any and all costs, claims or liability, including but not limited to reasonable attorneys' fees arising from any personal injury, accidents, negligence, damage, or any claim relating to the Property. Grantor warrants that it has no actual knowledge of a release or threatened release of hazardous substances or wastes on the Property and agrees to hold harmless, indemnify, and defend Grantee from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorneys' fees arising from or out of the existence, actual or alleged, of any and all environmentally hazardous or toxic substances or materials on or under the Property.

(q) *Taxes and assessments.* Grantor shall be responsible for paying all taxes, levies, assessments, and other governmental charges which, due to the direct action of the Grantor, may become a lien on the Property.

(r) *Entire agreement.* This instrument sets forth the entire agreement of the Parties with respect to this Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to this Easement, all of which are merged herein.

(s) *Amendments.* This Easement may be amended only with the written consent of the Grantee and the then owner of the Property, and such amendment shall be duly recorded. Any amendment shall be at the sole discretion of the Grantee.

(t) *Opportunity to cure.* Notwithstanding any other provision of this Deed, the Grantor shall not be deemed to be in violation of this Deed unless such violation continues for a period of thirty (30) days after receipt of notice thereof from Grantee; provided however, that to the extent a violation cannot be cured within thirty (30) days, such period shall be extended so long as Grantor is in diligent pursuit of a cure.

(Remainder of page left blank. Signature pages to follow)

[Signature Page to Easement Agreement]

WITNESS the following signature and seal:

SCP-JTL Stonehouse Owner 2 LLC

By: David A. Lane

Name: DAVID A. LANE

Title: AUTHORIZED REPRESENTATIVE

~~COMMONWEALTH OF VIRGINIA~~ STATE of TEXAS

City/County of DALLAS, to-wit:

The foregoing Agreement was signed, sworn to and acknowledged before me this 20th day of September, 2019, by DAVID A. LANE, AS AUTHORIZED Representative OF SCP-JTL Stonehouse Owner 2 LLC , Grantor.

WITNESS my signature and notarial seal.

Linda G. Neal
Notary Public

Registration # 1494644

Expiration Date 7-29-2021

LINDA G NEAL
NOTARY PUBLIC
STATE OF TEXAS
ID# 1494644
EXPIRES 7-29-2021

[Signature Page to Easement Agreement]

GRANTEE: THE COUNTY OF JAMES CITY, VIRGINIA

Acceptance of this Easement is approved and, pursuant to a Resolution of the Board of Supervisors of James City County, Virginia, duly adopted on _____, this conveyance is hereby accepted on behalf of Grantee.

_____
By:
Title: County Administrator

STATE/COMMONWEALTH OF _____
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ___ day of _____, 2019, by _____ as County Administrator of James City County, Virginia.

_____
Notary Public

My commission expires:_____
Notary Registration No. _____

Approved as to form:

_____
COUNTY ATTORNEY

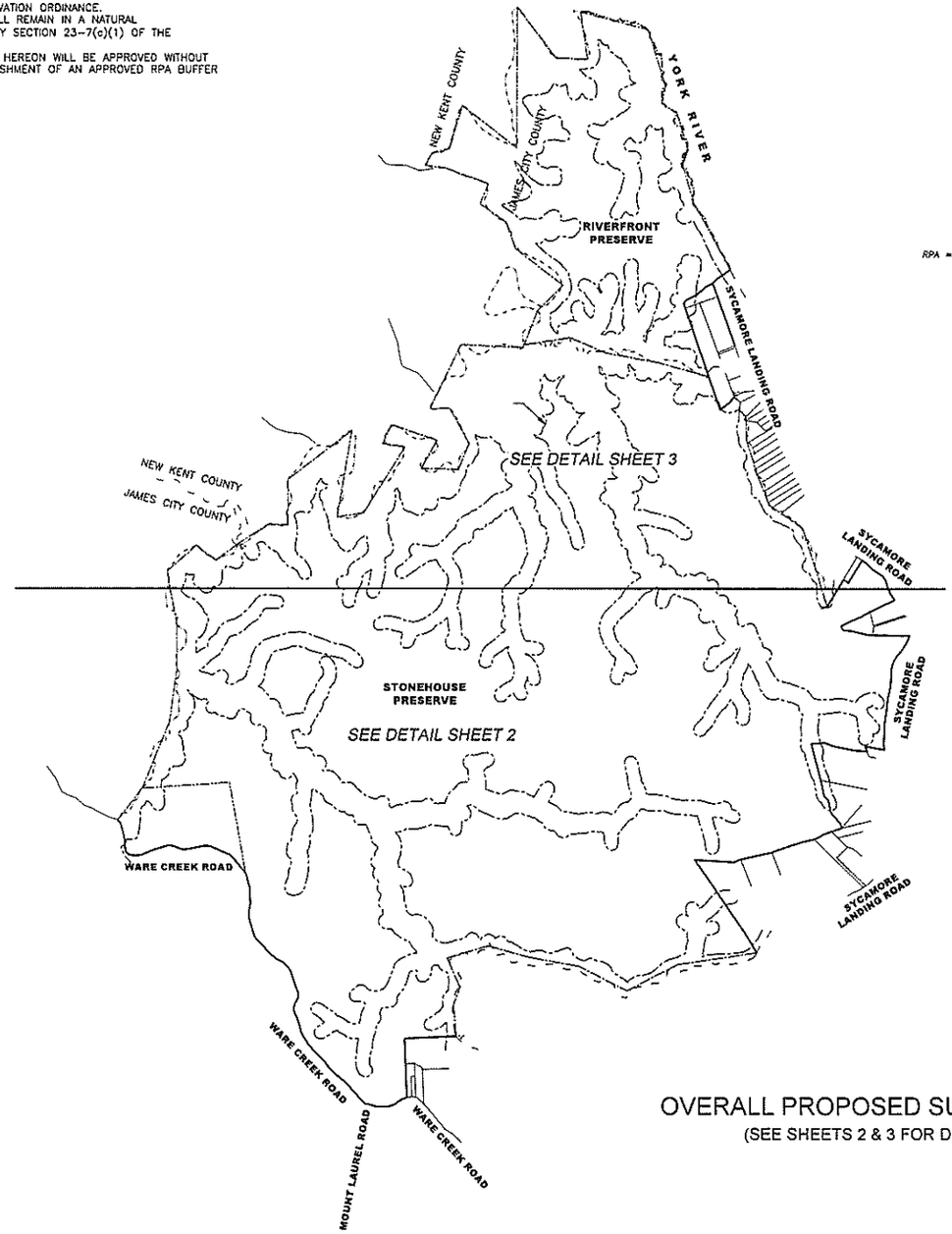
EXHIBIT A

All that certain piece or parcel of land shown as 'RIVERFRONT PRESERVE" on that certain exhibit entitled "EXHIBIT SHOWING THE PROPOSED LOCATION OF SUBDIVISION OF THE RIVERFRONT PRESERVE & STONEHOUSE PRESERVE JAMES CITY COUNTY VIRGINIA" dated 10/08/2019 made by LandTech Resources, Inc., a copy of which is attached hereto as Exhibit B and made a part hereof.

EXHIBIT B

NOTES:

1. THIS EXHIBIT WAS COMPILED FROM PLATS OF RECORD AND DOES NOT REPRESENT A CURRENT FIELD SURVEY OF THE PROPERTY SHOWN HEREON.
2. THIS PROPERTY LIES WITHIN A RESOURCE PROTECTION AREA AND A RESOURCE MANAGEMENT AREA AND IS SUBJECT TO JAMES CITY COUNTY'S CHESAPEAKE BAY PRESERVATION ORDINANCE.
3. WETLANDS AND LANDS WITHIN RESOURCE PROTECTION AREAS SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT FOR THOSE ACTIVITIES PERMITTED BY SECTION 23-7(c)(1) OF THE JAMES CITY COUNTY CODE.
4. NO SUBDIVISION AND/OR DEVELOPMENT OF THE PARCELS SHOWN HEREON WILL BE APPROVED WITHOUT THE REQUIRED WETLAND DELINEATION AND MAPPING AND ESTABLISHMENT OF AN APPROVED RPA BUFFER PER COUNTY CODE SECTION 23-7(C).



RECORD MERIDIAN INST. #080027247

RPA = APPROXIMATE LIMIT OF RESOURCE PROTECTION AREA (PER INST. #080027247)

OVERALL PROPOSED SUBDIVISION

(SEE SHEETS 2 & 3 FOR DETAIL)

1000' 0' 1000' 1000'

SCALE: 1"=1000'

EXHIBIT

SHOWING THE PROPOSED LOCATION OF SUBDIVISION OF THE

RIVERFRONT PRESERVE & STONEHOUSE PRESERVE

JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE

LRI LANDTECH RESOURCES, INC.
ENGINEERING & SURVEYING CONSULTANTS
3525 Midtown Road Williamsburg, VA 23185
Ph: (757) 565-1977 Fax: (757) 565-0782
www.landtechresources.com

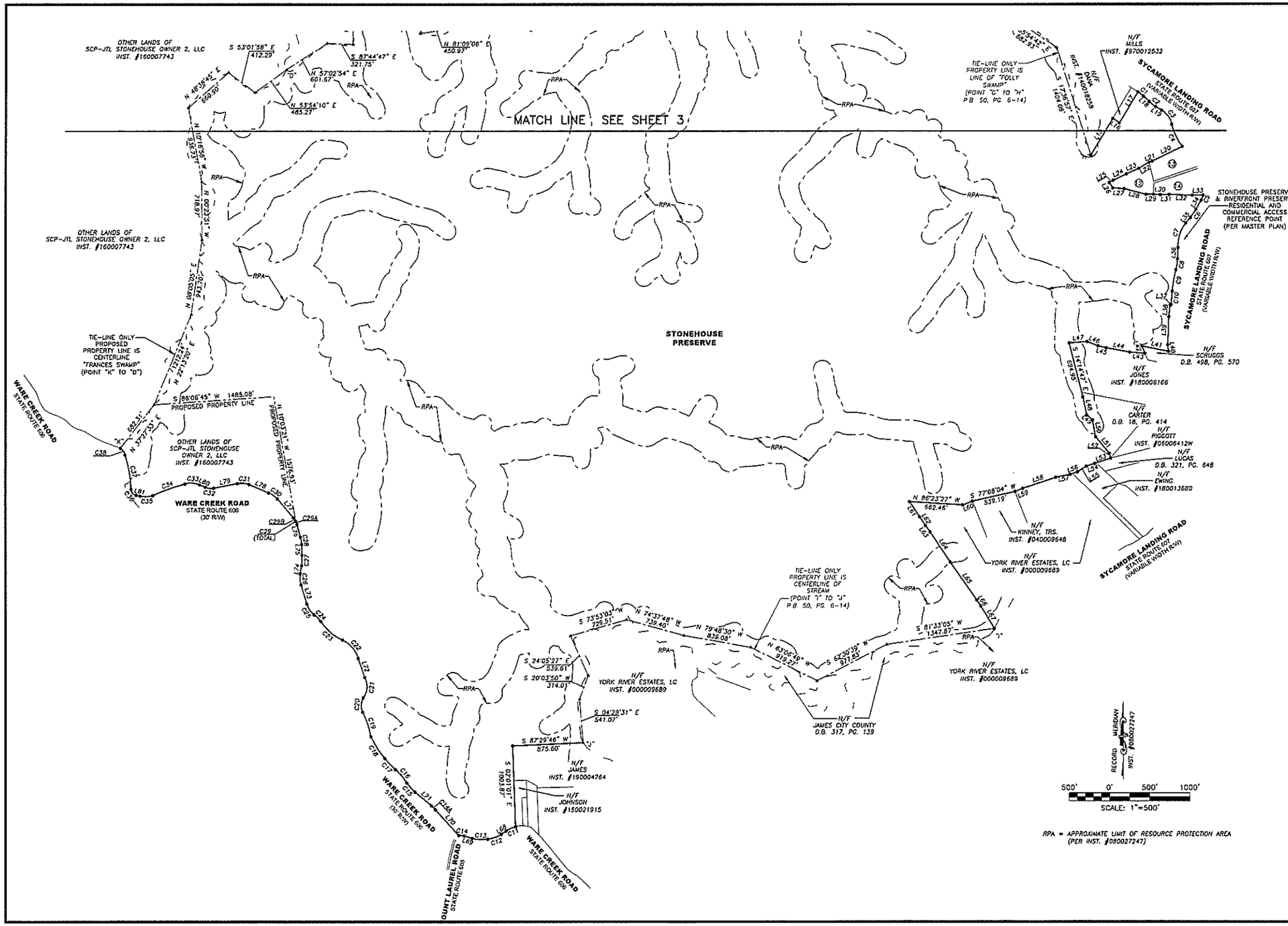
SCALE: 1"=1000'

DATE: 10/08/2019

JOB: 17-378

DRAWN BY: LRI

SHEET: 1 OF 3



EXHIBIT

SHOWING THE PROPOSED LOCATION OF SUBDIVISION OF THE

RIVERFRONT PRESERVE & STONEHOUSE PRESERVE

JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE

LRI LANDTECH RESOURCES, INC.
ENGINEERING & SURVEYING CONSULTANTS
3925 Midlands Road Williamsburg, VA 23188
Ph: (757) 565-1977 Fax: (757) 565-0782
www.landtechresources.com

SCALE: 1"=1000'	
DATE: 10/08/2019	
JOB: 17-378	
DRAWN BY: LRI	
SHEET: 2 OF 3	

EXISTING LINE TABLE

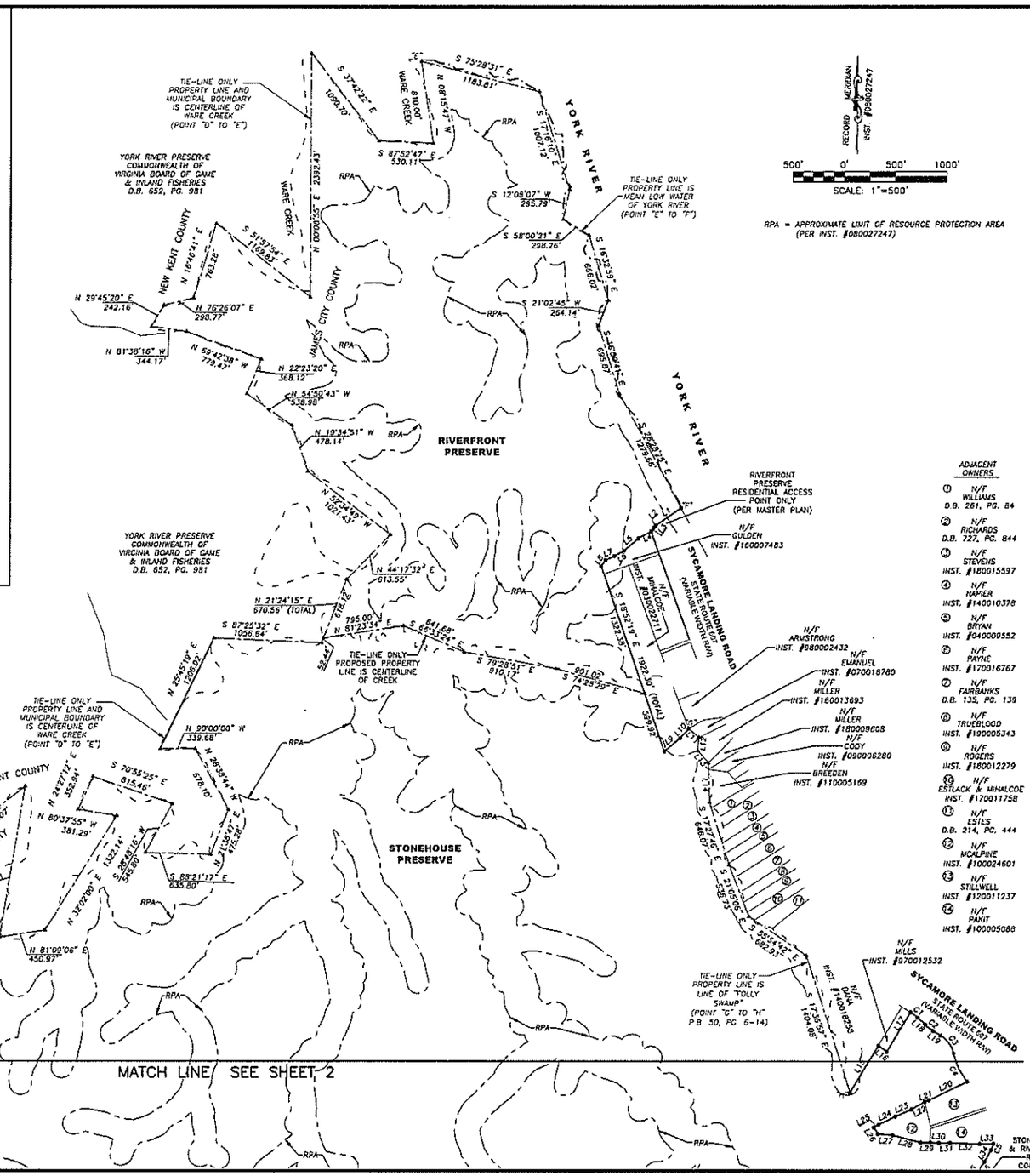
LINE	BEARING	DISTANCE
L1	S 54°57'18" W	299.17'
L2	S 44°37'51" W	31.58'
L3	S 16°14'58" W	44.23'
L4	S 03°00'42" W	149.68'
L5	S 48°54'19" W	190.07'
L6	S 61°25'14" W	107.51'
L7	S 55°32'57" W	95.33'
L8	S 35°25'06" W	71.47'
L9	N 50°17'28" E	201.10'
L10	N 41°47'26" E	127.00'
L11	S 48°50'99" E	133.05'
L12	S 04°15'14" W	130.27'
L13	S 40°48'57" E	159.83'
L14	S 01°30'18" E	387.55'
L15	N 30°57'54" E	533.48'
L16	S 54°18'23" E	99.53'
L17	N 30°58'07" E	450.80'
L18	S 47°19'06" E	99.31'
L19	S 57°08'01" E	87.40'
L20	S 64°01'25" W	416.32'
L21	S 69°24'14" W	40.37'
L22	S 39°30'15" W	142.79'
L23	S 65°53'43" W	172.02'
L24	S 64°27'32" W	160.13'
L25	S 39°51'10" W	56.51'
L26	S 12°46'47" E	78.30'
L27	S 85°39'00" E	142.49'
L28	S 70°12'08" E	290.67'
L29	N 89°34'14" E	94.51'
L30	S 66°50'13" E	85.02'
L31	N 88°51'30" E	108.46'
L32	S 87°59'01" E	290.30'
L33	N 88°48'33" E	136.85'
L34	S 29°47'52" W	129.10'
L35	S 39°42'50" W	87.40'
L36	S 02°12'36" W	141.99'
L37	N 88°27'44" W	11.04'
L38	S 06°13'16" W	149.83'
L39	S 02°13'16" W	350.71'
L40	S 06°19'44" E	81.87'
L41	N 79°12'44" W	334.44'

EXISTING LINE TABLE

LINE	BEARING	DISTANCE
L42	S 22°38'42" E	94.43'
L43	N 85°46'16" W	193.81'
L44	N 29°35'28" W	294.88'
L45	N 26°04'42" W	105.06'
L46	N 68°26'42" W	142.00'
L47	S 86°07'25" W	227.68'
L48	S 12°16'42" E	232.93'
L49	S 51°00'34" E	92.84'
L50	S 09°47'54" E	213.39'
L51	S 32°10'53" E	269.21'
L52	S 14°17'08" E	50.71'
L53	S 71°21'06" W	206.84'
L54	S 71°21'06" W	108.93'
L55	S 58°19'42" W	130.20'
L56	S 71°28'39" W	95.40'
L57	S 77°49'55" W	165.12'
L58	S 71°33'36" W	430.81'
L59	S 67°20'16" W	101.15'
L60	S 68°44'21" W	130.43'
L61	S 33°39'52" E	209.76'
L62	S 33°59'53" E	123.22'
L63	S 36°04'42" E	95.84'
L64	S 33°25'54" E	448.38'
L65	S 34°36'12" E	579.76'
L66	S 33°21'13" E	89.13'
L67	S 30°51'21" E	376.73'
L68	N 54°00'58" E	23.06'
L69	S 43°20'39" E	102.97'
L70	N 41°46'00" W	422.93'
L71	S 30°19'12" E	263.19'
L72	N 18°43'53" W	249.72'
L73	S 16°48'21" E	250.01'
L74	S 10°42'52" W	102.49'
L75	N 01°24'31" W	137.42'
L76	N 15°05'11" W	159.43'
L77	N 40°12'01" W	305.78'
L78	N 66°34'53" W	263.36'
L79	S 79°06'26" W	286.71'
L80	N 66°48'37" W	76.20'
L81	N 77°22'42" W	50.47'

EXISTING CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	506.30'	86.16'	86.06'	N 51°51'53" W	9°45'03"
C2	201.99'	99.16'	98.19'	S 51°33'54" E	28°01'01"
C3	267.47'	222.74'	216.38'	N 36°30'55" W	47°41'28"
C4	712.53'	307.81'	305.42'	S 25°36'32" E	24°45'06"
C5	340.50'	69.02'	68.90'	N 21°52'00" E	11°36'52"
C6	1028.05'	123.46'	123.38'	N 34°17'10" E	6°52'31"
C7	464.29'	328.57'	321.76'	S 17°41'20" W	40°33'52"
C8	911.10'	139.16'	139.05'	N 08°45'04" E	8°41'24"
C9	1743.91'	270.19'	269.93'	S 09°52'13" W	8°52'58"
C10	1911.64'	167.89'	167.84'	N 05°07'46" E	5°02'17"
C11	478.26'	129.93'	129.53'	S 65°33'20" W	15°37'51"
C12	377.83'	181.07'	180.12'	N 70°48'12" E	27°34'49"
C13	510.98'	192.27'	191.14'	S 87°03'25" E	21°33'15"
C14	121.90'	71.89'	70.85'	N 85°02'12" W	33°47'72"
C14A	558.23'	70.84'	70.79'	N 44°42'48" W	7°16'16"
C15	243.86'	155.03'	154.25'	S 41°25'18" E	11°58'29"
C16	743.32'	216.81'	217.82'	N 40°14'34" W	16°51'03"
C17	635.13'	190.02'	189.31'	S 44°03'56" E	17°08'31"
C18	1110.18'	322.88'	321.74'	S 32°31'49" E	16°39'49"
C19	1333.09'	323.14'	322.23'	N 18°28'21" W	15°00'54"
C20	197.87'	183.47'	176.88'	S 00°03'16" W	53°10'47"
C21	236.09'	270.68'	256.10'	N 04°30'28" E	65°41'22"
C22	355.00'	308.51'	298.89'	N 40°25'30" W	49°47'35"
C23	640.54'	362.72'	357.90'	S 49°16'19" E	32°28'43"
C24	474.69'	113.91'	113.64'	N 45°01'54" W	13°44'59"
C25	273.91'	166.57'	164.01'	S 34°00'34" E	34°50'35"
C26	287.25'	137.30'	135.99'	S 04°48'08" E	27°23'09"
C27	588.60'	129.21'	128.95'	N 01°44'32" E	12°34'19"
C28	346.91'	92.85'	92.57'	N 09°52'02" W	15°20'05"
C29	209.58'	100.91'	99.93'	N 28°51'20" W	27°35'11"
C29A	209.58'	46.04'	45.95'	N 21°21'27" W	12°35'13"
C29B	209.58'	54.87'	54.71'	N 35°08'52" W	14°59'58"
C30	255.20'	133.46'	132.05'	N 55°08'35" W	28°49'33"
C31	256.18'	148.65'	146.57'	N 85°19'27" W	33°14'45"
C32	135.17'	107.96'	105.13'	S 81°51'58" E	45°46'15"
C33	253.97'	186.58'	182.41'	N 87°01'32" W	42°05'33"
C34	2153.01'	423.78'	423.21'	S 70°01'58" W	10°19'06"
C35	283.52'	159.16'	157.09'	N 87°43'43" E	32°09'49"
C36	78.38'	105.14'	97.02'	S 40°00'24" E	78°39'33"
C37	1522.92'	434.46'	432.98'	N 10°02'54" W	16°20'43"
C38	139.31'	103.81'	101.42'	N 33°51'32" W	42°41'41"



EXHIBIT

SHOWING THE PROPOSED LOCATION OF SUBDIVISION OF THE

RIVERFRONT PRESERVE & STONEHOUSE PRESERVE

JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE

LRI LANDTECH RESOURCES, INC.
ENGINEERING & SURVEYING CONSULTANTS
3925 Midlands Road Williamsburg, VA 23188
Ph: (757) 565-1677 Fax: (757) 565-0782
www.landtechresources.com

SCALE: 1"=1000'
DATE: 10/08/2019
JOB: 17-378
DRAWN BY: LRI
SHEET: 3 OF 3

Version 2019
(Last Updated 4/4/2019)

Please make sure to use the accompanying Excel Spreadsheet to calculate the numbers below.

FISCAL IMPACT WORKSHEET AND ASSUMPTIONS

Please complete all *applicable* sections. Please use the provided spreadsheet to perform calculations. If space provided is insufficient, please feel free to include additional pages. If you have any questions please contact the Planning Office at 757-253-6685 or planning@jamescitycountyva.gov

1a) PROPOSAL NAME: Stonehouse 2018 Masterplan Amendment (Land controlled by Applicant only)

1b) Does this project propose residential units? Yes ☒ No ☐ (if no, skip Sec. 2)

1c) Does this project include commercial or industrial uses? Yes ☒ No ☐ (If no, skip Sec. 3)

Fiscal Impact Worksheet Section 2: Residential Developments

2a) TOTAL NEW DWELLING UNITS. Please indicate the total number of each type of proposed dwelling unit. Then, *add* the total number of new dwelling units.

Single-Family Detached	1911	Apartment	
Townhome/Condominium/Single-Family	500	Manufactured Home	
Total Dwelling Units	2411		

Are any units affordable? Yes ☒ No ☐ (If yes, how many?) 85

Residential Expenses – School Expenses

2b) TOTAL NEW STUDENTS GENERATED. *Multiply* the number of each type of proposed unit from (2a) its corresponding Student Generation Rate below. Then, *add* the total number of students generated by the proposal.

Unit Type	Number of Proposed Units (from 2a)	Student Generation Rate	Students Generated
Single-Family Detached	1911	0.4	764.4
Townhome/Condo/Attached	500	0.17	85
Apartment		0.31	
Manufactured Home		0.46	
Total	2411		849.4

2c) TOTAL SCHOOL EXPENSES. *Multiply* the total number of students generated from (2b) by the Per-Student Total Expenses below.

Total Students Generated	Per-Student Operating Expenses	Per-Student Capital Expenses	**Per-Student Total Expenses**	**Total School Expenses**
849.4	$8,762.38	$1,948.32	**$10,714.61**	$9,097,668.58

Residential Expenses - Non-School Expenses

2d) TOTAL POPULATION GENERATED. *Multiply* the number of proposed units from (2a) and multiply by the Average Household Size number below.

Total Units Proposed	**Average Household Size**	**Total Population Generated**
2411	**2.45**	5,906.95

2e) TOTAL NON-SCHOOL EXPENSES. *Multiply* the population generated from (2d) by the Per Capita Non-School Expenses below.

Total Population Generated	**Per-Capita Non-School Expenses**	**Total Non-School Expenses**
5,906.95	**$680.24**	$4,018,143.67

2f) TOTAL RESIDENTIAL EXPENSES. *Add* school expenses from (2c) and non-school expenses (2e) to determine total residential expenses.

Total School Expenses	**Non-School Expenses**	**Total Residential Expenses**
$9,097,668.58	$4,018,143.67	$13,115,812.25

Residential Revenues

2g) TOTAL REAL ESTATE EXPECTED MARKET VALUE. Write the number of each type of units proposed from (2a). Then *determine the average* expected market value for each type of unit. Then, *multiply* the number of unit proposed by their average expected market value. Finally, *add* the total expected market value of the proposed units.

Unit Type:	**Number of Units:**	**Average Expected Market Value:**	**Total Expected Market Value:**
Single-Family Detached	1,911	$450,000	$859,950,000
Townhome/Condo/Multi-family	500	$250,000	$125,000,000
Total:	2,411	N/A	$984,950,000

2h) TOTAL REAL ESTATE TAXES PAID. *Multiply* the total market value from (2g) by the real estate tax rate blow.

Total Market Value	Real Estate Tax Rate	Total Real Estate Taxes Paid
$984,950,000	**.0084**	$8,273,580

2i) TOTAL PERSONAL PROPERTY TAXES PAID. *Multiply* the total real estate taxes paid (2h) by the property tax average below.

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Taxes Paid
$8,273,580	**0.15**	$1,241,037

2j) TOTAL SALES & MEALS TAXES PAID. *Multiply* the total real estate taxes paid (2h) by the sales and meals tax average below:

Real Estate Tax Paid	Sales and Meals Tax Average	Total Sales & Meals Taxes Paid
$8,273,580	**.09**	$ 744,622.20

2k) TOTAL CONSERVATION EASEMENT TAXES PAID. If the proposal contains a conservation easement, *multiply* the size of the proposed conservation easement by the conservation easement assessment rate.

Proposed Conservation Easement Size	Assessment Rate	Conservation Easement Taxes Paid
0	**$2000/acre** (prorated)	$0

2l) TOTAL HOA TAXES PAID. If the HOA will own any property that will be rented to non- HOA members, *multiply* the expected assessed value of those rentable facilities by the real estate tax rate below.

HOA Property Type	Total Assessed Value	Real Estate Tax Rate	Total HOA Taxes Paid
0	0	**.0084**	$0

2m) TOTAL RESIDENTIAL REVENUES. *Add* all residential taxes paid to the County from (2h) through (2l).

Total Residential Revenues	**$10,259,239.20**

2n) RESIDENTIAL FISCAL IMPACT. Subtract total residential revenues (2m) from total residential expenses (2f).

Total Residential Ex	Total Residential Revenues	Total Residential Fiscal Impact
13,115,812.25	10,259,239.20	$-2,856,573.05

Fiscal Impact Analysis Worksheet Section 3: Commercial and Industrial Developments

Commercial and Industrial Expenses

3a) TOTAL NEW BUSINESSES. How many new businesses are proposed? 9

(Include all businesses that will rent or lease space at the location as part of the proposal, including probable tenants of an office park or strip mall).

3b) TOTAL COMMERCIAL EXPENSES. *Multiply* the total business real estate expected assessment value from (3c) below by the Commercial Expenses Rate below.

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
$1	**0.00468**	**$**411,213.94

Commercial & Industrial Revenues

3c) TOTAL REAL ESTATE EXPECTED ASSESSMENT VALUE. E*stimate* the expected real estate assessment value, at buildout, of all proposed commercial element properties below.

Proposed Business Properties (by use and location)	Expected Assessment Value
Bank	$540,724.58
Gas Station	$800,608.22
Quickserve Restaurant	$330,556.66
Retail Center	$3,998,545.55
Shopping Center	$19,986,200.00
Assisted Living Facility	$40,745,493.00
Winery	$4,384,348.80
Equestrian Center	$703,333.80
Light Industrial	$16,376,416.00
Total:	$ 87,866,226.61

3d) TOTAL REAL ESTATE TAXES PAID. *Multiply* the total expected market property value from (3c) by the real estate tax rate below.

Expected Market Value	Real Estate Tax Rate	Real Estate Taxes Paid
87,866,226.61	**.0084**	$738,076.30

3e) TOTAL BUSINESS PERSONAL PROPERTY TAXES PAID. *Multiply* the total business capitalization for each proposed commercial element by the business personal property tax rate below. Then *add* the total personal property taxes paid.

Proposed Business Name	Total Business Capitalization	Personal Property Tax Rate	Total Business Property Taxes Paid
Bank	$375,000.00	**0.01**	$3,750.00
Gas Station	$5,000,000.00	**0.01**	$50,000.00
Quickserve Restaurant	$1,600,000.00	**0.01**	$16,000.00
Retail Center	$19,600,000.00	**0.01**	$196,000.00
Shopping Center	$53,040,000.00	**0.01**	$530,400.00
Assisted Living Facility	$56,271,485.00	**0.01**	$562,714.85
Winery	$3,000,000.00	**0.01**	$30,000.00
Equestrian Center	$1,517,796.00	**0.01**	$15,177.96
Light Industrial	$23,000,000.00	**0.01**	$230,000.00
Total:		N/A	$1,634,042.81

3f) TOTAL BUSINESS MACHINERY AND TOOLS TAXES PAID. If any manufacturing is proposed, *multiply* the total business capitalization for each proposed manufacturing element by the business machinery and tools tax rate below. Then, *add* the machinery and tools tax paid.

Proposed Business Name	Total Business Capitalization	Machinery and Tools Tax Rate	Total Business Property Taxes Paid
		0.01	
		0.01	
Total:		N/A	$ NA

3g) TOTAL SALES TAXES PAID. *Estimate* the applicable total gross retail sales, prepared meals sales, and hotel/motel room sales for proposal's commercial elements below. Then, *multiply* the projected commercial gross sales by the applicable sales tax rates. Then, *add* the total sales taxes paid.

Tax Type	Projected Gross Sales	Sales Tax Rates	Sales Taxes Paid
Retail Sales	$111,722,333.00	**0.015 of Gross Retail Sales**	$1,675,835
Prepared Meals	$11,354,000.00	**0.04 of Prepared Sales**	$454,160
Hotel, Motel		**0.02 of Gross Sales***	
Total:	**N/A**	**N/A**	$ 2,129,995

*Actual Occupancy Tax is 5% of Gross Sales; however, 60% of those funds are targeted to tourism.

3h) TOTAL BUSINESS LICENSES FEES PAID. Estimate each business element's total gross sales. Multiply each business element's projected gross sales by the Annual Business License rate to determine annual business licenses fee paid.

Proposed Business Name(s)	Business Type* (see exhibit sheet)	Projected Total Gross Sales	Business License Rate	Annual Business License Fees Paid
Light Industrial	Other Services	$30,000,000.00	0.0036	$108,000.00
Retail Center	Retail Sales	$20,722,333.00	0.002	$41,444.67
Winery	Retail Sales	$3,854,000.00	0.002	$7,708.00
Shopping Center	Retail Sales	$56,000,000.00	0.002	$112,000.00
Gas Station	Other Services	$5,000,000.00	0.0036	$18,000.00
Equestrian Center	Other Services	$-	0.0036	$-
	Total	N/A	N/A	$ 287,152.67

3i) TOTAL COMMERCIAL AND INDUSTRIAL REVENUES. *Add* the total taxes and fees paid by all of the business elements from (3d) through (3h).

Total Commercial and Industrial Revenues	$4,789,266.77

3j) COMMERCIAL FISCAL IMPACT. *Subtract* total commercial and industrial revenues (3i) from total commercial and industrial expenses (3b).

Total Commercial	Total Commercial Revenues	Total Commercial Fiscal Impact
-411,213.94	4,789,266.77	$4,378,052.83

3k) TOTAL PROPOSED FISCAL IMPACT. *Add* residential fiscal impacts (2n) and commercial fiscal impacts (3j).

Residential Fiscal Impact	Commercial Fiscal Impact	Total Proposed Fiscal Impact
-2,856,573.05	4,378,052.83	$1,521,479.79

Fiscal Impact Analysis Worksheet Section 4: Current Land Use

Current Residential Use (If there are no existing residential units, skip to (4g)).

4a) TOTAL CURRENT DWELLING UNITS. Please indicate the total number of each type of existing dwelling unit. Then, *add* the total number of existing dwelling units.

Single-Family Detached	0	Apartment	0

Townhome/Condominium/Single-Family Attached	0	Manufactured Home	0
Total Dwelling Units	0		

Residential Expenses - School Expenses

4b) TOTAL CURRENT STUDENTS. *Multiply* the number of existing units from (4a) by its corresponding Student Generation Rate below. Then, *add* the total number of existing students.

Unit Type	Number of Existing Units	Student Generation Rate	Existing Students
Single-Family Detached	0	0.4	0
Townhome/Condo/Attached	0	0.17	0
Apartment	0	0.31	0
Manufactured Home	0	0.46	0
Total	0	**N/A**	0

4c) TOTAL CURRENT SCHOOL EXPENSES. *Multiply* the total number of current students from (4b) by the per-student school cost below.

Number of Existing Students	Per-Student School Cost	Current School Expenses
0	**$10,714.61**	$0

Residential Expenses - Non-School Expenses

4d) TOTAL CURRENT POPULATION. *Multiply* the total number of existing units from (4a) by average household size below.

Total Existing Units	Average Household Size	Total Current Population
0	**2.45**	0

4e) TOTAL CURRENT NON-SCHOOL EXPENSES. *Multiply* the current population from (4d) by per-capita non-school expenses below.

Total Current Population	Per-Capita Non-School Expenses	Current Non-School Expenses
0	**$680.24**	$0

4f) TOTAL RESIDENTIAL EXPENSES. *Add* school expenses from (4c) and non-school expenses from (4e).

School Expenses	Non-School Expenses	Residential Expenses
$0	$0	$0

Residential Revenues

4g) TOTAL CURRENT ASSESSMENT VALUE. *Search* for each residential property included in the proposal on the Parcel Viewer at http://property.jccegov.com/parcelviewer/Search.aspx . *Indicate* each property's total assessment value below. Then, *add* total assessment values.

Property Address and Description	Assessment Value
	$
	$
	$
Total:	$ 0

4h) TOTAL CURRENT REAL ESTATE TAXES PAID. *Multiply* the total assessment value from (4g) by the real estate tax rate below.

Total Assessment Value	Real Estate Tax Rate	Real Estate Taxes Paid
0	**.0084**	$0

4i) TOTAL CURRENT PERSONAL PROPERTY TAXES PAID. *Multiply* total real estate taxes paid from (4h) by the personal property tax average below.

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Paid
0	**0.15**	$0

4j) TOTAL CURRENT SALES AND MEALS TAXES PAID. *Multiply* the total real estate taxes paid from (4h) by the sales and meals tax average below.

Real Estate Tax Paid	Sales and Meals Tax Average	Average Excise Tax Paid
0	**.09**	$0

4k) TOTAL CURRENT RESIDENTIAL REVENUES. *Add* all current residential taxes paid to the County from (4h) through (4j).

Total Current Residential Revenues	$ 0

4l) CURRENT RESIDENTIAL FISCAL IMPACT. *Subtract* total residential revenues (4k) from total residential expenses (4f).

Total Residential	Total Residential Revenues	Total Residential Fiscal Impact

0	0	$0

4m) FINAL RESIDENTIAL FISCAL IMPACT. *Subtract* current residential fiscal impact from (4l) from proposed residential fiscal impact from (2n).

Proposed Residential Impact	Current Residential Impact	Final Residential Fiscal Impact
-2,856,573.05	0	$-2,856,573.05

Current Commercial Use

Current Commercial Expenses (if there are no current businesses or commercial properties, skip to (5k).

5a) TOTAL CURRENT BUSINESSES. How many businesses exist on the proposal properties? 0 (Include all businesses that rent or lease space at the location).

5b) TOTAL CURRENT COMMERCIAL EXPENSES. *Multiply* the current number of businesses operating on the proposal properties by the per-business expense rate below.

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
0	**0.00468**	$0

Current Commercial Revenues

5c) TOTAL CURRENT ASSESSMENT VALUE. *Search* for each commercial property included in the proposal on the Parcel Viewer at http://property.jccegov.com/parcelviewer/Search.aspx . *Indicate* each property's total assessment value below. Then, *add* total assessment values.

Addresses	Assessment Value	Real Estate Tax Rate	Real Estate Tax Paid
		.0084	
		.0084	
Total:			$ 0

5d) TOTAL CURRENT BUSINESS PERSONAL PROPERTY TAXES PAID. *Multiply* the total business capitalization for each current commercial element by the business personal property tax rate below. Then *add* the total personal property taxes paid.

Current Business	Total Business	Personal Property Tax Rate	Business Property Taxes Paid
		0.01	
		0.01	
		0.01	
Total:		N/A	$ 0

5e) TOTAL CURRENT MACHINERY AND TOOLS TAX PAID. If any manufacturing exists, *multiply* the total capitalization for manufacturing equipment by the business machinery and tools tax rate below.

Current Business	**Total Business Capitalization**	**Personal Property Tax Rate**	**Machinery and Tools Tax Paid**
		0.01	$ 0

5f) TOTAL CURRENT SALES TAXES PAID. *Estimate* the applicable total gross retail sales, prepared meals sales, and hotel/motel sales for existing commercial elements below. Then, *multiply* the projected commercial gross sales by the applicable sales tax rates. Then, *add* the total sales taxes paid.

Activity	**Projected Gross Sales**	**Tax Rate**	**Sales Taxes Paid**
Retail Sales		**0.015 of Gross Retail Sales**	
Prepared Meals		**0.04 of Prepared Sales**	
Hotel, Motel		**0.02 of Gross Sales***	
Total:	**N/A**	**N/A**	$ 0

*Actual Occupancy Tax is 5% of Gross Sales; however, 60% of those funds are targeted to tourism.

5g) TOTAL CURRENT BUSINESS LICENSES FEES PAID. *Estimate* each current business element's total gross sales. Then, *multiply* each business element's projected gross sales by the Annual Business License rate to determine annual business licenses fee paid. Then, *add* the total business license fees paid.

Business Type	**Gross Sales**	**Business License Rate**	**Annual Business License Fees Paid**
Professional Services		**$0.0058**	
Retail Sales		**$0.0020**	
Contractors		**$0.0016**	
Wholesalers		**$0.0005**	
Manufacturers		**No tax**	
Other Services		**$0.0036**	

5h) TOTAL CURRENT COMMERCIAL REVENUES. *Add* all current commercial revenues paid by existing businesses from (5c) through (5g).

Total Current Commercial Revenues	$ 0

5i) CURRENT COMMERCIAL FISCAL IMPACT. *Subtract* total commercial revenues (5h) from total residential expenses (5b).

Total Commercial Expenses	Total Commercial Revenues	Total Commercial Fiscal Impact
0	0	$ 0

5j) FINAL COMMERCIAL FISCAL IMPACT. *Subtract* current commercial fiscal impact from (5i) from proposed commercial fiscal impact from (3j).

Proposed Commercial Impact	Current Commercial Impact	Final Commercial Fiscal Impact
4,378,052.83	0	$4,378,052.83

5k) FINAL FISCAL IMPACT. *Subtract* the final commercial fiscal impact from (5i) from final residential fiscal impact from (4m).

Final Residential Impact	Final Commercial Impact	Final Fiscal Impact
-2,856,573.05	4,378,052.83	$1,521,479.79

Fiscal Impact Worksheet Section 6: Phasing

Residential Phasing

6a) Copy *and paste* the residential phasing template from the accompanying Excel sheet to the page below.

6a) When will proposed residential units be built?						
	Total Units Proposed		2411			
	Year 1	**Year 2**	**Year 3**	**Year 4**	**Year 5**	**Buildout**
Homes Built	70	70	70	70	70	350
Total Res Exp	$ 13,115,812.25	$ 13,115,812.25	$ 13,115,812.25	$ 13,115,812.25	$ 13,115,812.25	
Per Unit Exp	$ 5,439.99	$ 5,439.99	$ 5,439.99	$ 5,439.99	$ 5,439.99	$ 5,439.99
Total Res Exp	$ 380,799.19	$ 380,799.19	$ 380,799.19	$ 380,799.19	$ 380,799.19	$ 1,903,995.97
Total Res Rev	$ 10,259,239.20	$ 10,259,239.20	$ 10,259,239.20	$ 10,259,239.20	$ 10,259,239.20	
Per Unit Rev	$ 4,255.18	$ 4,255.18	$ 4,255.18	$ 4,255.18	$ 4,255.18	$ 4,255.18
Total Res Rev	$ 297,862.61	$ 297,862.61	$ 297,862.61	$ 297,862.61	$ 297,862.61	$ 1,489,313.03
Per Unit Impact	$ 1,184.81	$ 1,184.81	$ 1,184.81	$ 1,184.81	$ 1,184.81	$ 1,184.81
Res Impact	$ 82,936.59	$ 165,873.18	$ 248,809.76	$ 331,746.35	$ 414,682.94	$ (414,682.94)

Commercial Phasing

6b) *Copy* and *paste* the commercial phasing template from the accompanying Excel sheet to the page below.

6b) When will proposed commercial units be built?			
	Total New Businesses		9
	Year 1	**Year 2**	**Buildout**
Bus Built	4.5	4.5	9
Bus Exp	$ 411,213.94	$ 411,213.94	
Per Bus Exp	$ 45,690.44	$ 45,690.44	
Year Bus Exp	$ 205,606.97	$ 205,606.97	
Bus Rev	$ 4,789,266.77	$ 4,789,266.77	
Per Bus Rev	$ 532,140.75	$ 532,140.75	
Year Bus Rev	$ 2,394,633.39	$ 2,394,633.39	
Bus Impact	$ 2,189,026.42	$ 4,378,052.83	

Final Phasing Projections

6c) *Copy* and *paste* the final phasing projection from the accompanying Excel sheet to the page below.

6c) What is the final phasing projection?						
	Year 1	**Year 2**	**Year 3**	**Year 4**	**Year 5**	**Buildout**
Res Impact	$ 82,936.59	$ 165,873.18	$ 248,809.76	$ 331,746.35	$ 414,682.94	$ 414,682.94
Bus Impact	$ 2,189,026.42	$ 4,378,052.83	$ 4,378,052.83	$ 4,378,052.83	$ 4,378,052.83	
Final Impact	$ 2,271,963.00	$ 4,543,926.01	$ 4,626,862.60	$ 4,709,799.19	$ 4,792,735.77	

Fiscal Impact Worksheet Section 7: Employment

7a) *Copy and paste* the employment projections from the accompanying Excel sheet to the page below.

Employment				
7a) How many fill-time equivalent jobs (FTE)will be generated from the proposal? What will be the average payroll?				
	Business	**FTE Jobs Generated**	**Average Payroll**	
1	Construction FTE	7100	$	47,250.00
2	Permanent Incremental FTE	13388	$	25,674.00
3	Annual FTE	20489	$	25,674.00
4			$	-
5			$	-
6			$	-

DEFINITIONS AND ASSUMPTIONS

Apartment – A building used, or intended to be used as the residence of three or more families living independently of each other. Tenants have no equity in the dwelling.

Assessment Value – Assessment value is assumed to be within 1% of market value. Market value drives assessment value.

Buildout – All data and assumptions reflect the fiscal impact of the proposal at buildout.

Commercial Expense Rate – The commercial expense rate uses the proportional valuation method to determine individual business expenses. Under that method businesses are collectively responsible for impact related to the commercial property valuation.

This rate assumes that the costs of providing County services to a business are directly correlated with that business's property assessment. This assumes more valuable properties have generally more intense uses incurring greater County expenses.

Condominium – A building, or group of buildings, in which units are owned individually and the structure, common areas and common facilities are owned by all the owners on a proportional, undivided basis.

Contractor – Any person, firm or corporation accepting or offering to accept orders or contracts for doing any work on or in any building or structure, any paving, curbing or other work on sidewalks, streets, alleys or highways, any excavation of earth, rock or other materials, any construction of sewers and any installation of interior building components.

Direct Impact – The worksheet only calculates direct financial impacts on the County budget. The worksheet is only one of many development management tools and as such, does not make a determination whether any type of development "should" happen based solely on that proposal's fiscal impact. The tool is not designed to measure non-budget impacts, such as increased traffic or nonbudget benefits, such as forwarding the goals of the Comprehensive Plan. Costs incurred by other entities, such as other localities or the state, remain uncounted.

Dwelling – Any structure which is designed for use for residential purposes, except hotels, motels, boardinghouses, lodging houses and tourist cabins.

Exempt – Certain types of business activities or products are exempted from annual County business licenses. These include manufacturers, insurance agencies, apartment complexes and gasoline sales.

Fees & Licenses – All fees collected by the County, including business and professional licenses, planning fees, building permit fees, stormwater fees, environmental inspection fees, septic tank fees, dog licenses and motor vehicle licenses, are deducted from the per-capita and per-business budgetary costs of each department that collects them.

Fiscal Impact Analysis – The County has created a set of standardized data and assumptions to streamline both the creation and review of fiscal impact studies. The County had no itemized list of questions for fiscal impact study creators to answer, resulting in portions of fiscal impact studies with no bearing on the County's budgetary bottom line. The guesswork is removed from the creation of these documents. The data used by fiscal impact study authors also came from myriad sources, often within the County, which were difficult to verify. The fiscal impact worksheet allows consistency across multiple fiscal impact studies.

Fiscal Impact Worksheet – The worksheet helps the applicant present relevant data to the County, using data verified by the County. The worksheet provides consistency across all fiscal impact analyses.

Non-School Expenses – Non-school expenses include all non-school budget spending. Non- school expenses are calculated using the Proportional Variation method. Using the Proportional Variation method, residents and businesses are assumed to be responsible for differing percentages of the County's non-school spending.

Manufacturing – Assembly of components, pieces, or subassemblies, or the process of converting raw, unfinished materials into different products, substances or purposes.

Market Value – Market value is assumed to be within 1% of assessment value. Market value drives assessment value.

Manufactured Home – A manufactured home is a structure not meeting the specifications or requirements or a manufactured home, designed for transportation after fabrication. The only manufactured homes counted in the Student Generation figure are those in designated manufactured home parks. Manufactured homes on individual lots are indistinguishable from single-family detached dwellings for the purposes of the worksheet.

Phasing – All residential developments are assumed to have an absorption rate of 20% per annum. All commercial development are assumed to have an absorption rate of 20% per annum. The date stamp Year 1 in the phasing template represents 365 days after the Board of Supervisors approval.

Professional Services – Work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering. Professional services shall also include the services of an economist procured by the State Corporation Commission.

Proportional Valuation Impact – Proportional valuation impact assumes that a proposed residential or commercial project's fiscal impact is proportional to the percentage of the total tax base that is either residential or commercial.

James City's proportional valuation is calculated using the County's Real Estate Mapping GIS program. The program calculated an aggregate property assessment value of $12,893,394,900 for

the entire County. The program calculated an aggregate commercial and industrial assessment value of $1,631,761,400. Dividing the commercial value by the total value shows that commercial and industrial properties compose 13% of the total property tax base and are responsible for 13% of County non-school expenses. This results in residential development being responsible for Schools impacts and 87% of non-school County operations. The proportional valuation method does not factor other assorted residential and commercial taxes, fees and licenses into account. As 13% of the tax base, businesses contribute 13% for all County non-school expenses. As 87% of the tax base, residents contribute 87% for all County non-school expenses.

Furthermore, individual business expenses to the County are calculated using the proportional valuation impact method. (See Commercial Expense Rate)

Per-Business Expense Rate – The per-business expense rate assumes that the County incurs non-school expenses equal to 0.04% of the commercial real estate assessment of any given business.

Per Capita Evaluation Method – This worksheet uses the Per Capita Evaluation method to assign per-capita and per-business costs to non-school expenses. This method assumes that current per-capita and per-business expenditures and service levels are consistent with future per-capita and per-business expenditures and service levels.

Per Capita – Per capita calculations divide each department's spending, minus fees and state contributions, by the current County population. This number excludes institutional residents in detention at correctional facilities and mental institutions. Total population is determined from James City County Planning Division figures.

Per Student – Per student calculations divide County contributions to WJCC Schools, minus state educational contributions, by the total number of K-12 students living in James City and also attending WJCC Schools. Total students are determined from Williamsburg-James City County Schools School Year enrollment reports.

Per Business – Per business calculations divide each departments spending, minus fees and state contributions, by the total number of County businesses. Total businesses are determined by the number of business licenses issued.

Total Number of JCC Businesses	**5490***
Percentage of Property Tax Assessments	**13%****

*James City County Commissioner of the Revenue

**Commercial impacts are calculated on a proportional variation process

Proffer – Proffers paid for schools can only be applied toward the capital expense portion of per-student school expenses. (See Board of Supervisors' Proffer Policy.)

Retail Services – Display and sale of merchandise at retail or the rendering of personal services, such as food, drugs, clothing, furniture, hardware, appliances, barber and beauty, antiques, and household uses and other uses.

Single-Family Detached Dwelling – A detached structure arranged or designed to be occupied by one family, the structure only having one dwelling unit.

State Contributions – The state contributes both targeted and unspecified funds to the James City County budget. Funds for specific departments were subtracted from the budget totals of those departments. Unspecified state fund amounts were compiled, then evenly subtracted (7.75% of each department total) across all non-school departments.

Student Generation Rate – The student generation rate the number of students produced by an individual dwelling unit per year. Different domestic units produce students are different rates. Using WJCC enrollment figures, an address was found for WJCC students residing in James City County. Using the James City County Real Estate Division's Property Information map on the James City County website, the number of students from each subdivision was determined. Using the Real Estate Division's Real Estate Parcel Count, the number of improved lots in each neighborhood was determined. Total students from each neighborhood were divided by the total number of units from that neighborhood to determine the average number of students per housing unit. The student generation numbers for 256 subdivisions were determined this way, along with the same method for counting students from apartments and manufactured home parks.

Townhome –In a structure containing three or more dwelling units, a dwelling unit for single-family occupancy, not more than three stories in height, attached by one or more vertical party walls extending to the roof sheathing without passageway openings to one or more additional such dwelling units, each of which is served by an individual exterior entrance or entrances.

Version 2019
(Last Updated 4/4/2019)

Please make sure to use the accompanying Excel Spreadsheet to calculate the numbers below.

FISCAL IMPACT WORKSHEET AND ASSUMPTIONS

Please complete all *applicable* sections. Please use the provided spreadsheet to perform calculations. If space provided is insufficient, please feel free to include additional pages. If you have any questions please contact the Planning Office at 757-253-6685 or planning@jamescitycountyva.gov

1a) PROPOSAL NAME: Stonehouse 2018 Masterplan Amendment (PUD and Preservation Parcels)

1b) Does this project propose residential units? Yes ■ No ☐ (if no, skip Sec. 2)

1c) Does this project include commercial or industrial uses? Yes ☒ No ☐ (If no, skip Sec. 3)

Fiscal Impact Worksheet Section 2: Residential Developments

2a) TOTAL NEW DWELLING UNITS. Please indicate the total number of each type of proposed dwelling unit. Then, *add* the total number of new dwelling units.

Single-Family Detached	1911	Apartment	
Townhome/Condominium/Single-Family	500	Manufactured Home	
Total Dwelling Units	2411		

Are any units affordable? Yes ☒ No ☐ (If yes, how many?) 85

Residential Expenses – School Expenses

2b) TOTAL NEW STUDENTS GENERATED. *Multiply* the number of each type of proposed unit from (2a) its corresponding Student Generation Rate below. Then, *add* the total number of students generated by the proposal.

Unit Type	Number of Proposed Units (from 2a)	Student Generation Rate	Students Generated
Single-Family Detached	1911	0.4	764.4
Townhome/Condo/Attached	500	0.17	85
Apartment		0.31	
Manufactured Home		0.46	
Total	2411		849.4

2c) TOTAL SCHOOL EXPENSES. *Multiply* the total number of students generated from (2b) by the Per-Student Total Expenses below.

Total Students Generated	Per-Student Operating Expenses	Per-Student Capital Expenses	**Per-Student Total Expenses**	**Total School Expenses**
849.4	$8,762.38	$1,948.32	**$10,714.61**	$9,097,668.58

Residential Expenses - Non-School Expenses

2d) TOTAL POPULATION GENERATED. *Multiply* the number of proposed units from (2a) and multiply by the Average Household Size number below.

Total Units Proposed	**Average Household Size**	**Total Population Generated**
2411	**2.45**	5,906.95

2e) TOTAL NON-SCHOOL EXPENSES. *Multiply* the population generated from (2d) by the Per Capita Non-School Expenses below.

Total Population Generated	**Per-Capita Non-School Expenses**	**Total Non-School Expenses**
5,906.95	**$680.24**	$4,018,143.67

2f) TOTAL RESIDENTIAL EXPENSES. *Add* school expenses from (2c) and non-school expenses (2e) to determine total residential expenses.

Total School Expenses	**Non-School Expenses**	**Total Residential Expenses**
$9,097,668.58	$4,018,143.67	$13,115,812.25

Residential Revenues

2g) TOTAL REAL ESTATE EXPECTED MARKET VALUE. Write the number of each type of units proposed from (2a). Then *determine the average* expected market value for each type of unit. Then, *multiply* the number of unit proposed by their average expected market value. Finally, *add* the total expected market value of the proposed units.

Unit Type:	**Number of Units:**	**Average Expected Market Value:**	**Total Expected Market Value:**
Single-Family Detached	1911	$450,000	$ 859,950,000
Townhome/Condo/Multi-family	500	$250,000	$ 125,000,000
Total:	2411	N/A	$ 984,950,000

2h) TOTAL REAL ESTATE TAXES PAID. *Multiply* the total market value from (2g) by the real estate tax rate blow.

Total Market Value	Real Estate Tax Rate	Total Real Estate Taxes Paid
$984,950,000	**.0084**	$8,273,580

2i) TOTAL PERSONAL PROPERTY TAXES PAID. *Multiply* the total real estate taxes paid (2h) by the property tax average below.

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Taxes Paid
$8,273,580	**0.15**	$1,241,037

2j) TOTAL SALES & MEALS TAXES PAID. *Multiply* the total real estate taxes paid (2h) by the sales and meals tax average below:

Real Estate Tax Paid	Sales and Meals Tax Average	Total Sales & Meals Taxes Paid
$8,273,580	**.09**	$744,622.20

2k) TOTAL CONSERVATION EASEMENT TAXES PAID. If the proposal contains a conservation easement, *multiply* the size of the proposed conservation easement by the conservation easement assessment rate.

Proposed Conservation Easement Size	Assessment Rate	Conservation Easement Taxes Paid
0	**$2000/acre** (prorated)	$0

2l) TOTAL HOA TAXES PAID. If the HOA will own any property that will be rented to non- HOA members, *multiply* the expected assessed value of those rentable facilities by the real estate tax rate below.

HOA Property Type	Total Assessed Value	Real Estate Tax Rate	Total HOA Taxes Paid
0	0	**.0084**	$0

2m) TOTAL RESIDENTIAL REVENUES. *Add* all residential taxes paid to the County from (2h) through (2l).

Total Residential Revenues	**$10,259,239.20**

2n) RESIDENTIAL FISCAL IMPACT. Subtract total residential revenues (2m) from total residential expenses (2f).

Total Residential Ex	Total Residential Revenues	Total Residential Fiscal Impact
-13,115,812.25	10,259,239.20	$ -2,856,573.05

Fiscal Impact Analysis Worksheet Section 3: Commercial and Industrial Developments

Commercial and Industrial Expenses

3a) TOTAL NEW BUSINESSES. How many new businesses are proposed? 9
(Include all businesses that will rent or lease space at the location as part of the proposal, including probable tenants of an office park or strip mall).

3b) TOTAL COMMERCIAL EXPENSES. *Multiply* the total business real estate expected assessment value from (3c) below by the Commercial Expenses Rate below.

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
$1	**0.00468**	$411,213.94

Commercial & Industrial Revenues

3c) TOTAL REAL ESTATE EXPECTED ASSESSMENT VALUE. E*stimate* the expected real estate assessment value, at buildout, of all proposed commercial element properties below.

Proposed Business Properties (by use and location)	Expected Assessment Value
Bank	$540,724.58
Gas Station	$800,608.22
Quickserve Restaurant	$330,556.66
Retail Center	$3,998,545.55
Shopping Center	$19,986,200.00
Assisted Living Facility	$40,745,493.00
Winery	$4,384,348.80
Equestrian Center	$703,333.80
Light Industrial	$16,376,416.00
Total:	**$ 87,866,226.61**

3d) TOTAL REAL ESTATE TAXES PAID. *Multiply* the total expected market property value from (3c) by the real estate tax rate below.

Expected Market Value	Real Estate Tax Rate	Real Estate Taxes Paid
87,866,226.61	**.0084**	$738,076.30

3e) TOTAL BUSINESS PERSONAL PROPERTY TAXES PAID. *Multiply* the total business capitalization for each proposed commercial element by the business personal property tax rate below. Then *add* the total personal property taxes paid.

Proposed Business Name	Total Business Capitalization	Personal Property Tax Rate	Total Business Property Taxes Paid
Bank	$375,000.00	**0.01**	$3,750.00
Gas Station	$5,000,000.00	**0.01**	$50,000.00
Quickserve Restaurant	$1,600,000.00	**0.01**	$16,000.00
Retail Center	$19,600,000.00	**0.01**	$196,000.00
Shopping Center	$53,040,000.00	**0.01**	$530,400.00
Assisted Living Facility	$56,271,485.00	**0.01**	$562,714.85
Winery	$3,000,000.00	**0.01**	$30,000.00
Equestrian Center	$1,517,796.00	**0.01**	$15,177.96
Light Industrial	$23,000,000.00	**0.01**	$230,000.00
Total:		N/A	$1,634,042.81

3f) TOTAL BUSINESS MACHINERY AND TOOLS TAXES PAID. If any manufacturing is proposed, *multiply* the total business capitalization for each proposed manufacturing element by the business machinery and tools tax rate below. Then, *add* the machinery and tools tax paid.

Proposed Business Name	Total Business Capitalization	Machinery and Tools Tax Rate	Total Business Property Taxes Paid
		0.01	
		0.01	
Total:		N/A	$ NA

3g) TOTAL SALES TAXES PAID. *Estimate* the applicable total gross retail sales, prepared meals sales, and hotel/motel room sales for proposal's commercial elements below. Then, *multiply* the projected commercial gross sales by the applicable sales tax rates. Then, *add* the total sales taxes paid.

Tax Type	Projected Gross Sales	Sales Tax Rates	Sales Taxes Paid
Retail Sales	$111,722,333.00	**0.015 of Gross Retail Sales**	$1,675,835.00
Prepared Meals	$11,354,000.00	**0.04 of Prepared Sales**	$ 454,160.00
Hotel, Motel		**0.02 of Gross Sales***	
Total:	**N/A**	**N/A**	$2,129,995.00

*Actual Occupancy Tax is 5% of Gross Sales; however, 60% of those funds are targeted to tourism.

3h) TOTAL BUSINESS LICENSES FEES PAID. Estimate each business element's total gross sales. Multiply each business element's projected gross sales by the Annual Business License rate to determine annual business licenses fee paid.

Proposed Business Name(s)	**Business Type* (see exhibit sheet)**	**Projected Total Gross Sales**	**Business License Rate**	**Annual Business License Fees Paid**
Light Industrial	Other Services	$30,000,000.00	0.0036	$108,000.00
Retail Center	Retail Sales	$20,722,333.00	0.002	$41,444.67
Winery	Retail Sales	$3,854,000.00	0.002	$7,708.00
Shopping Center	Retail Sales	$56,000,000.00	0.002	$112,000.00
Gas Station	Other Services	$5,000,000.00	0.0036	$18,000.00
Equestrian Center	Other Services	$-	0.0036	$-
	Total	N/A	N/A	$287,152.67

3i) TOTAL COMMERCIAL AND INDUSTRIAL REVENUES. *Add* the total taxes and fees paid by all of the business elements from (3d) through (3h).

Total Commercial and Industrial Revenues	$4,789,266.77

3j) COMMERCIAL FISCAL IMPACT. *Subtract* total commercial and industrial revenues (3i) from total commercial and industrial expenses (3b).

Total Commercial	**Total Commercial Revenues**	**Total Commercial Fiscal Impact**
-411,213.94	$4,789,266.77	$4,378,052.83

3k) TOTAL PROPOSED FISCAL IMPACT. *Add* residential fiscal impacts (2n) and commercial fiscal impacts (3j).

Residential Fiscal Impact	**Commercial Fiscal Impact**	**Total Proposed Fiscal Impact**
-2,856,573.05	4,378,052.83	$ 1,521,479.79

Fiscal Impact Analysis Worksheet Section 4: Current Land Use

Current Residential Use (If there are no existing residential units, skip to (4g)).

4a) TOTAL CURRENT DWELLING UNITS. Please indicate the total number of each type of existing dwelling unit. Then, *add* the total number of existing dwelling units.

Single-Family Detached	849	Apartment	16
Townhome/Condominium/Single-Family Attached	16	Manufactured Home	
Total Dwelling Units	881		

Residential Expenses - School Expenses

4b) TOTAL CURRENT STUDENTS. *Multiply* the number of existing units from (4a) by its corresponding Student Generation Rate below. Then, *add* the total number of existing students.

Unit Type	Number of Existing Units	Student Generation Rate	Existing Students
Single-Family Detached	849	0.4	339.6
Townhome/Condo/Attached	16	0.17	2.72
Apartment	16	0.31	4.96
Manufactured Home	0	0.46	0
Total	881	**N/A**	347.28

4c) TOTAL CURRENT SCHOOL EXPENSES. *Multiply* the total number of current students from (4b) by the per-student school cost below.

Number of Existing Students	Per-Student School Cost	Current School Expenses
347.28	**$10,714.61**	$3,719,608.42

Residential Expenses - Non-School Expenses

4d) TOTAL CURRENT POPULATION. *Multiply* the total number of existing units from (4a) by average household size below.

Total Existing Units	Average Household Size	Total Current Population
881	**2.45**	2,158.45

4e) TOTAL CURRENT NON-SCHOOL EXPENSES. *Multiply* the current population from (4d) by per-capita non-school expenses below.

Total Current Population	Per-Capita Non-School Expenses	Current Non-School Expenses
2,158.45	**$680.24**	$1,468,264.03

4f) TOTAL RESIDENTIAL EXPENSES. *Add* school expenses from (4c) and non-school expenses from (4e).

School Expenses	Non-School Expenses	Residential Expenses
$3,719,608.42	$1,468,264.03	$5,187,872.45

Residential Revenues

4g) TOTAL CURRENT ASSESSMENT VALUE. *Search* for each residential property included in the proposal on the Parcel Viewer at http://property.jccegov.com/parcelviewer/Search.aspx . *Indicate* each property's total assessment value below. Then, *add* total assessment values.

Property Address and Description	Assessment Value
Single Family (Estimated at $400,000 each)	$ 339,600,000
Townhome (Estimated at $250,000 each)	$ 4,000,000
Apartment (Estimated at $235,000 each)	$ 3,760,000
Total:	$347,360,000

4h) TOTAL CURRENT REAL ESTATE TAXES PAID. *Multiply* the total assessment value from (4g) by the real estate tax rate below.

Total Assessment Value	Real Estate Tax Rate	Real Estate Taxes Paid
347,360,000	**.0084**	$2,917,824

4i) TOTAL CURRENT PERSONAL PROPERTY TAXES PAID. *Multiply* total real estate taxes paid from (4h) by the personal property tax average below.

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Paid
2,917,824	**0.15**	$437,673.60

4j) TOTAL CURRENT SALES AND MEALS TAXES PAID. *Multiply* the total real estate taxes paid from (4h) by the sales and meals tax average below.

Real Estate Tax Paid	Sales and Meals Tax Average	Average Excise Tax Paid
2,971,824	**.09**	$262,604.16

4k) TOTAL CURRENT RESIDENTIAL REVENUES. *Add* all current residential taxes paid to the County from (4h) through (4j).

Total Current Residential Revenues	$ 3,618,101.76

4l) CURRENT RESIDENTIAL FISCAL IMPACT. *Subtract* total residential revenues (4k) from total residential expenses (4f).

Total Residential	Total Residential Revenues	Total Residential Fiscal Impact
-5,187,872.45	3,618,101.76	$-1,569,770.69

4m) FINAL RESIDENTIAL FISCAL IMPACT. *Subtract* current residential fiscal impact from (4l) from proposed residential fiscal impact from (2n).

Proposed Residential Impact	Current Residential Impact	Final Residential Fiscal Impact
-2,856,573.05	-1,569,770.69	$ -4,426,343.74

Current Commercial Use

Current Commercial Expenses (if there are no current businesses or commercial properties, skip to (5k).

5a) TOTAL CURRENT BUSINESSES. How many businesses exist on the proposal properties? 7 (Include all businesses that rent or lease space at the location).

5b) TOTAL CURRENT COMMERCIAL EXPENSES. *Multiply* the current number of businesses operating on the proposal properties by the per-business expense rate below.

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
48,706,200	**0.00468**	$227,945.02

Current Commercial Revenues

5c) TOTAL CURRENT ASSESSMENT VALUE. *Search* for each commercial property included in the proposal on the Parcel Viewer at http://property.jccegov.com/parcelviewer/Search.aspx . *Indicate* each property's total assessment value below. Then, *add* total assessment values.

Addresses	Assessment Value	Real Estate Tax Rate	Real Estate Tax Paid
ANO, LLC (aka Lumber Liquidators)	$13,143,800.00	0.0084	$13,143,800.00
Avid Realty LLC (aka Avid Medical)	$13,893,700.00	0.0084	$13,893,700.00
Citzens & Farmers Bank (aka C&F Financial)	$6,329,600.00	0.0084	$6,329,600.00

D&D Properties LLC (aka Nicewood Enterprises)	$3,771,500.00	0.0084	$3,771,500.00
Friendship Partners LLC (aka Design Master Assoc Inc)	$2,481,900.00	0.0084	$2,481,900.00
Thomlyn LLC (aka Wythe Will)	$5,400,000.00	0.0084	$5,400,000.00
La Grange Holdings LLC	$3,685,700.00	0.0084	$3,685,700.00
Total:	$ 48,706,200.00		$ 409,132.08

5d) TOTAL CURRENT BUSINESS PERSONAL PROPERTY TAXES PAID. *Multiply* the total business capitalization for each current commercial element by the business personal property tax rate below. Then *add* the total personal property taxes paid.

Current Business	Total Business	Personal Property Tax Rate	Business Property Taxes Paid
ANO, LLC (aka Lumber Liquidators)	$7,424,100.00	**0.01**	$74,241.00
Avid Realty LLC (aka Avid Medical)	$27,992,320.00	**0.01**	$279,923.20
Citzens & Farmers Bank (aka C&F Financial)	$275,000.00	**0.01**	$2,750.00
D&D Properties LLC (aka Nicewood Enterprises)	$1,000,000.00	**0.01**	$10,000.00
Friendship Partners LLC (aka Design Master Assoc Inc)	$981,000.00	**0.01**	$9,810.00
Thomlyn LLC (aka Wythe Will)	$83,750.00	**0.01**	$ 837.50

La Grange Holdings LLC	$2,140,725.00	**0.01**	$21,407.25
Total:		N/A	$398,968.95

5e) TOTAL CURRENT MACHINERY AND TOOLS TAX PAID. If any manufacturing exists, *multiply* the total capitalization for manufacturing equipment by the business machinery and tools tax rate below.

Current Business	**Total Business Capitalization**	**Personal Property Tax Rate**	**Machinery and Tools Tax Paid**
		0.01	$ NA

5f) TOTAL CURRENT SALES TAXES PAID. *Estimate* the applicable total gross retail sales, prepared meals sales, and hotel/motel sales for existing commercial elements below. Then, *multiply* the projected commercial gross sales by the applicable sales tax rates. Then, *add* the total sales taxes paid.

Activity	**Projected Gross Sales**	**Tax Rate**	**Sales Taxes Paid**
Retail Sales	$2,697,000.00	**0.015 of Gross Retail Sales**	$40,455.00
Prepared Meals		**0.04 of Prepared Sales**	
Hotel, Motel		**0.02 of Gross Sales***	
Total:	**N/A**	**N/A**	$ 40,455.00

*Actual Occupancy Tax is 5% of Gross Sales; however, 60% of those funds are targeted to tourism.

5g) TOTAL CURRENT BUSINESS LICENSES FEES PAID. *Estimate* each current business element's total gross sales. Then, *multiply* each business element's projected gross sales by the Annual Business License rate to determine annual business licenses fee paid. Then, *add* the total business license fees paid.

Business Type	**Gross Sales**	**Business License Rate**	**Annual Business License Fees Paid**
ANO, LLC (aka Lumber Liquidators)	$2,697,000.00	0.002	$5,394.00
Avid Realty LLC (aka Avid Medical)		0.0036	
Citzens & Farmers Bank (aka C&F Financial)		0.0058	

D&D Properties LLC (aka Nicewood Enterprises)		0.0036	
Friendship Partners LLC (aka Design Master Assoc Inc)		0.0036	
Thomlyn LLC (aka Wythe Will)		0.0036	
La Grange Holdings LLC		0.0036	
			$5,394

5h) TOTAL CURRENT COMMERCIAL REVENUES. *Add* all current commercial revenues paid by existing businesses from (5c) through (5g).

Total Current Commercial Revenues	$ 853,950.03

5i) CURRENT COMMERCIAL FISCAL IMPACT. *Subtract* total commercial revenues (5h) from total commercial expenses (5b).

Total Commercial Expenses	Total Commercial Revenues	Total Commercial Fiscal Impact
-227,945.02	853,950.03	$626,005.01

5j) FINAL COMMERCIAL FISCAL IMPACT. *Subtract* current commercial fiscal impact from (5i) from proposed commercial fiscal impact from (3j).

Proposed Commercial Impact	Current Commercial Impact	Final Commercial Fiscal Impact
4,378,052.83	626,005.01	$ 5,004,057.85

5k) FINAL FISCAL IMPACT. *Subtract* the final commercial fiscal impact from (5i) from final residential fiscal impact from (4m).

Final Residential Impact	Final Commercial Impact	Final Fiscal Impact
-4,426,343.74	5,004,057.85	$577,714.11

Fiscal Impact Worksheet Section 6: Phasing

Residential Phasing

6a) Copy *and paste* the residential phasing template from the accompanying Excel sheet to the page below.

6a) When will proposed residential units be built?						
	Total Units Proposed		2411			
	Year 1	**Year 2**	**Year 3**	**Year 4**	**Year 5**	**Buildout**
Homes Built	70	70	70	70	70	350
Total Res Exp	$ 13,115,812.25	$ 13,115,812.25	$ 13,115,812.25	$ 13,115,812.25	$ 13,115,812.25	
Per Unit Exp	$ 5,439.99	$ 5,439.99	$ 5,439.99	$ 5,439.99	$ 5,439.99	$ 5,439.99
Total Res Exp	$ 380,799.19	$ 380,799.19	$ 380,799.19	$ 380,799.19	$ 380,799.19	$ 1,903,995.97
Total Res Rev	$ 10,259,239.20	$ 10,259,239.20	$ 10,259,239.20	$ 10,259,239.20	$ 10,259,239.20	
Per Unit Rev	$ 4,255.18	$ 4,255.18	$ 4,255.18	$ 4,255.18	$ 4,255.18	$ 4,255.18
Total Res Rev	$ 297,862.61	$ 297,862.61	$ 297,862.61	$ 297,862.61	$ 297,862.61	$ 1,489,313.03
Per Unit Impact	$ 1,184.81	$ 1,184.81	$ 1,184.81	$ 1,184.81	$ 1,184.81	$ 1,184.81
Res Impact	$ 37,360.50	$ 74,721.00	$ 112,081.50	$ 149,442.00	$ 186,802.50	$ (186,802.50)

Commercial Phasing

6b) *Copy* and *paste* the commercial phasing template from the accompanying Excel sheet to the page below.

6b) When will proposed commercial units be built?			
	Total New Businesses		9
	Year 1	**Year 2**	**Buildout**
Bus Built	4.5	4.5	9
Bus Exp	$ 411,213.94	$ 411,213.94	
Per Bus Exp	$ 45,690.44	$ 45,690.44	
Year Bus Exp	$ 205,606.97	$ 205,606.97	
Bus Rev	$ 4,789,266.77	$ 4,789,266.77	
Per Bus Rev	$ 532,140.75	$ 532,140.75	
Year Bus Rev	$ 2,394,633.39	$ 2,394,633.39	
Bus Impact	$ 2,189,026.42	$ 4,378,052.83	

Final Phasing Projections

6c) *Copy* and *paste* the final phasing projection from the accompanying Excel sheet to the page below.

6c) What is the final phasing projection?						
	Year 1	**Year 2**	**Year 3**	**Year 4**	**Year 5**	**Buildout**
Res Impact	$ 37,360.50	$ 74,721.00	$ 112,081.50	$ 149,442.00	$ 186,802.50	$ 186,802.50
Bus Impact	$ 2,189,026.42	$ 4,378,052.83	$ 4,378,052.83	$ 4,378,052.83	$ 4,378,052.83	
Final Impact	$ 2,226,386.92	$ 4,452,773.83	$ 4,490,134.33	$ 4,527,494.83	$ 4,564,855.33	

Fiscal Impact Worksheet Section 7: Employment

7a) *Copy and paste* the employment projections from the accompanying Excel sheet to the page below.

Employment				
7a) How many fill-time equivalent jobs (FTE)will be generated from the proposal? What will be the average payroll?				
	Business	**FTE Jobs Generated**	**Average Payroll**	
1	Construction FTE	7100	$	47,250.00
2	Permanent Incremental FTE	13388	$	25,674.00
3	Annual FTE	20489	$	25,674.00
4			$	-
5			$	-
6			$	-

DEFINITIONS AND ASSUMPTIONS

Apartment – A building used, or intended to be used as the residence of three or more families living independently of each other. Tenants have no equity in the dwelling.

Assessment Value – Assessment value is assumed to be within 1% of market value. Market value drives assessment value.

Buildout – All data and assumptions reflect the fiscal impact of the proposal at buildout.

Commercial Expense Rate – The commercial expense rate uses the proportional valuation method to determine individual business expenses. Under that method businesses are collectively responsible for impact related to the commercial property valuation.

This rate assumes that the costs of providing County services to a business are directly correlated with that business's property assessment. This assumes more valuable properties have generally more intense uses incurring greater County expenses.

Condominium – A building, or group of buildings, in which units are owned individually and the structure, common areas and common facilities are owned by all the owners on a proportional, undivided basis.

Contractor – Any person, firm or corporation accepting or offering to accept orders or contracts for doing any work on or in any building or structure, any paving, curbing or other work on sidewalks, streets, alleys or highways, any excavation of earth, rock or other materials, any construction of sewers and any installation of interior building components.

Direct Impact – The worksheet only calculates direct financial impacts on the County budget. The worksheet is only one of many development management tools and as such, does not make a determination whether any type of development "should" happen based solely on that proposal's fiscal impact. The tool is not designed to measure non-budget impacts, such as increased traffic or nonbudget benefits, such as forwarding the goals of the Comprehensive Plan. Costs incurred by other entities, such as other localities or the state, remain uncounted.

Dwelling – Any structure which is designed for use for residential purposes, except hotels, motels, boardinghouses, lodging houses and tourist cabins.

Exempt – Certain types of business activities or products are exempted from annual County business licenses. These include manufacturers, insurance agencies, apartment complexes and gasoline sales.

Fees & Licenses – All fees collected by the County, including business and professional licenses, planning fees, building permit fees, stormwater fees, environmental inspection fees, septic tank fees, dog licenses and motor vehicle licenses, are deducted from the per-capita and per-business budgetary costs of each department that collects them.

Fiscal Impact Analysis – The County has created a set of standardized data and assumptions to streamline both the creation and review of fiscal impact studies. The County had no itemized list of questions for fiscal impact study creators to answer, resulting in portions of fiscal impact studies with no bearing on the County's budgetary bottom line. The guesswork is removed from the creation of these documents. The data used by fiscal impact study authors also came from myriad sources, often within the County, which were difficult to verify. The fiscal impact worksheet allows consistency across multiple fiscal impact studies.

Fiscal Impact Worksheet – The worksheet helps the applicant present relevant data to the County, using data verified by the County. The worksheet provides consistency across all fiscal impact analyses.

Non-School Expenses – Non-school expenses include all non-school budget spending. Non- school expenses are calculated using the Proportional Variation method. Using the Proportional Variation method, residents and businesses are assumed to be responsible for differing percentages of the County's non-school spending.

Manufacturing – Assembly of components, pieces, or subassemblies, or the process of converting raw, unfinished materials into different products, substances or purposes.

Market Value – Market value is assumed to be within 1% of assessment value. Market value drives assessment value.

Manufactured Home – A manufactured home is a structure not meeting the specifications or requirements or a manufactured home, designed for transportation after fabrication. The only manufactured homes counted in the Student Generation figure are those in designated manufactured home parks. Manufactured homes on individual lots are indistinguishable from single-family detached dwellings for the purposes of the worksheet.

Phasing – All residential developments are assumed to have an absorption rate of 20% per annum. All commercial development are assumed to have an absorption rate of 20% per annum. The date stamp Year 1 in the phasing template represents 365 days after the Board of Supervisors approval.

Professional Services – Work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering. Professional services shall also include the services of an economist procured by the State Corporation Commission.

Proportional Valuation Impact – Proportional valuation impact assumes that a proposed residential or commercial project's fiscal impact is proportional to the percentage of the total tax base that is either residential or commercial.

James City's proportional valuation is calculated using the County's Real Estate Mapping GIS program. The program calculated an aggregate property assessment value of $12,893,394,900 for

the entire County. The program calculated an aggregate commercial and industrial assessment value of $1,631,761,400. Dividing the commercial value by the total value shows that commercial and industrial properties compose 13% of the total property tax base and are responsible for 13% of County non-school expenses. This results in residential development being responsible for Schools impacts and 87% of non-school County operations. The proportional valuation method does not factor other assorted residential and commercial taxes, fees and licenses into account. As 13% of the tax base, businesses contribute 13% for all County non-school expenses. As 87% of the tax base, residents contribute 87% for all County non-school expenses.

Furthermore, individual business expenses to the County are calculated using the proportional valuation impact method. (See Commercial Expense Rate)

Per-Business Expense Rate – The per-business expense rate assumes that the County incurs non-school expenses equal to 0.04% of the commercial real estate assessment of any given business.

Per Capita Evaluation Method – This worksheet uses the Per Capita Evaluation method to assign per-capita and per-business costs to non-school expenses. This method assumes that current per-capita and per-business expenditures and service levels are consistent with future per-capita and per-business expenditures and service levels.

Per Capita – Per capita calculations divide each department's spending, minus fees and state contributions, by the current County population. This number excludes institutional residents in detention at correctional facilities and mental institutions. Total population is determined from James City County Planning Division figures.

Per Student – Per student calculations divide County contributions to WJCC Schools, minus state educational contributions, by the total number of K-12 students living in James City and also attending WJCC Schools. Total students are determined from Williamsburg-James City County Schools School Year enrollment reports.

Per Business – Per business calculations divide each departments spending, minus fees and state contributions, by the total number of County businesses. Total businesses are determined by the number of business licenses issued.

Total Number of JCC Businesses	**5490***
Percentage of Property Tax Assessments	**13%****

*James City County Commissioner of the Revenue

**Commercial impacts are calculated on a proportional variation process

Proffer – Proffers paid for schools can only be applied toward the capital expense portion of per-student school expenses. (See Board of Supervisors' Proffer Policy.)

Retail Services – Display and sale of merchandise at retail or the rendering of personal services, such as food, drugs, clothing, furniture, hardware, appliances, barber and beauty, antiques, and household uses and other uses.

Single-Family Detached Dwelling – A detached structure arranged or designed to be occupied by one family, the structure only having one dwelling unit.

State Contributions – The state contributes both targeted and unspecified funds to the James City County budget. Funds for specific departments were subtracted from the budget totals of those departments. Unspecified state fund amounts were compiled, then evenly subtracted (7.75% of each department total) across all non-school departments.

Student Generation Rate – The student generation rate the number of students produced by an individual dwelling unit per year. Different domestic units produce students are different rates. Using WJCC enrollment figures, an address was found for WJCC students residing in James City County. Using the James City County Real Estate Division's Property Information map on the James City County website, the number of students from each subdivision was determined. Using the Real Estate Division's Real Estate Parcel Count, the number of improved lots in each neighborhood was determined. Total students from each neighborhood were divided by the total number of units from that neighborhood to determine the average number of students per housing unit. The student generation numbers for 256 subdivisions were determined this way, along with the same method for counting students from apartments and manufactured home parks.

Townhome –In a structure containing three or more dwelling units, a dwelling unit for single-family occupancy, not more than three stories in height, attached by one or more vertical party walls extending to the roof sheathing without passageway openings to one or more additional such dwelling units, each of which is served by an individual exterior entrance or entrances.

Current:

1. ANO, LLC

    a. $25/sqft x 296964 sqft = $7424100

    b. Sales from attached article estimated at $2,697,000

2. Avid Realty, LLC

    a. Medical Office Space estimated at $160/sqft x 174952 sqft= $27,992,320

3. Citizens & Farmers Bank

    a. Estimated initial capital investment of $275,000 for lower end bank per article

4. D&D Properties, LLC

    a. Estimated $25/sqft x 40,000sqft = $1,000,000

5. Friendship Partners LLC

    a. Estimated $25/sqft x 39240 sq ft = $981,000

6. Thomlyn LLC

    a. Estimated $25/sqft x 3350 sq ft = $83,750

7. LaGrange Holdings, LLC

    a. Estimated $25/sqft x 85629 sq ft = $2,140,725

Total:

- Square feet = 643,100
- Initial Capital Investment = $40,000,000 (r)

Adjusted to Carry Over to Present Light Industrial

- Square feet = 370,000
- Initial Capital Investment = $23,000,000 (r)

Property Type	Property	Address	Square Footage	Adjusted Square Footage*	Expected Real Estate Market Value	Adjusted Real Estate Market Value*	Initial Capital Investment	Estimated Retail Sales	Estimated Prepared Meals Sales	Estimated Hotel/Motel/Condo Room Sales
COMMERCE PARK 370K light industrial 50k commercial										
Standalone										
Bank	Union Bank and Trust	5125 John Tyler Highway	2521	1667	$ 817,900.00	$ 540,724.58	$ 275,000.00	$ -	$ -	$ -
Convenience/Gas Station	Wawa	315 Richmond Road	3442	2276	$ 1,211,000.00	$ 800,608.22	$ 5,000,000.00	$ 5,000,000.00	$ 5,000,000.00	$ -
Quickserve Restaurant	McDonalds	9193 Barhamsville Road	2500	1653	$ 500,000.00	$ 330,556.66	$ 1,600,000.00	$ -	$ 2,500,000.00	$ -
Strip/Retail Center										
Retail Center	Colony Square Shopping Center	1303 Jamestown Road	67167	44405	$ 6,048,200.00	$ 3,998,545.55	$ 19,627,009.12	$ 20,722,333.33	$ -	$ -
Light Industrial										
Light Industrial/Warehouse	Lumber Liquidators	3000 John Deere Road	296964	370000	$ 13,143,800.00	$ 16,376,416.00	$ 23,000,000.00	$ 30,000,000.00	$ -	$ -
Tract 10B Town Center 120k square feet										
Shopping Center	Courthouse Commons	4801 Courthouse Street	60000	120000	$ 9,993,100.00	$ 19,986,200.00	$ 53,040,000.00	$ 56,000,000.00	$ -	$ -
Tract 11B Assisted Living Facility 200k square feet										
Assisted Living Facility	Williamsburg Landing	5700 Williamsburg Landing Drive	185831	198839	$ 38,079,900.00	$ 40,745,493.00	$ 56,271,485.11	$ -	$ -	$ -
Preservation Areas 130k square feet										
Winery	Williamsburg Winery	5800 Wessex Hundred	57190	95908	$ 2,614,400.00	$ 4,384,348.80	$ 3,000,000.00	$ 3,854,000.00	$ -	$ -
Equestrian Center	Carlton Farms	3516 Mott Lane	20317	34072	$ 419,400.00	$ 703,333.80	$ 1,517,796.00	$ -	$ -	$ -

* Adjusted columns are specific to Stonehouse's proposed square footage. Existing businesses square footage and assessments were averaged and adjusted to fit what is expected within Stonehouse.

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REVENUES & SALES

- By Product Category

SAME-STORE SALES

- Transaction Details

REAL ESTATE

- US LocationsCanada Locations

EMPLOYMENT

- By Type

Store Productivity

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REVENUES & SALES
- By Product Category

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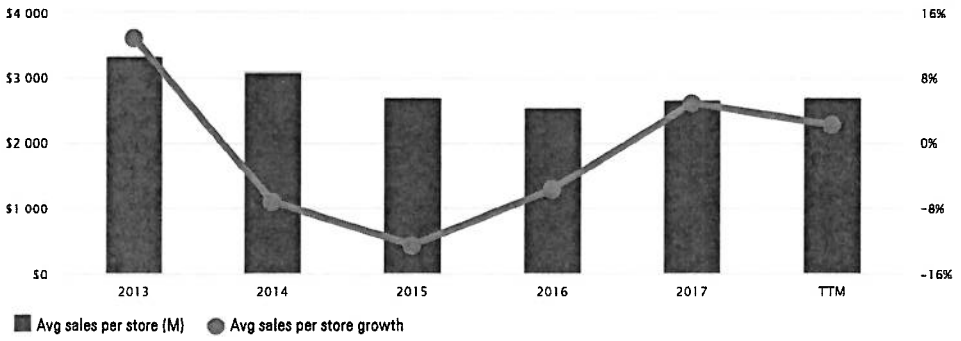
EMPLOYMENT
- By Type

Lumber Liquidators

Store Productivity

Average Sales per Store and Growth



Source: company reports; eMarketer calculations

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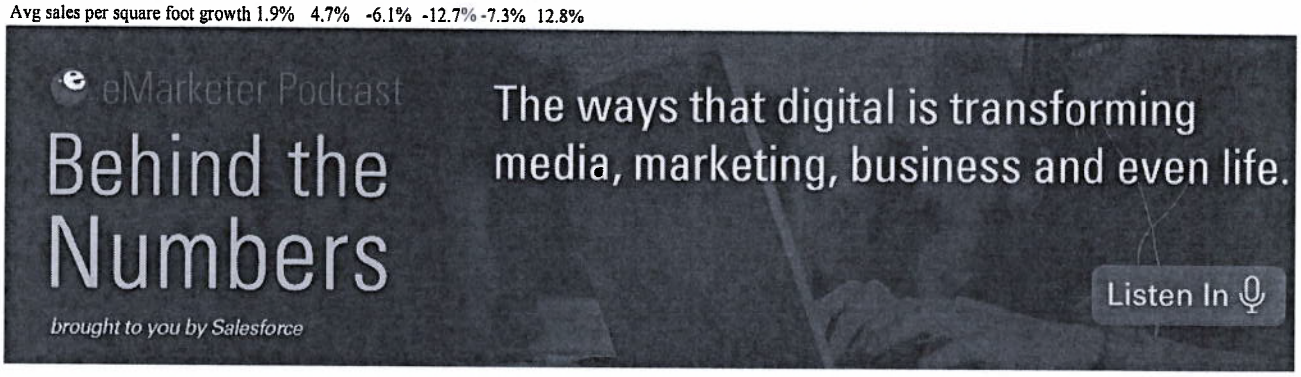
	TTM	2017	2016	2015	2014	2013
Avg sales per store (M)	$2,697	$2,664	$2,540	$2,696	$3,083	$3,326
Avg sales per store growth	2.2%	4.9%	-5.8%	-12.5%	-7.3%	12.8%
Avg sales per square foot	$411	$407	$389	$414	$474	$512
Avg sales per square foot growth	1.9%	4.7%	-6.1%	-12.7%	-7.3%	12.8%



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It is totally depending on the business you are planning to start, design & model, scope and vision. For Conventional Warehouse construction costs near about $60-$90 per square foot! You can construct a good and affordable warehouse with the help of ***warehousingspace*** providing organization.

6 Answers

Michael Hass, 20 years of experience in commercial and industrial construction.

Answered Feb 6, 2013 · Upvoted by David Rowe, Real Estate Broker, Colorado. Florida Custom Home Builder. +Ask New Questioners and 564.6k answer views

Warehouse space is somewhat of a commodity so developers want to build it as cheap as possible. A common goal is to build everything excluding sitework (paving, utilities, grading, landscaping, etc) and furnishings (racks, office furniture, lobby millwork) for $25 per square foot (about $275 per square meter).

Getting this done requires some design and construction expertise to size the bay spacing, structure height and cross-docking layout correctly to minimize wasted space and maximize the efficiency of the structural steel. Another useful trick is to use load-bearing precast walls so you can eliminate the steel columns and beams around the perimeter of the building (you need walls anyway).

A common tripping point is the fire protection system. ESFR systems are highly desirable to the end-user because you don't have to sprinkle the storage racks but the ESFR systems are expensive and not allowed in all warehouse applications.

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What Is The Commercial Construction Cost Per Square Foot to Build a Bank or Credit Union Branch?

Posted on: March 21, 2016

As a General Contractor specializing in building Bank and Credit Union Branches for 20 years, it is a question we get asked frequently: "We are working on budgets to submit to the Board for approvals on our upcoming construction projects for the year; what should we plug in as a good commercial construction cost per square foot of a typical bank branch?" The answer is always...*it depends.*

Data mining one can come up with an average commercial construction cost per square foot based on a sufficiently large enough sample of current data. But there are so many potential pitfalls, exponentially made worse the fewer proposed projects an average expectation formula is applied to.

With that in mind, I submit these highly generalized observations of where the current market is trending, but I urge the reader to consider giving more weight to the aggregate cost of branches within the sample ranges.

By that I mean, a branch give or take a few hundred square feet is going to cost about the same to build.

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Commercial Construction Cost Per Square Foot

On average, a basic humble design for a bank branch in the size range of roughly 2,000 to 2,500 sq. ft.would be hard to build for less than between $275,000 and $325,000 (excluding architecture, furniture, equipment, signage and no extraordinary site conditions).

With those considerations, you might get away with as little as $110 to $162 per sq. ft. In reality, all the planets need to align just right with your design and unique site conditions to achieve anywhere close to the lower range of $110 per sq. ft. for a modest branch within this size range.

If low budget is the mandate, and you have yet to select a site, go with the higher range formula and add at least 30% for contingencies.

The reason for this strong recommendation is that the fewer the projects, the less opportunity you have for the law of averages to deviate towards the mean expectation. In my opinion, low budget branch design may

be penny wise and pound foolish unless you are in a market with little or no competition in the neighborhood.

You may be the better bank or credit union in town, but if you competition a block away with a modern fresh design you may never get a chance to prove it.

Average Costs for Building Sophisticated Branches

More sophisticated designed branches ranging in size from around 3,000 to 4,000 sq. ft. are coming in between $600K and $750K with lower end branches in the ballpark of $500,000. A high end 2,000 to 2,500 sq. ft. branch is going to hover in the $200 to $250 per sq. ft. range and exponentially higher per sq. ft. the smaller space.

For example an elegantly designed 1,500 sq. ft. branch would be hard to build for less than somewhere between $375,000 and $450,000 (roughly $250 to $300 per sq. ft.).

Building a commercial building cost depends on so many different variables. Same design with the same footprint at one location in a new building vs. a 20-year-old building can be the difference of not having to install a new HVAC system, or do major ADA upgrades as just a few examples that can highly impact construction costs.

A major factor impacting higher construction costs are the recently mandated new lighting codes adding $15 to $25 per sq. ft. to electrical costs for a typical branch. The construction labor market in 2016 is tight making it tough to find good qualified labor with commercial construction at a pre-recession pace, so many subcontractors are cherry picking projects to bid due to demand beyond capacity.

Most material costs are rising especially lighting packages which have more than doubled in price over the last two years with new energy codes mandated in California and many other states.

Smoothed average commercial construction cost per square foot are OK to determine where in the ballpark you are likely to land, but in the end, the same branch size, design, and finishes can see an extreme wide swing from one unique site condition to another.

For this reason, we encourage our clients to take us up on our free pre-lease site feasibility and conceptual commercial construction cost per square foot projection service to assist in your pre-lease negotiations and provide qualified budget feasibility unique to a specific site. Armed with qualified knowledge, we often see clients gain leverage on landlord construction allowances or other concessions they otherwise would have lost in a lease deal just from a few of our cursory site observations.

That, and avert getting called on the carpet that your good faith budget was nowhere close to the outcome in practice. Contact us today and receive your free project assessment.

CALL US: (888) 880-4949

Written By:

ProEst (https://proest.com/)

Commercial Construction Costs Per Square Foot 2018

For anyone working within the commercial construction industry, figuring out the costs per square foot may appear somewhat elusive at first glance, even after conducting preliminary research. While there are no easy answers, compiling

accurate data for the project – including its location, the type of building you're looking to build, and the local economy – all are vital factors to take into consideration when estimating commercial construction costs (https://proest.com/).

Keeping this information in mind, it is essential to understand the cost drivers for any commercial project – and how building type, construction type, and location can all be huge variables that will drive your cost per square foot. These are always a part of the initial programming discussions, and the architect will play a crucial role in determining projected expenditures. In this article, we'll explore the different types of commercial construction costs based on the type of building, location, and other variables that affect a project's bottom line.

Identifying Costs Based On Type Of Building & Materials

First and foremost, it should be noted that not all types of construction cost the same per square foot, and even more importantly, the cost of construction per square foot varies substantially with location throughout the United States. For example, in the instance of a single-story office building, location alone can represent as much as 70% of the cost driver, as the median range for this type of construction is between $160 and $170 per square foot. Not surprisingly, New York tops the charts for the most expensive city to build in for every type of structure.

On the other hand, convenience stores are generally less expensive to construct than other building types due to their more simplistic architectural nature. The median cost for this commercial building type is usually around $100 per square foot. However, with the new trends in fast-food becoming more of a boutique experience, the cost for a typical fast food restaurant is steadily on the rise. Expenses for kitchen equipment also drive the costs of this building type to a median of nearly $200 per square foot.

Additionally, climate also plays a big part when it comes to location-specific expenses – for example, buildings in colder climates may need to handle large volumes of snow and therefore be engineered accordingly; the same logic would apply for structures that are built in areas prone to hurricanes.

Traffic Impact Study

Stonehouse Master Plan Amendment

James City County, Virginia

June 20, 2018
Revised December 10, 2018

Prepared For:
SCP-JTL STONEHOUSE LLC
4807 Lovers Lane, 2nd Floor
Dallas, Texas 75209

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INTRODUCTION AND SUMMARY

Purpose of Report and Study Objectives

The following report presents the findings of a traffic impact analysis for the proposed master plan amendment of the Stonehouse development located in northwestern James City County, Virginia. The site is located east of Route 30, north of I-64 and south of the York River. The proposed plan consists of approximately 2,441 residential units and approximately 870,000 square feet of non-residential uses. For the purposes of this traffic analysis, an interim Phase (Phase 1) is anticipated to be in place by 2021 and Full Build Out (Phase 2, 3, 4) is anticipated by 2027.

The following tasks were completed as part of this study:

- A scoping meeting was held on January 25, 2018 with representatives from James City County and Virginia Department of Transportation (VDOT), which included discussions about the parameters of the study and relevant background information. The study does not meet the thresholds for a VDOT Chapter 527 study because it will generate fewer trips than the by-right or approved use. The final scoping document was revised on March 19, 2018 and approved via email on March 22, 2018. A copy of the signed scoping document and email correspondence used in the traffic impact study is included in Technical Appendix A.
- Field reconnaissance in the vicinity of the site was performed to collect information related to existing traffic controls, roadway geometry, and traffic flow characteristics.
- Traffic counts were conducted in order to determine the weekday peak hour turning movement traffic volumes. The data is included in Appendix B.
- Future traffic conditions were estimated based on the regional growth, approved developments in the area, and the proposed development plan.
- Traffic volumes for the proposed developments were generated using trip rates established in earlier Stonehouse traffic studies, as agreed to in the scoping document. For other uses where trip rates were not established, trip generation rates published in the Institute of Transportation Engineers' (ITE) Trip Generation, 10th Edition publication were used.
- Intersection capacity analyses were performed for existing conditions (2017), future conditions without development (2021 and 2027), and future conditions with development (2021 and 2027) during the weekday morning and afternoon peak hour traffic conditions at the study intersections.
- The following James City County level of service policy was followed to determine necessary improvements: level of service "C" overall and by movement.

Sources of data for this study include Institute of Transportation Engineers (ITE), the Virginia Department of Transportation (VDOT), previously approved Stonehouse traffic studies (April 16, 2015 study by Timmons Group and December 20, 2007 study by URS), and the office files and field reconnaissance efforts by Gorove/Slade Associates, Inc.

EXECUTIVE SUMMARY

Site Location and Study Area

The site is located east of Route 30, north of I-64 and south of the York River in northwestern James City County, VA.

Description of the Proposed Development

Stonehouse was originally zoned in 1991 and a significant portion has developed, including a golf course, several residential and non-residential areas. In addition, major internal roadways serving the site have been built, including Fieldstone Parkway and La Grange Parkway. There have been several proffer amendments since the original rezoning with the latest one approved in 2015. The latest traffic study was conducted for that application, dated April 16, 2015.

The applicant seeks to amend the master plan and associated proffers, which will result in a reduction of density and traffic generation from the site as compared to the previous approvals on the site. A summary of the changes between the approved plan and the proposed plan are provided below:

Table 1: Approved vs Proposed Plan

Approved Plan*	Proposed Plan
• 3,646 Residential Units	• 2,497 Residential Units
• 3,130,000 Sq.Ft. Non-Residential	• 870,000 Sq. Ft. Non-Residential

**Note that this excludes all landbays that are already fully developed, except for Tract 12 which has been included in both the approved and proposed breakdowns. When Tract 12 is excluded, the total proposed residential units is 2,441 DU. Also note that the school site in the approved master plan is not counted toward the total approved non-residential square footage.*

The site will be accessed via multiple entrances, primarily on Fieldstone Parkway, Six Mount Zion Road, and Mount Laurel Road. For the purposes of this traffic analysis, an interim Phase 1 is anticipated by 2021 and Full Build Out (Phase 2, 3, 4) is anticipated by 2027.

Principal Findings, Conclusions and Recommendations

The analysis presented in this report supports the following major conclusions:

- **Existing Conditions (2017):**
  - All the study intersections operate at acceptable level of service under the Existing Conditions.
- **Future without Development Conditions (2021):**
  - All the study intersections operate at acceptable level of service under the Future without Development Conditions (2021).
- **Future without Development Conditions (2027):**
  - All the study intersections operate at acceptable level of service under the Future without Development Conditions (2027) with the exception of:
    - Route 30 and Fieldstone Parkway: The westbound left turn movement at this intersection operates at unacceptable levels or service during the PM Peak Hour. No improvements are recommended as the queue length for this movement is less than 3 car lengths, and the intersection is mitigated in the Future with Development scenario.

- **Trip Generation and Site Traffic:**
  - Interim Phase 1 (2021):
    - The interim phase of the proposed development on the site consists of approximately 522 residential units, and approximately 120,000 square feet retail commercial. The interim phase of the development is anticipated to be complete by 2021.
    - The proposed development will generate approximately 293 trips during the AM peak hour and approximately 592 trips during the PM peak hour.
  - Full Build (2027):
    - The proposed development on the site consists of approximately 2,441 residential units and approximately 870,000 square feet of non-residential uses. The proposed development is anticipated to be complete by 2027.
    - The proposed development will generate approximately 2,050 trips during the AM peak hour and approximately 2,030 trips during the PM peak hour.
- **Future with Interim Phase I Development (2021) Capacity Analysis Results:**
  - Route 30 and Fieldstone Parkway:
    - The westbound left turn movement operates at an unacceptable level of service during both the peak hours
    - The following mitigations are recommended at the intersection:
      - Install a traffic signal and add a second westbound left turn lane on Fieldstone Parkway. The 'Preliminary Signal Warrant Analyses' reveals that a traffic signal will be warranted at this intersection.
    - With the above mitigations in place, the overall intersection and all the lane groups at the intersection operate at acceptable levels of service during both the peak hours. Moreover, the queue lengths are anticipated to be accommodated within the turn lanes at the intersection.
  - Route 30 and I-64 WB Ramps:
    - The westbound left/thru lane group operates at an unacceptable level of service during the PM peak hour
    - The installation of a traffic signal is recommended as a mitigation measure at the intersection. The 'Preliminary Signal Warrant Analyses' reveals that a traffic signal will be warranted at this intersection.
    - With the above mitigation in place, the overall intersection and all the lane groups at the intersection operate at acceptable levels of service during both the peak hours. Moreover, the queue lengths are anticipated to be accommodated within the turn lanes at the intersection.
  - Route 30 and LaGrange Parkway:
    - Although the intersection operates at an acceptable level of service as an unsignalized intersection, a traffic signal was assumed as a site improvement. The 'Preliminary Signal Warrant Analyses' reveals that a traffic signal will be warranted at this intersection.

- **Future with Full Build Development (2027) Capacity Analysis Results:**
  - Route 30 and I-64 WB Ramps:
    - The westbound left/thru lane group operates at an unacceptable level of service during the AM peak hour
    - The addition of a second northbound left turn lane on Route 30 and a second westbound left turn lane on the off-ramp is recommended as a mitigation measure at the intersection
    - With the above mitigation in place, the overall intersection and all the lane groups at the intersection operate at acceptable levels of service during both the peak hours. Moreover, the queue lengths are anticipated to be accommodated within the turn lanes at the intersection.
  - Route 30 and LaGrange Parkway:
    - The westbound left lane group operates at an unacceptable level of service during the AM and PM peak hours
    - The addition of a second southbound left turn lane on Route 30 and a second westbound left turn lane on LaGrange Parkway is recommended as a mitigation measure at the intersection
    - With the above mitigation in place, the overall intersection and all the lane groups at the intersection operate at acceptable levels of service during both the peak hours. Moreover, the queue lengths are anticipated to be accommodated within the turn lanes at the intersection.
  - Six Mount Zion Road and Mount Laurel Road:
    - The westbound left/right lane group operates at an unacceptable level of service during the AM and PM peak hours
    - The following mitigations are recommended at the intersection:
      - The installation of a traffic signal. The 'Preliminary Signal Warrant Analyses' reveals that a traffic signal will be warranted at this intersection.
      - The addition of a westbound right turn lane on Mount Laurel Road
      - The addition of a northbound right turn lane and a southbound left turn lane on Six Mount Zion Road
    - With the above mitigations in place, the overall intersection and all the lane groups at the intersection operate at acceptable levels of service during both the peak hours. Moreover, the queue lengths are anticipated to be accommodated within the turn lanes at the intersection.
    - A roundabout at the intersection was also evaluated as an alternative mitigation measure. A roundabout was found to operate at an acceptable level of service.
  - Six Mount Zion Road and Fieldstone Parkway/Tract S:
    - The eastbound and westbound left/thru/right lane groups operate at unacceptable levels of service
    - The following mitigations are recommended at the intersection:
      - The installation of a traffic signal. The 'Preliminary Signal Warrant Analyses' reveals that a traffic signal will be warranted at this intersection.

    - The addition of an eastbound right turn lane on Fieldstone Parkway and a northbound left turn lane on Six Mount Zion Road

  - With the above mitigations in place, the overall intersection and all the lane groups at the intersection operate at acceptable levels of service during both the peak hours. Moreover, the queue lengths are anticipated to be accommodated within the turn lanes at the intersection.
  - A roundabout at the intersection was also evaluated as an alternative mitigation measure. A roundabout was found to operate at an acceptable level of service.

- **Development Level Thresholds for Intersection Improvements:**
  - The intersection improvements mentioned above are listed in more detail in the proffer statement for the application. A table showing the thresholds for the development levels on the site which would trigger the recommended improvements at the study intersections is included in Appendix L.

ANALYSIS OF EXISTING CONDITIONS (2017)

Existing and Proposed Site Uses

The site is located east of Route 30, north of I-64 and south of the York River in northwestern James City County, VA. A significant portion has developed, including a golf course, several residential and non-residential areas. In addition, major internal roadways serving the site have been built, including Fieldstone Parkway and La Grange Parkway. The applicant seeks to amend the master plan and associated proffers, which will result in a reduction of density and traffic generation from the site as compared to the previous approvals on the site. Excluding the land bays that are already developed, this study evaluates the proposed plan consisting of 2,441 residential units and 870,000 square feet of non-residential uses.

The site will be accessed via multiple entrances, primarily on Fieldstone Parkway, Six Mount Zion Road, Mount Laurel Road, and Ware Creek Road. For the purposes of this traffic analysis, an interim Phase 1 is anticipated by 2021 and Full Build Out (Phase 2, 3, 4) is anticipated by 2027. The area map and site location is shown in Figure 1 and the proposed Master Plan is shown in Figure 2.

Figure 1: Area Map and Site Location

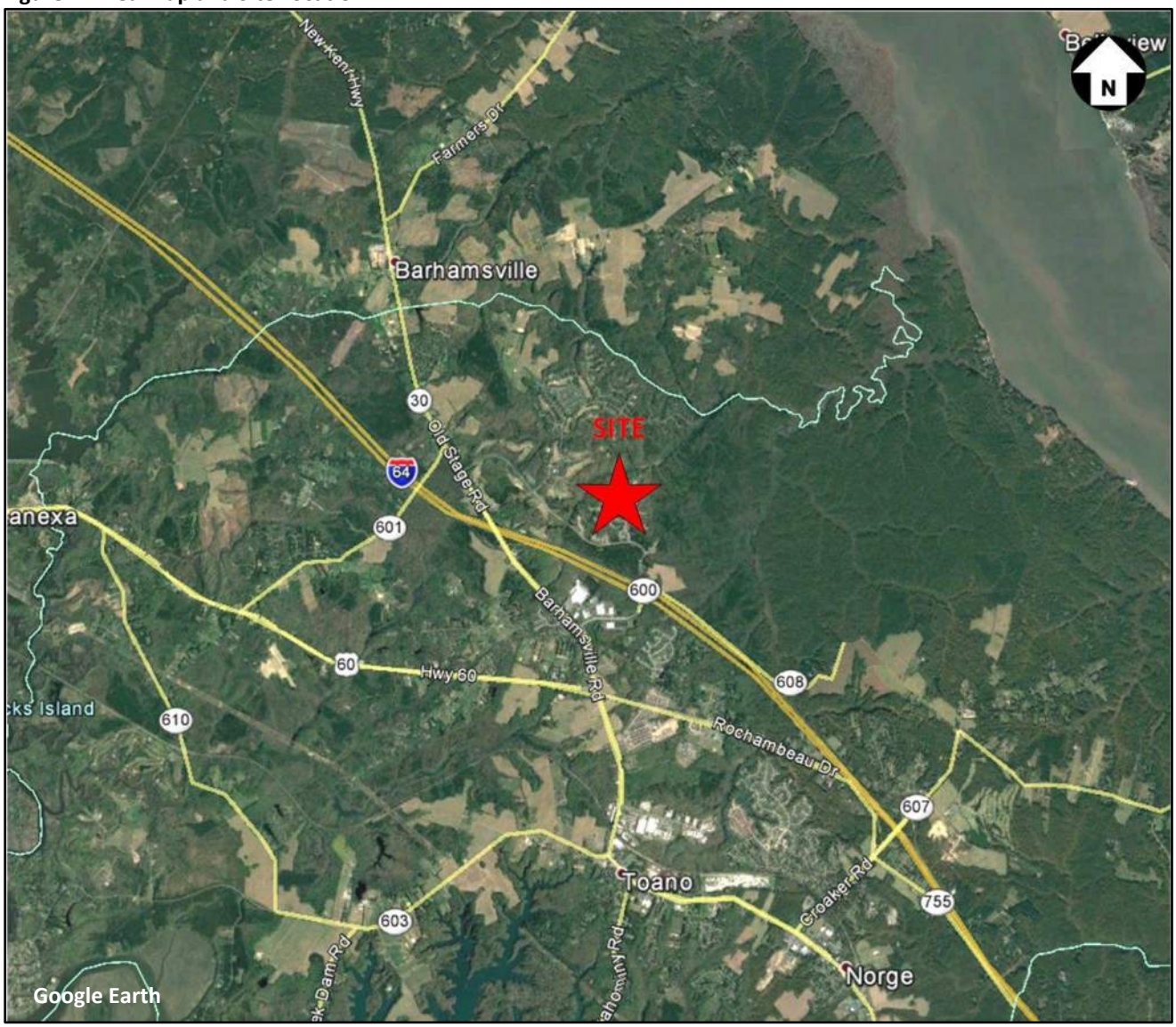
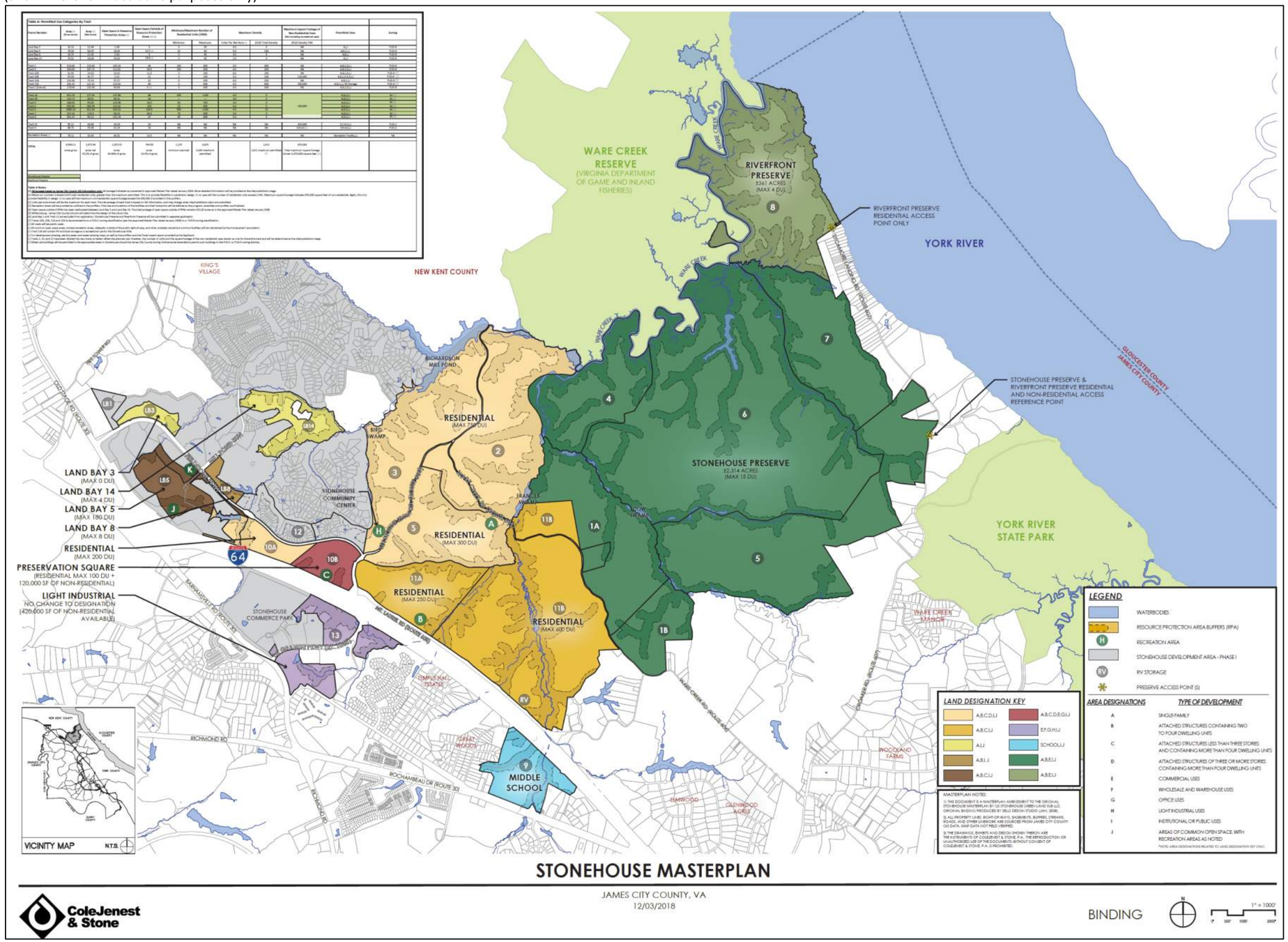


Figure 2: Proposed Master Plan
(Shown here for illustrative purposes only)



Description of Geometric Scope and Limits of the Study Area

The following intersections were identified for inclusion in this study:

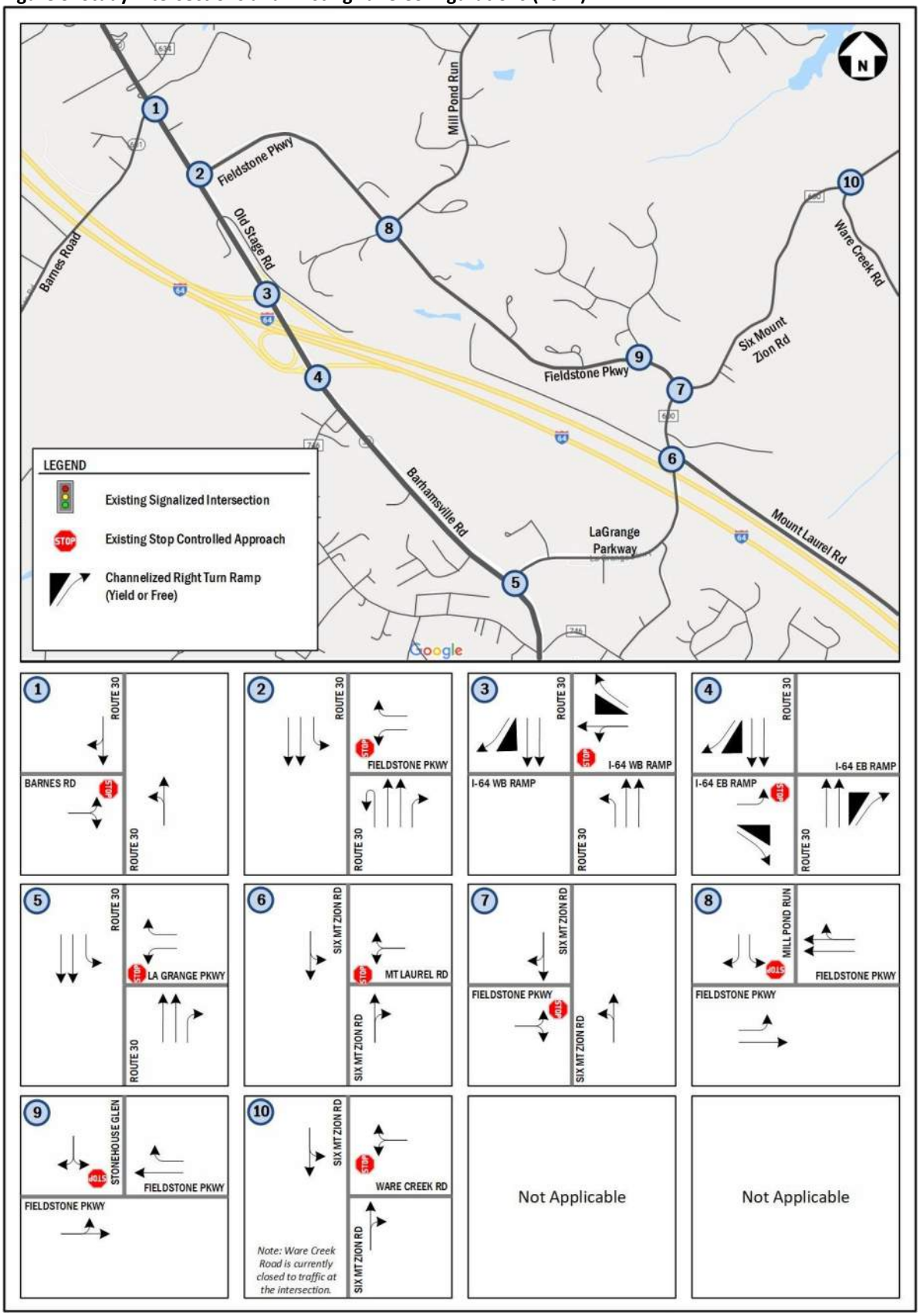
1. Old Stage Road (Route 30) and Barnes Road (Route 601)
2. Old Stage Road (Route 30) and Fieldstone Parkway (Route 1220)
3. Old Stage Road (Route 30) and I-64 Westbound Ramps
4. Old Stage Road (Route 30) and I-64 Eastbound Ramps
5. Barhamsville Road (Route 30) and La Grange Parkway (Route 1045)
6. Six Mount Zion Road (Route 600) and Mount Laurel Road (Route 608)
7. Six Mount Zion Road (Route 600) and Fieldstone Parkway (Route 1220)
8. Fieldstone Parkway (Route 1220) and Mill Pond Run (Route 1221)
9. Fieldstone Parkway (Route 1220) and Fieldstone Glen/Future Site Entrance**
10. Six Mount Zion Road (Route 600) and Ware Creek Road**

**Note that Old Stage Road and Barhamsville Road is referred to as Route 30 in this report.*

***Intersections 9 and 10 were added with the 2nd submission of the study, as requested by County/VDOT staff in their 1st referral comments.*

The existing lane configurations and the traffic control devices at the study intersections are shown in Figure 3.

Figure 3: Study Intersections and Existing Lane Configurations (2017)



Existing Roadway Network

A description of the major roadways within the immediate vicinity of the site is presented below:

Old Stage Road/Barhamsville Road (Route 30) is a two to four-lane minor arterial. It is a four-lane median divided roadway through most of the study area and transitions to a two-lane undivided roadway west of Fieldstone Parkway. The posted speed limit on this roadway is 55 mph in the vicinity of the site. It is a public road and is maintained by VDOT.

Barnes Road (Route 601) is a two-lane undivided local road with a posted speed limit of 40 mph. It is a public road and is maintained by VDOT.

Fieldstone Parkway (Route 1220) is a two to four lane local road serving as an internal road in the Stonehouse development. The road is four-lane median divided with a posted speed of 45mph between Route 30 and Mill Pond Road. East of Mill Pond Road to Six Mount Zion Road, Fieldstone Parkway is a two-lane undivided road with a posted speed of 35 mph. It is a public road and is maintained by VDOT.

La Grange Parkway (Route 1045) is four-lane divided local road serving as an internal road in the Stonehouse development. The posted speed limit on the roadway is 40 mph in the vicinity of the site. It is a public road and is maintained by VDOT.

Six Mount Zion Road (Route 600) is two-lane undivided local road serving as an internal road in the Stonehouse development. The posted speed limit on the roadway is 40 mph in the vicinity of the site. It is a public road and is maintained by VDOT.

Existing Traffic Volumes

In order to determine the peak hour turning movement traffic volumes, traffic counts were conducted at the existing study intersections on various weekdays in May of 2017: May 9th, May 11th, and May 31st of 2017. The counts were performed from 6:00 AM to 10:00 PM. At the Old Stage Road/Barnes Drive intersection, counts were performed on January 19, 2017 from 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM. After the scoping meeting in January of 2018, County staff requested that the Fieldstone Parkway/Mill Pond Road intersection be included in the study. Hence, counts were performed at that intersection on March 14, 2018 from 7:00 AM to 9:00 AM and from 4:00 PM to 6:00 PM. As requested by the County staff in the first referral comments, the intersection of Fieldstone Parkway and Stonehouse Glen was added in this study for the 2nd submission. Traffic counts were conducted at this intersection on November 13, 2018 from 7:00 AM to 9:00 AM and from 4:00 PM to 6:00 PM. The through traffic on Six Mount Zion Road at Ware Creek Road was balanced from the adjacent intersection of Six Mount Zion Road and Fieldstone Parkway. Ware Creek Road is currently closed to traffic at the intersection of Six Mount Zion Road.

Analysis of the existing traffic data determined the following peak hours:

- AM Peak Hour: 7:00 AM to 8:00 AM
- PM Peak Hour: 4:45 PM to 5:45 PM

The existing weekday AM and PM peak hour traffic counts for the existing study intersections are shown in Figure 4. The existing turning movement counts are included in the Technical Appendix B. Adjacent study intersections were balanced by adjusting the through volumes (to be conservative, the volumes were increased). The balanced existing volumes are shown in Figure 5. The estimated average daily traffic data for different roadways are also shown in the same graphic. The published k-factors from the VDOT Traffic Data website were used to estimate daily traffic volumes from the PM peak hour (0.10 for Route 30, 0.102 for Barnes Road). A default k-factor of 0.10 was used for all the roadways for which k-factors were not provided.

Figure 4: Existing Traffic Counts (2017) – Raw Counts

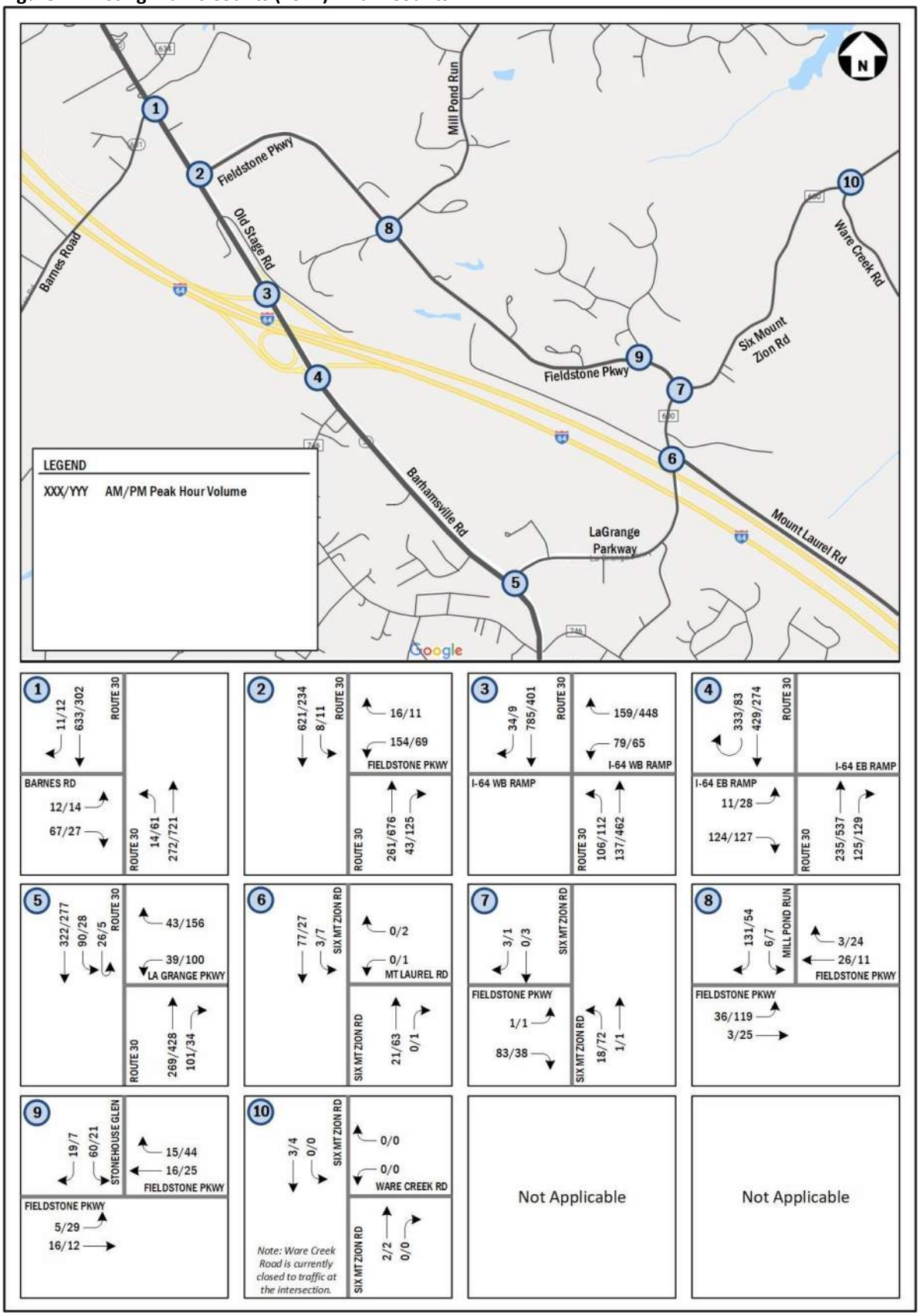
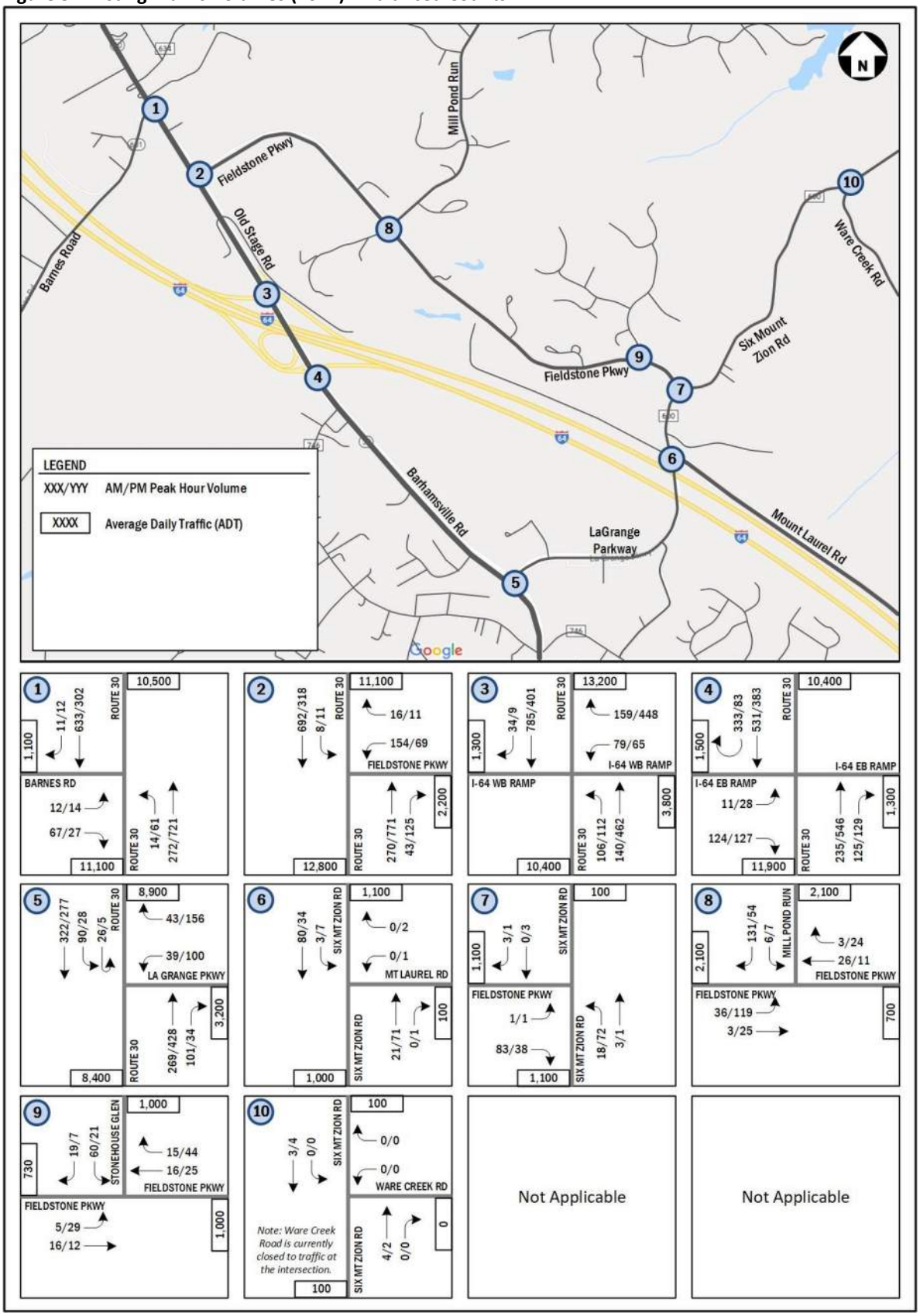


Figure 5: Existing Traffic Volumes (2017) – Balanced Counts



Existing Conditions Capacity Analysis (2017)

Capacity analyses were performed at the study intersections during the weekday morning and afternoon peak hours, under the existing conditions. Intersection capacity analysis was performed using *Synchro version 10* based on the Highway Capacity Manual (HCM 2000) data and methodology. Consistent with VDOT TOSAM direction, the actual peak hour factors from counts were used for existing conditions.

The results of the intersection capacity analysis for the existing conditions are summarized in Table 2. The existing levels of service and lane configurations are shown graphically in Figure 6. The description of the different LOS and delay and the detailed analysis worksheets for the existing conditions are included in the Technical Appendix C and D respectively.

Table 2: Existing (2017) Intersection Capacity Analysis

No.	Intersection (Movement)	Storage Length (ft)[1]	AM Peak				PM Peak			
			LOS	Delay	50th% Queue (ft)	95th % Queue (ft)	LOS	Delay	50th%. Queue (ft)	95th % Queue (ft)
1	**Route 30 and Barnes Road**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Eastbound Approach		***C***	***18.8***			***C***	***18.2***		
	Eastbound Left/Right		C	18.8	-	29	C	18.2	-	13
	Northbound Approach		-	-			-	-		
	Northbound Left/Thru		A	0.7	-	1	A	1.5	-	5
2	**Route 30 and Fieldstone Parkway**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Westbound Approach		**C**	**17.3**			**C**	**19.2**		
	Westbound Left		C	18.2	-	49	C	20.4	-	28
	Westbound Right		A	9.3	-	2	B	11.3	-	2
	Southbound Approach		-	-			-	-		
	Southbound Left	200	A	7.9	-	1	A	9.6	-	1
3	**Route 30 and I-64 WB Ramps**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Westbound Approach		***C***	***17.7***			***C***	***20***		
	Westbound Left/Thru		C	17.7	-	22	C	20	-	25
	Northbound Approach		-	-			-	-		
	Northbound Left	250	B	10.3	-	15	A	8.6	-	9
4	**Route 30 and I-64 EB Ramps**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Eastbound Approach		***B***	***11.6***			***B***	***11***		
	Eastbound Left		B	12.5	-	2	B	12.2	-	5
	Eastbound Right		B	11.5	-	20	B	10.7	-	18
5	**Route 30 and LaGrange Parkway**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Westbound Approach		***B***	***11.2***			***B***	***12.4***		
	Westbound Left		B	13	-	10	B	13.8	-	26
	Westbound Right		A	9.6	-	6	B	11.5	-	30
	Southbound Approach		-	-			-	-		
	Southbound Left	175	A	8.2	-	7	A	8.4	-	2

No.	Intersection (Movement)	Storage Length (ft)[1]	AM Peak				PM Peak			
			LOS	Delay	50th% Queue (ft)	95th % Queue (ft)	LOS	Delay	50th%. Queue (ft)	95th % Queue (ft)
6	**Six Mount Zion Road and Mount Laurel Road**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Westbound Approach		***A***	***0***			***A***	***9***		
	Westbound Left/Right		A	0	-	0	A	9	-	1
	Southbound Approach		-	-			-	-		
	Southbound Left/Thru		A	0.3	-	0	A	1.3	-	1
7	**Six Mount Zion Road and Fieldstone Parkway**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Eastbound Approach		***B***	***11.2***			***B***	***10.6***		
	Eastbound Left/Right		B	11.2	-	15	B	10.6	-	6
	Northbound Approach		-	-			-	-		
	Northbound Left/Thru		A	7.1	-	2	A	8.3	-	6
8	**Fieldstone Parkway and Mill Pond Run**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Eastbound Approach		-	-			-	-		
	Eastbound Left		A	7.4	-	2	A	7.5	-	7
	Southbound Approach		***A***	***9.2***			***A***	***8.9***		
	Southbound Left		A	9.6	-	1	B	11.2	-	1
	Southbound Right		A	9.2	-	17	A	8.6	-	5
9	**Fieldstone Parkway and Stonehouse Glen**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Eastbound Approach		-	-			-	-		
	Eastbound Left/Thru		A	1.9	-	0	A	5.3	-	2
	Southbound Approach		***A***	***9.3***			***A***	***9.3***		
	Southbound Left/Right		A	9.3	-	11	A	9.3	-	3
10	**Six Mount Zion Road and Ware Creek Road**		Ware Creek Road is currently closed to traffic at the intersection. Hence, there are no conflicting movements at the intersection.							

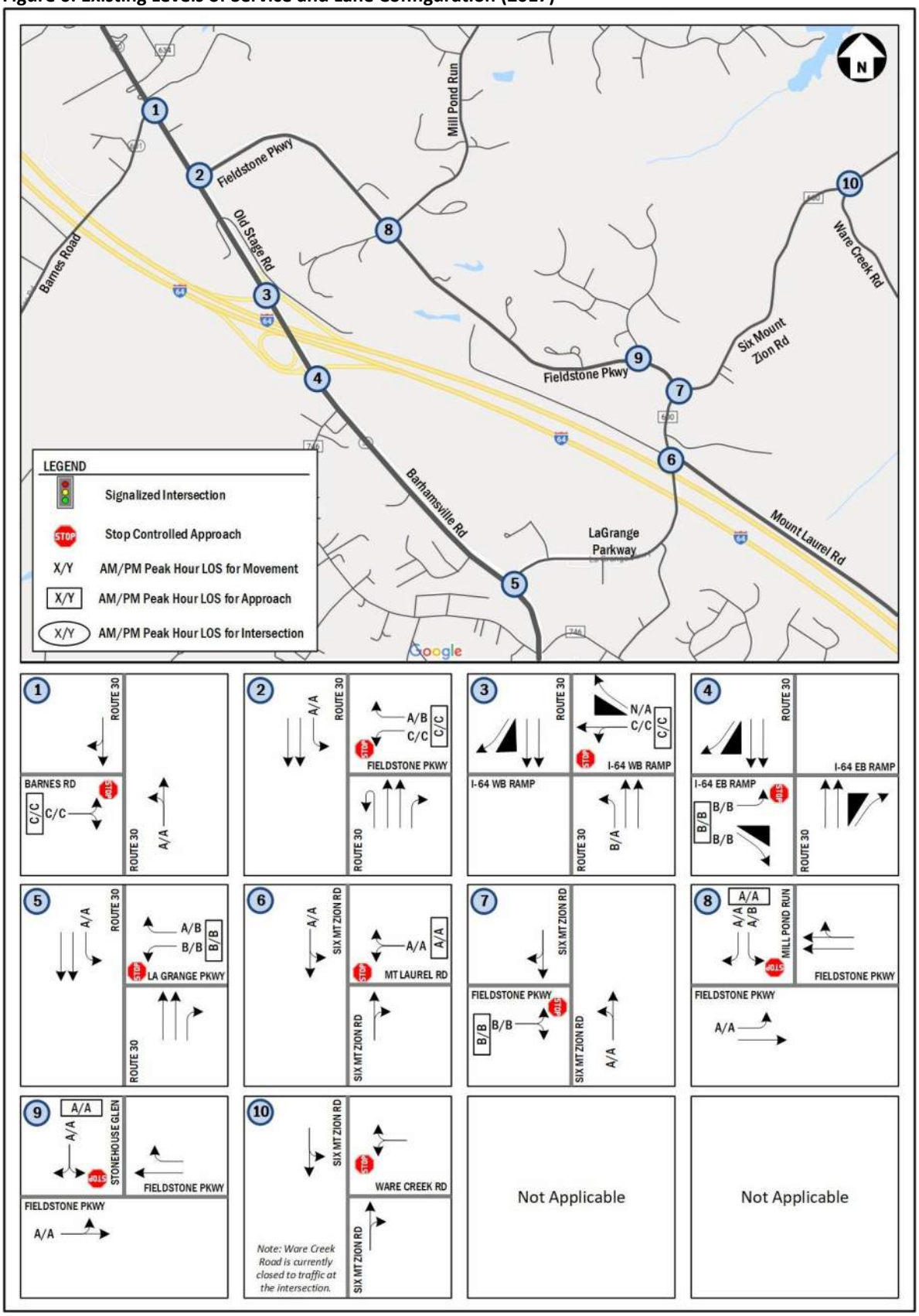
Notes

[1] The storage length reported is the turn bay length plus half of the taper length, as coded in Synchro (consistent with VDOT's TOSAM guidance)

- Synchro does not provide delay or level of service for movements that have no conflicting movements under unsignalized

According to the James City County level of service (LOS) criteria, it is desirable to achieve a level of service (LOS) C or better for each lane group at an intersection. Table 2 shows that all of the study intersections operate at acceptable level of service.

Figure 6: Existing Levels of Service and Lane Configuration (2017)



ANALYSIS OF FUTURE CONDITIONS WITHOUT DEVELOPMENT (2021)

Planned/Proffered Transportation Improvements

No planned background improvements were considered for background conditions (2021).

Inherent Growth

As discussed at the scoping meeting and provided in the scoping document, an inherent growth rate of 1% per year was applied to the existing volumes on the regional roads to account for regional growth. The existing plus growth volumes for 2021 are shown in Figure 7.

Background Developments

The following approved background developments were identified at the scoping meeting and were included in the future conditions (2021):

- Moss Creek Commerce Center:
  - 54,250 SF Self Storage
  - 3,910 SF Convenience Market with Gas Pumps
  - 11,840 SF Shopping Center

  **The above represents approximately 50% of the full build development. This is the amount of development assumed to be completed by 2021.*

The trip generation table for the approved background development, the approved master plan is provided in Appendix E. The trip distribution shown in the Moss Creek traffic study was used to route the trips. The trips generated by the background development in 2021 are shown in Figure 8.

Future Conditions without Development Traffic Volumes (2021)

The traffic volumes generated by the background developments (Figure 8) were added to the existing plus growth traffic volumes (Figure 7), in order to establish the future without development (2021) traffic volumes. The Future without Development (2021) traffic volumes are shown in Figure 9.

Figure 7: Existing Plus Growth Volumes (2021)

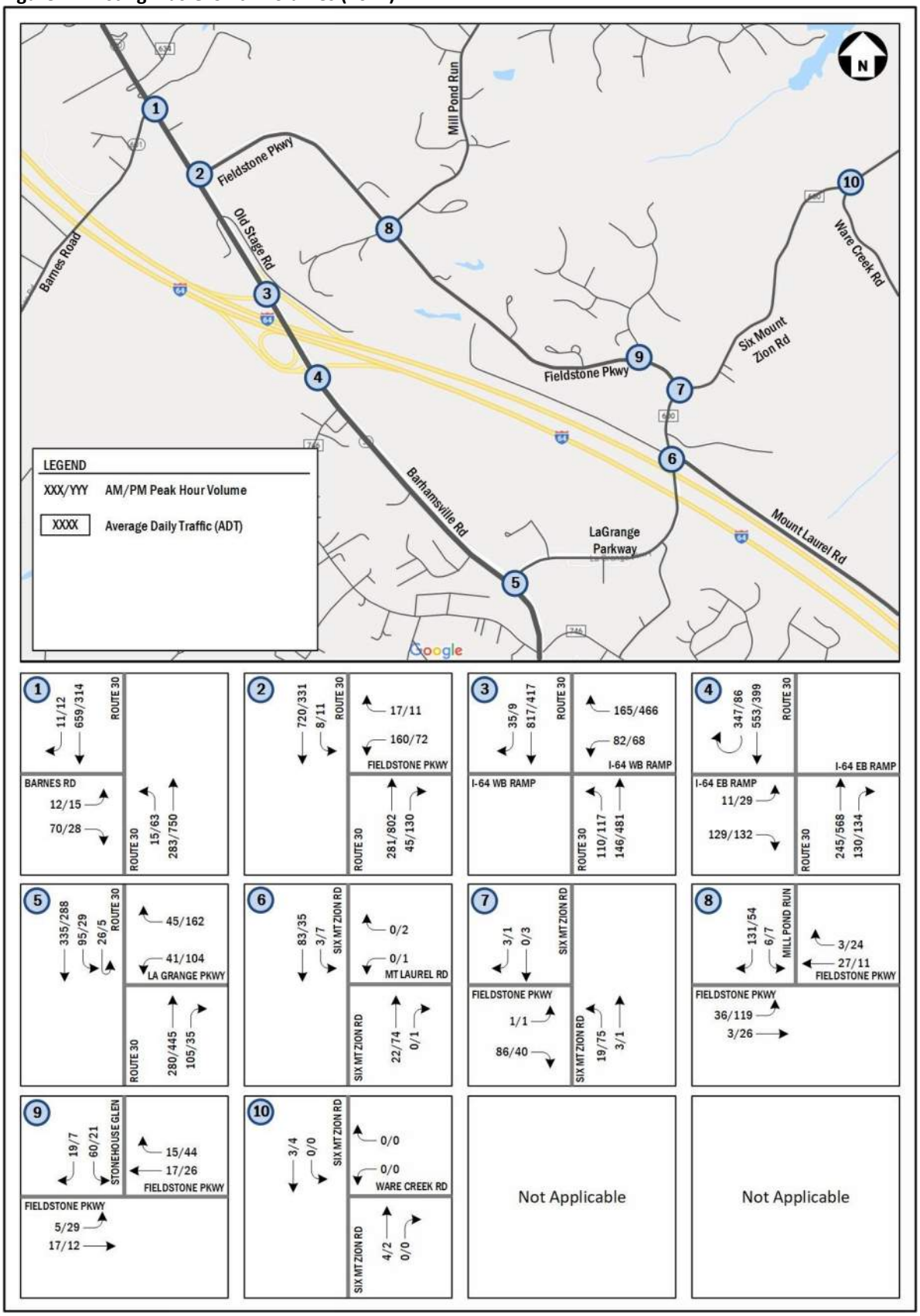


Figure 8: Background Development Trips (2021)

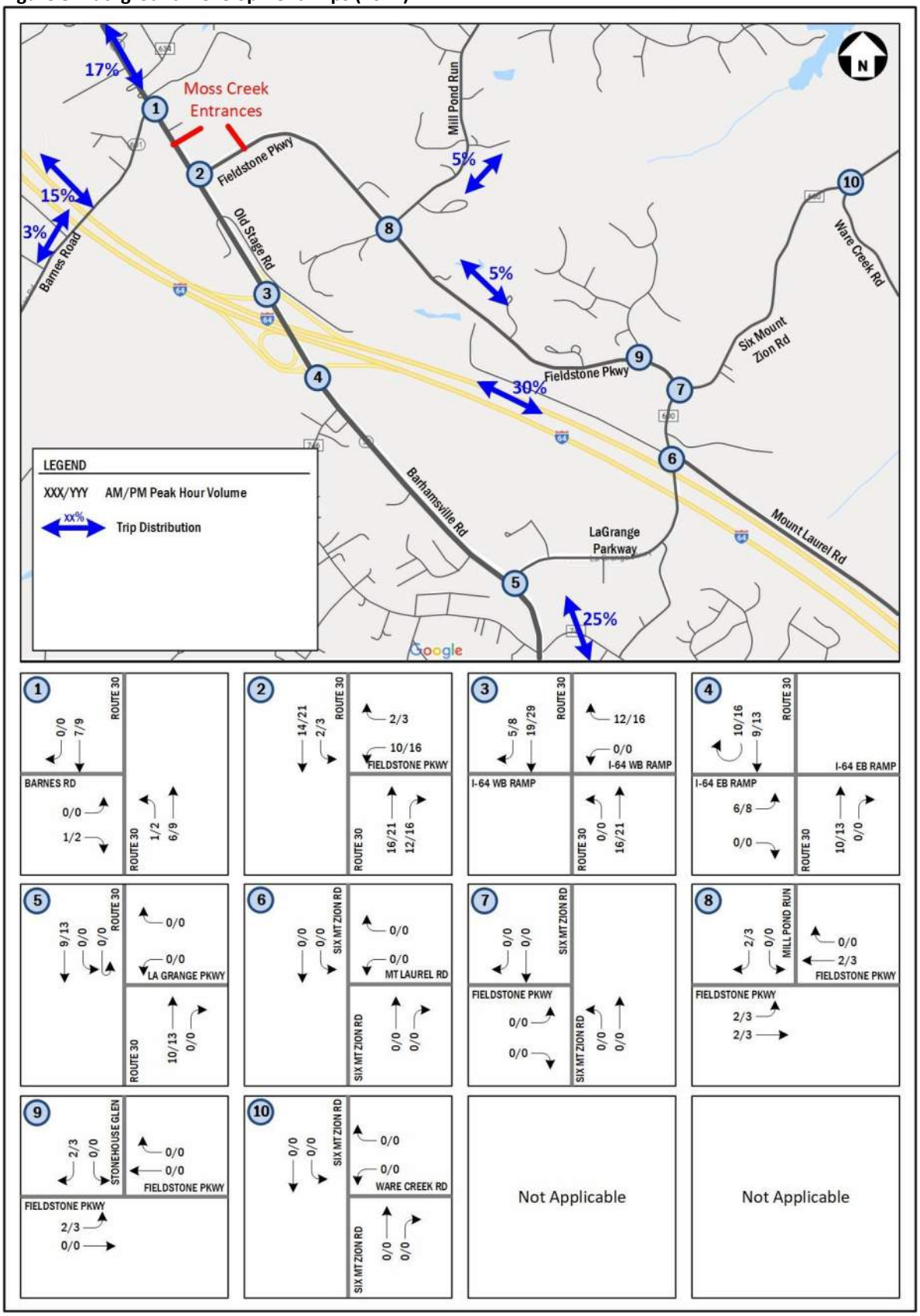
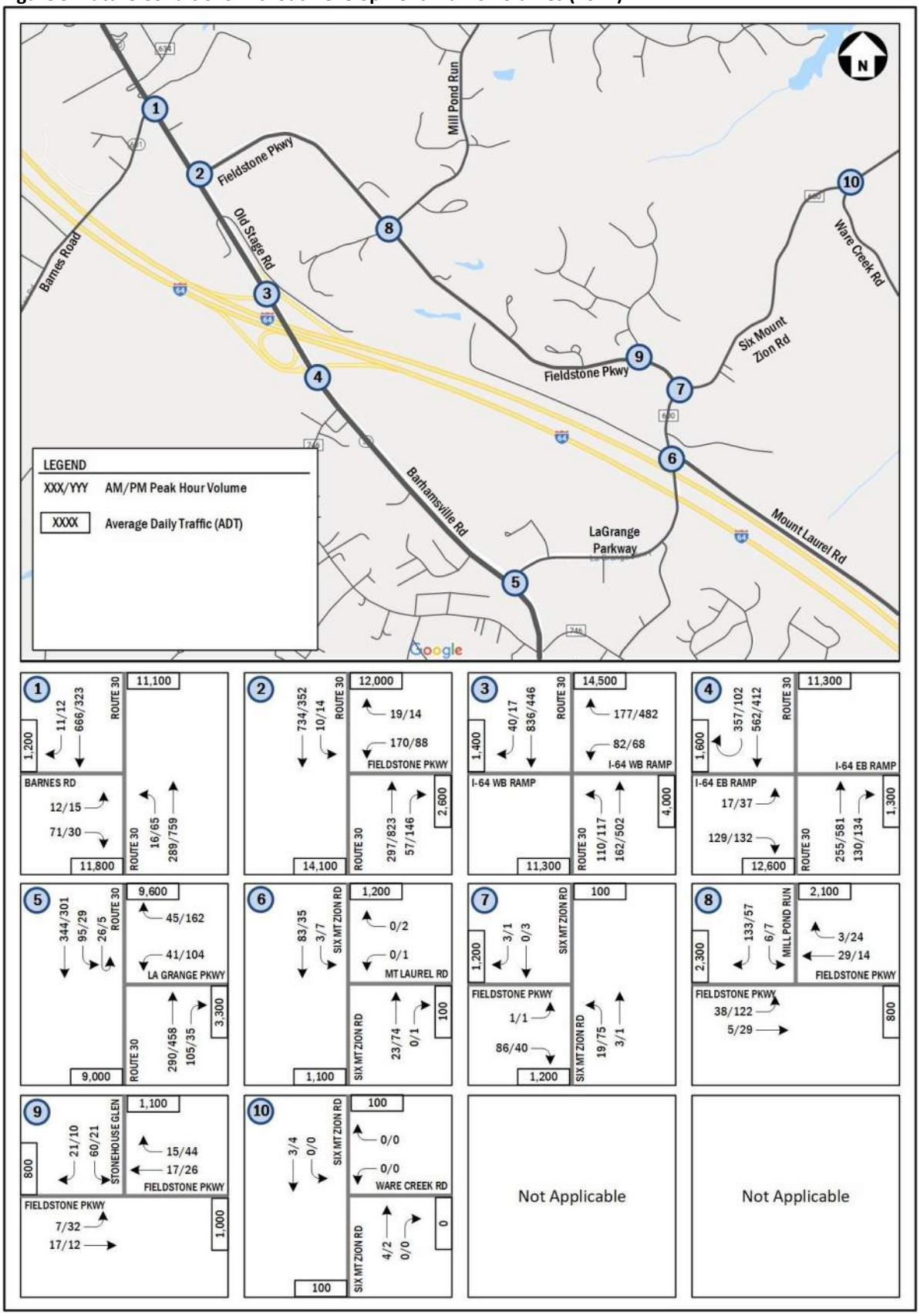


Figure 9: Future Conditions without Development Traffic Volumes (2021)



Future Conditions without Development Capacity Analysis (2021)

Capacity analysis was performed at the study intersections during the weekday morning and afternoon peak hours, under the Future without Development (2021) conditions. Intersection capacity analysis was performed using *Synchro version 10* based on the Highway Capacity Manual (HCM 2000) data and methodology. Consistent with VDOT's TOSAM guidance, a minimum peak hour factor of 0.88 was used for the intersections, unless the existing peak hour factor was higher. As discussed with VDOT/County staff a minimum of peak hour factor of 0.92 was used for Route 30 and the interchange ramps from I-64, unless the existing peak hour factors were higher.

The results of the intersection capacity analysis for the Future without Development (2021) conditions are summarized in Table 3. The levels of service and lane configurations for the Future without Development (2021) conditions are shown graphically in Figure 10. The description of the different LOS and delay and the detailed analysis worksheets are included in Technical Appendix C and Technical Appendix F.

According to the James City County level of service (LOS) criteria, it is desirable to achieve a level of service (LOS) C or better for each lane group at an intersection.

Table 3: Future Conditions without Development (2021) Intersection Capacity Analysis

No.	Intersection (Movement)	Storage Length (ft)[1]	AM Peak				PM Peak			
			LOS	Delay	50th% Queue (ft)	95th % Queue (ft)	LOS	Delay	50th% Queue (ft)	95th % Queue (ft)
1	**Route 30 and Barnes Road**									
	Overall Intersection (Unsignalized)		**-**	**-**			**-**	**-**		
	Eastbound Approach		***C***	***17.7***			***C***	***17.9***		
	Eastbound Left/Right		C	17.7	-	24	C	17.9	-	14
	Northbound Approach		**-**	**-**			**-**	**-**		
	Northbound Left/Thru		A	0.7	-	1	A	1.5	-	5
2	**Route 30 and Fieldstone Parkway**									
	Overall Intersection (Unsignalized)		**-**	**-**			**-**	**-**		
	Westbound Approach		**C**	**17.5**			**C**	**21.4**		
	Westbound Left		C	18.4	-	51	C	23.0	-	36
	Westbound Right		A	9.3	-	2	B	11.6	-	2
	Southbound Approach		**-**	**-**			**-**	**-**		
	Southbound Left	200	A	7.9	-	1	A	9.8	-	2
3	**Route 30 and I-64 WB Ramps**									
	Overall Intersection (Unsignalized)		**-**	**-**			**-**	**-**		
	Westbound Approach		***C***	***17.3***			***C***	***21.2***		
	Westbound Left/Thru		C	17.3	-	22	C	21.2	-	24
	Northbound Approach		**-**	**-**			**-**	**-**		
	Northbound Left	250	B	10.5	-	14	A	8.8	-	10
4	**Route 30 and I-64 EB Ramps**									
	Overall Intersection (Unsignalized)		**-**	**-**			**-**	**-**		
	Eastbound Approach		***B***	***11.7***			***B***	***11***		
	Eastbound Left		B	12.7	-	3	B	12.3	-	6
	Eastbound Right		B	11.5	-	19	B	10.7	-	17
5	**Route 30 and LaGrange Parkway**									
	Overall Intersection (Unsignalized)		**-**	**-**			**-**	**-**		
	Westbound Approach		***B***	***10.9***			***B***	***12.2***		
	Westbound Left		B	12.5	-	7	B	13.7	-	21
	Westbound Right		A	9.5	-	5	B	11.3	-	24
	Southbound Approach		**-**	**-**			**-**	**-**		
	Southbound Left	175	A	8.2	-	7	A	8.5	-	2

No.	Intersection (Movement)	Storage Length (ft)[1]	AM Peak				PM Peak			
			LOS	Delay	50th% Queue (ft)	95th % Queue (ft)	LOS	Delay	50th% Queue (ft)	95th % Queue (ft)
6	**Six Mount Zion Road and Mount Laurel Road**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Westbound Approach		***A***	***0***			***A***	***8.9***		
	Westbound Left/Right		A	0	-	0	A	8.9	-	0
	Southbound Approach		-	-			-	-		
	Southbound Left/Thru		A	0.2	-	0	A	1.3	-	0
7	**Six Mount Zion Road and Fieldstone Parkway**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Eastbound Approach		***B***	***11***			***B***	***10.5***		
	Eastbound Left/Right		B	11	-	12	B	10.5	-	5
	Northbound Approach		-	-			-	-		
	Northbound Left/Thru		A	7.2	-	1	A	8.3	-	6
8	**Fieldstone Parkway and Mill Pond Run**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Eastbound Approach		-	-			-	-		
	Eastbound Left		A	7.4	-	2	A	7.5	-	7
	Southbound Approach		***A***	***9.0***			***A***	***8.9***		
	Southbound Left		A	9.5	-	1	B	11.2	-	1
	Southbound Right		A	9	-	12	A	8.7	-	5
9	**Fieldstone Parkway and Stonehouse Glen**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Eastbound Approach		-	-			-	-		
	Eastbound Left/Thru		A	2.2	-	0	A	5.4	-	2
	Southbound Approach		***A***	***9.1***			***A***	***9.1***		
	Southbound Left/Right		A	9.1	-	8	A	9.1	-	3
10	**Six Mount Zion Road and Ware Creek Road**		Ware Creek Road will be closed to traffic at the intersection. Hence, there will be no conflicting movements at the intersection.							

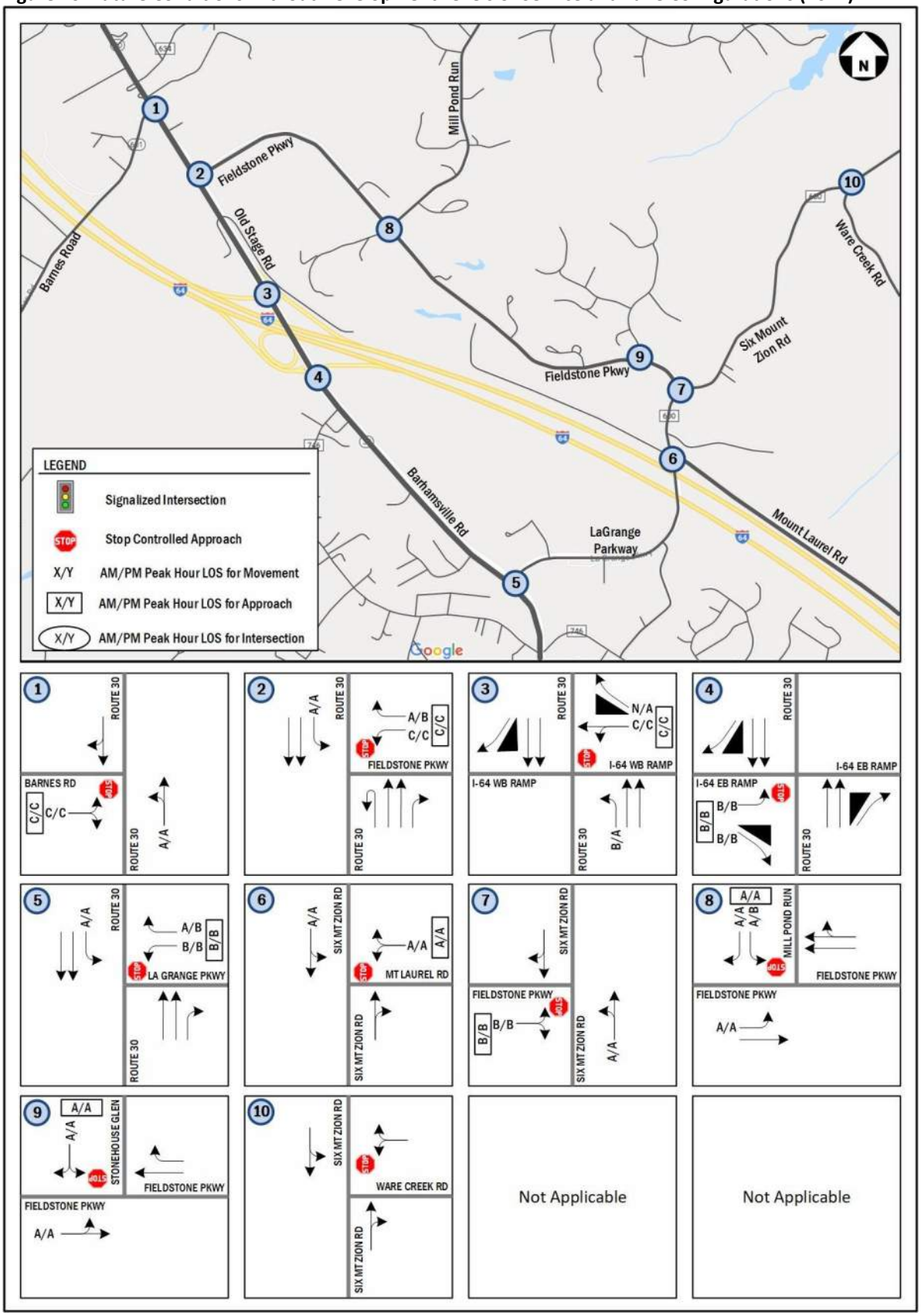
Notes

[1] *The storage length reported is the turn bay length plus half of the taper length, as coded in Synchro (consistent with VDOT's TOSAM guidance)*

- Synchro does not provide delay or level of service for movements that have no conflicting movements under unsignalized conditions. Synchro also does not provide 50th percentile queues for unsignalized intersections.

According to the James City County level of service (LOS) criteria, it is desirable to achieve a level of service (LOS) C or better for each lane group at an intersection. As shown in Table 3, all of the intersections operate at acceptable level of service. The levels of service and lane configurations for the Future without Development (2021) conditions are shown graphically in Figure 10.

Figure 10: Future Conditions without Development Levels of Service and Lane Configurations (2021)



TRIP GENERATION AND SITE TRAFFIC – INTERIM PHASE I (2021)

Site Description

The site is located east of Route 30, north of I-64 and south of the York River in northwestern James City County, VA. The applicant seeks to amend the master plan and associated proffers, which will result in a reduction of density and traffic generation from the site as compared to the previous approvals on the site. The proposed plan consists of 2,441 residential units and 870,000 square feet of non-residential uses and is anticipated to be complete by 2027. The interim phase 1 is anticipated to be complete by 2021, and consists of the following uses:

- Phase 1 (Land Bays 3, 5, 8, 14, Tracts 10A, 10B):
    - 522 residential units
    - 120,000 SF of retail commercial

The phase 1 land bays will primarily be accessed via existing and future entrances along Fieldstone Parkway. Land bay 5 will be accessed via a future fourth/southern leg of the intersection of Fieldstone Parkway/Mill Pond Run. The site will be accessed via multiple entrances, primarily on Fieldstone Parkway, Six Mount Zion Road, Mount Laurel Road, and Ware Creek Road. For the purposes of this traffic analysis, an interim Phase 1 is anticipated by 2021 and Full Build Out (Phase 2, 3, 4) is anticipated by 2027. The area map and site location is shown in Figure 1 and the proposed Master Plan is shown in Figure 2.

Site Generated Volumes

In order to calculate the trips generated by the proposed uses on the site in the interim phase (2021), trip generation rates established in previous Stonehouse traffic studies were utilized, as discussed and agreed to at the scoping meeting. The previous 2007 Stonehouse traffic study by URS established rates by conducting trip generation counts at uses nearby the proposed site. Those rates are summarized in Table 4. An excerpt from the 2007 traffic study where the rates were established is provided in the scoping document attachments in Appendix A. As discussed and agreed to in the scoping document, for all other uses, ITE's Trip Generation Manual, 10th Edition was used. Table 5 shows the trip generation calculations for the proposed Phase 1 development.

Table 4: Residential and Non-Retail Commercial Trip Rates

	AM Peak Hour			PM Peak Hour		
Land Use	**In**	**Out**	**Total**	**In**	**Out**	**Total**
Residential (per dwelling unit)	0.171	0.231	0.402	0.277	0.199	0.476
Non-Retail Commercial (per 1,000 sf)	0.370	0.080	0.450	0.115	0.355	0.470

Table 5: Trip Generation with Reductions – Interim Phase I (2021)

Land Use		ITE Code	Size	Units	------ Weekday ------					
					AM Peak Hour			*PM Peak Hour*		
					In	Out	Total	In	Out	Total
Phase 1										
Land Bays 3, 5, 8, 14	Residential	AR [1]	222	DU	38	51	89	61	44	106
Tract 10A	Residential	AR [1]	200	DU	34	46	80	55	40	95
Tract 10B	Residential	AR [1]	100	DU	17	23	40	28	20	48
Tract 10B	Retail Commercial	820	120.0	kSF	70	43	113	220	238	458
	Internal Capture [2]		*25%*		*-18*	*-11*	*-29*	*-55*	*-60*	*-115*
Phase 1 Residential Total			**522**	**DU**	**89**	**120**	**209**	**144**	**104**	**249**
Phase 1 Non-Residential Total			**120**	**kSF**	**52**	**32**	**84**	**165**	**178**	**343**
Total Phase 1 Trips					**141**	**152**	**293**	**309**	**282**	**592**

Notes:

Trips for residential and non-retail commercial calculated using rates from 2007 URS Stonehouse Traffic Impact Study

Tract 12, has been developed as of 2017 with 56 DU. This tract is not included in the traffic analysis, since the trips are captured in the existing traffic counts.

[1] AR: Approved Rates

[2] Internal capture reprsents the reduction in trips associated with internally capture trips between the adjacent retail uses in Tract 10B and the adjacent residential landbays. 25% reduction is consistent with the 2015 Stonehouse traffic study.

As shown in Table 5, Phase 1 of the proposed development will generate approximately 293 trips during the AM peak hour and 592 trips during the PM peak hour.

Direction of Approach for Site Traffic

The direction of approach for the proposed trips was evaluated based on the existing travel patterns within the study area. The direction of approach assumptions for traffic generated by the proposed development is shown in Table 6 and is shown graphically in Figure 11 and Figure 12.

Table 6: Direction of Approach

Road Name	Direction of Approach	
	Residential	**Non-Residential**
Route 30, North of Barnes Rd	10%	10%
East on I-64	48%	27%
West on I-64	10%	24%
Route 30, South of La Grange Parkway	32%	39%
Total	**100%**	**100%**

Future Conditions with Interim Phase 1 Development (2021) Volumes

The inbound and outbound trips calculated for the weekday morning and afternoon peak hours were routed based on the distribution shown in Table 6. The peak hour trips generated by the interim phase of the development are shown in Figure 11 (residential) and Figure 12 (non-residential). The total trips for the interim phase are shown in Figure 13. The total trips generated by the interim phase of the proposed development (Figure 13) were added to the Future without Development (2021) volumes (Figure 9) in order to establish the Future with Interim Phase Development (2021) volumes, as shown in Figure 14.

Figure 11: Residential Site Trips (2021 – Phase 1)

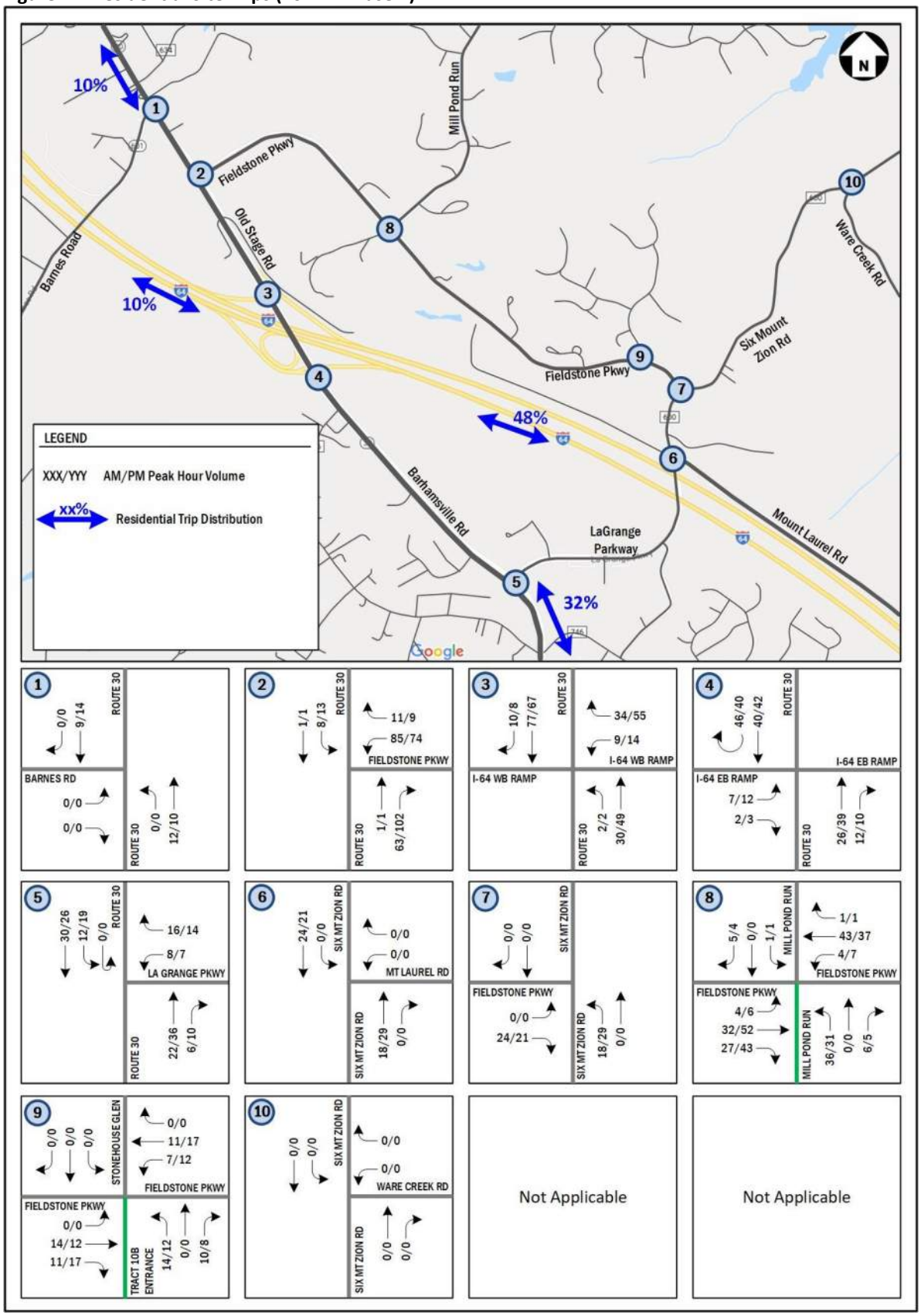


Figure 12: Non-Residential Site Trips (2021 – Phase 1)

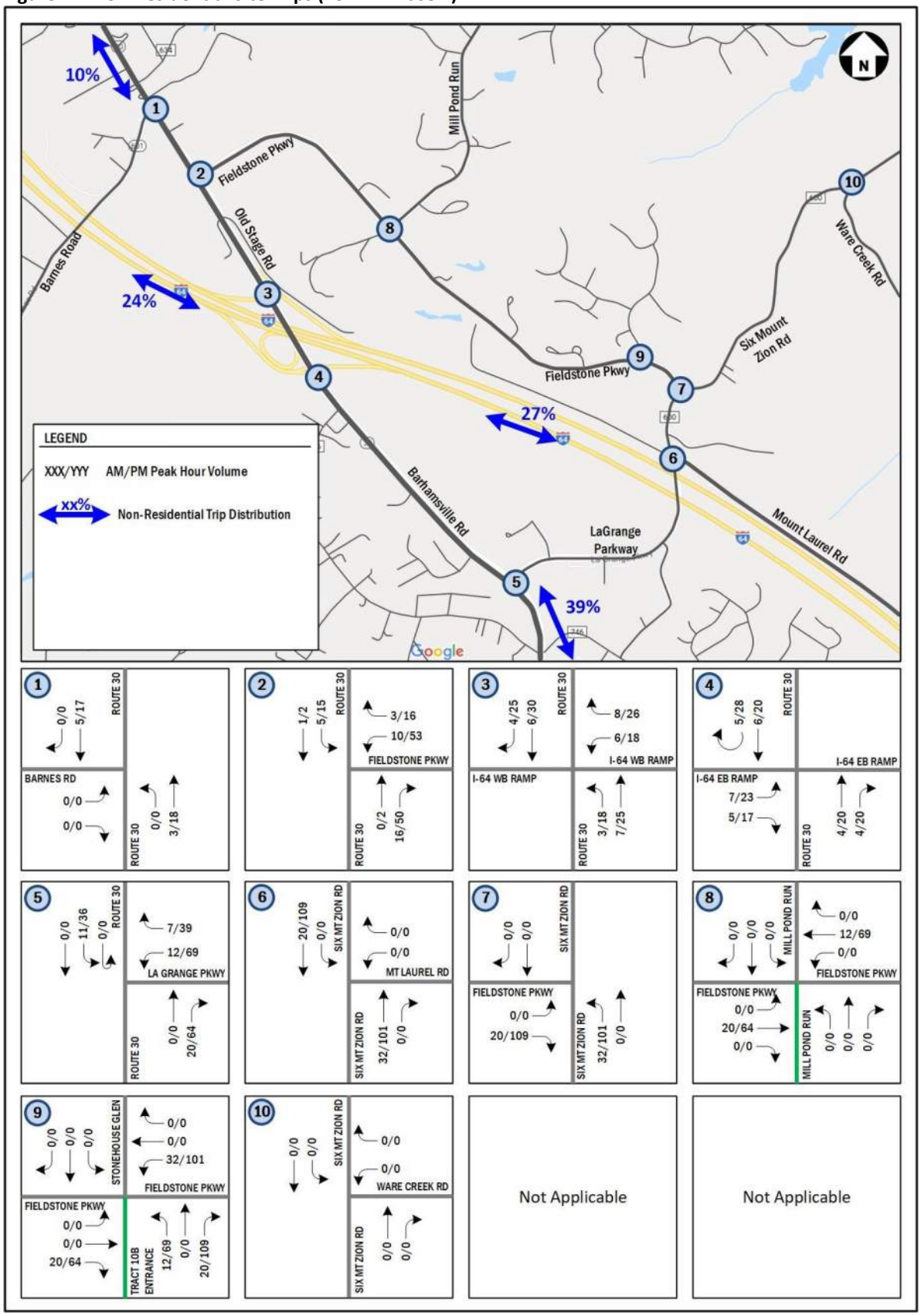


Figure 13: Total Trips (2021 – Phase 1)

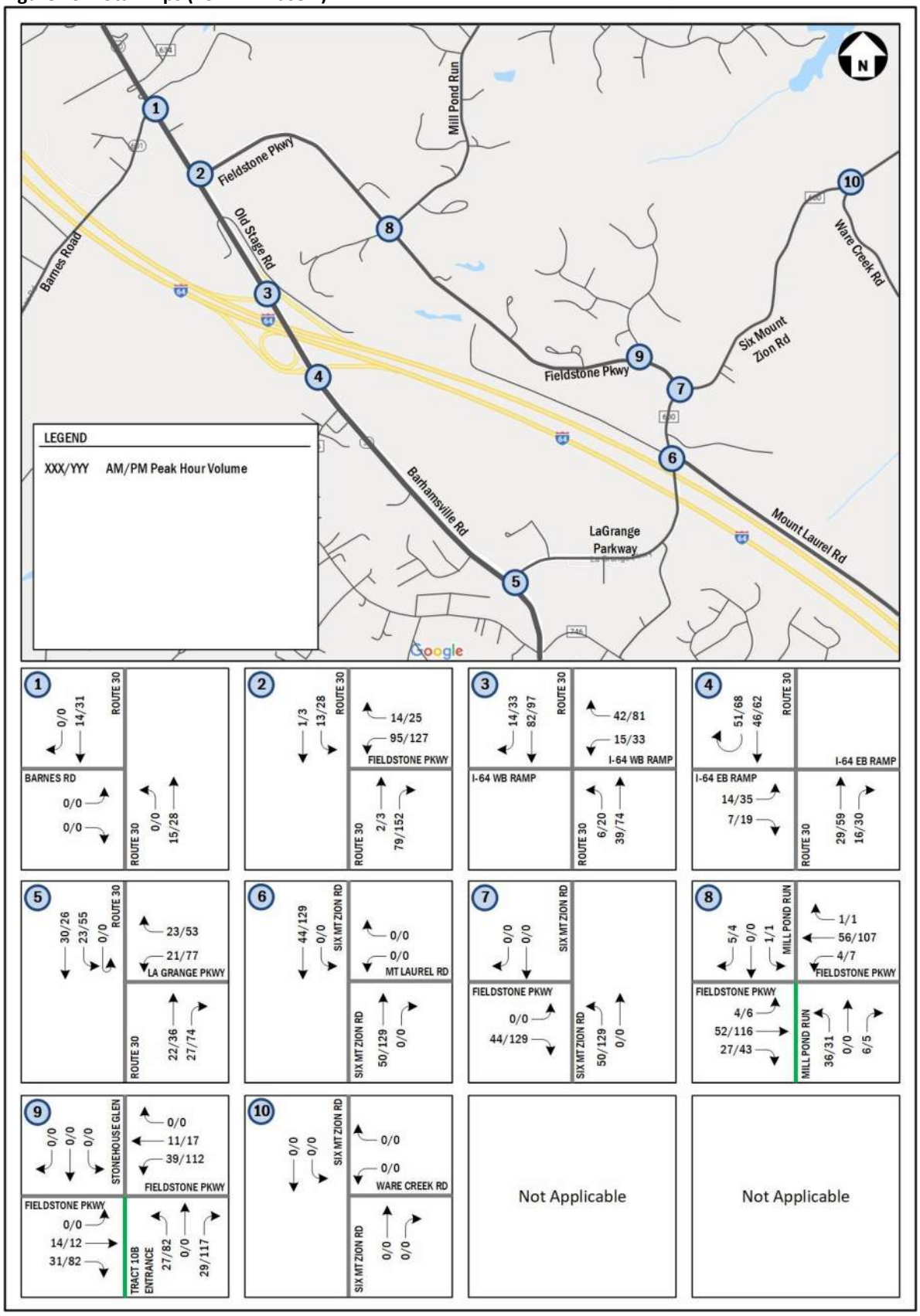
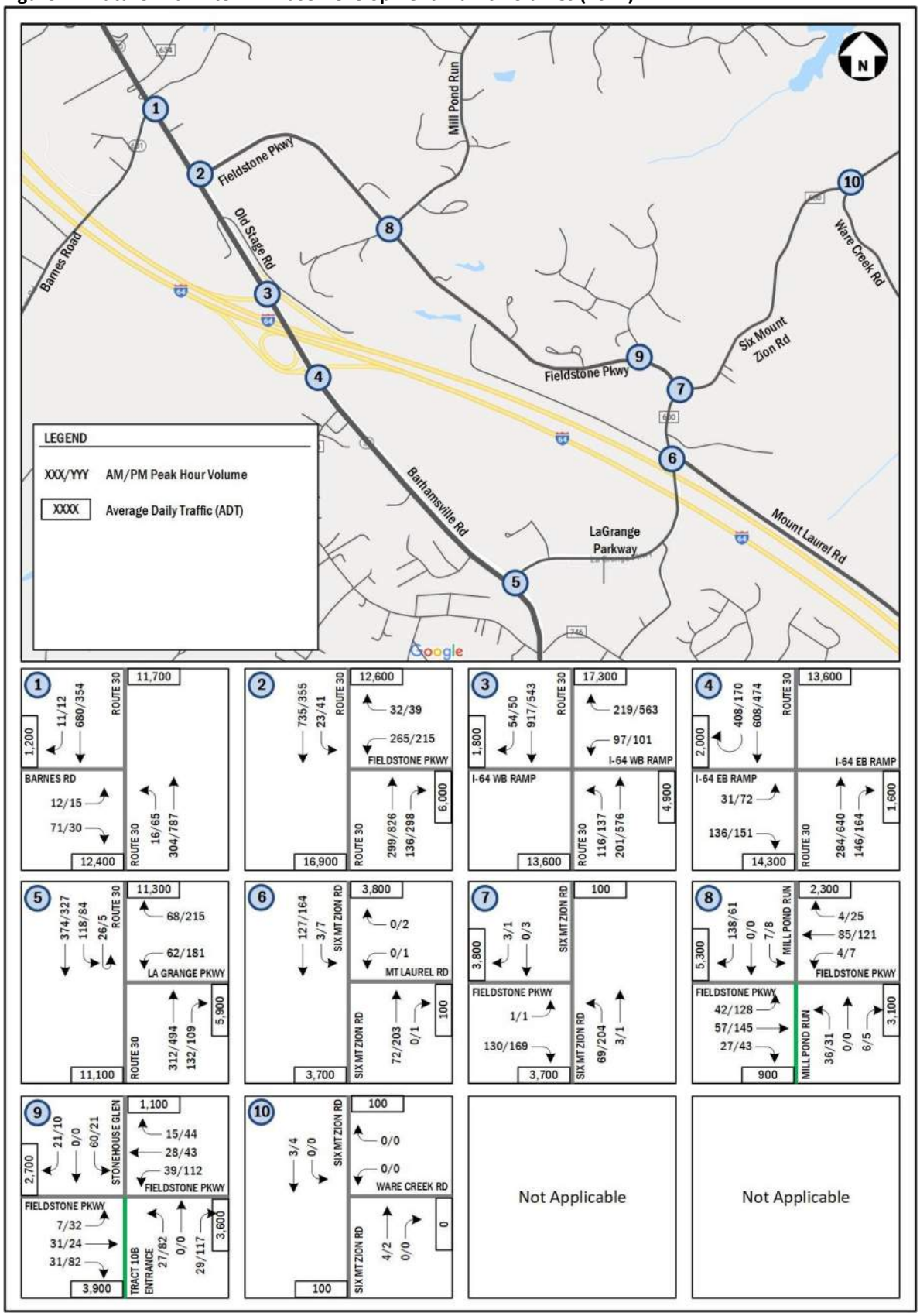


Figure 14: Future with Interim Phase Development Traffic Volumes (2021)



ANALYSIS OF FUTURE CONDITIONS WITH INTERIM PHASE I DEVELOPMENT (2021)

Future Conditions with Interim Phase I Development (2021) Capacity Analysis

Capacity analysis was performed at the study intersections during the weekday morning and afternoon peak hours, under the Future with Interim Phase I Development (2021) conditions. Intersection capacity analysis was performed using *Synchro version 10* based on the Highway Capacity Manual (HCM 2000) data and methodology. Consistent with VDOT's TOSAM guidance, a minimum peak hour factor of 0.88 was used for the intersections, unless the existing peak hour factor was higher. As discussed with VDOT/County staff a minimum of peak hour factor of 0.92 was used for Route 30 and the interchange ramps from I-64, unless the existing peak hour factors were higher.

The results of the intersection capacity analysis for the Future with Interim Phase I Development (2021) conditions are summarized in Table 7. The levels of service and lane configurations for the Future with Interim Phase I Development (2021) conditions are shown graphically in Figure 15. The description of the different LOS and delay and the detailed analysis worksheets are included in Technical Appendix C and Technical Appendix G.

According to the James City County level of service (LOS) criteria, it is desirable to achieve a level of service (LOS) C or better for each lane group at an intersection.

Table 7: Future Conditions with Interim Phase Development (2021) Intersection Capacity Analysis

No.	Intersection (Movement)	Storage Length (ft)[1]	AM Peak				PM Peak			
			LOS	Delay	50th%. Queue (ft)	95th %. Queue (ft)	LOS	Delay	50th%. Queue (ft)	95th %. Queue (ft)
1	**Route 30 and Barnes Road**									
	Overall Intersection (Unsignalized)		**-**	**-**			**-**	**-**		
	Eastbound Approach		***C***	***18.1***			***C***	***19.1***		
	Eastbound Left/Right		C	18.1	-	25	C	19.1	-	15
	Northbound Approach		**-**	**-**			**-**	**-**		
	Northbound Left/Thru		A	0.7	-	2	A	1.6	-	5
2	**Route 30 and Fieldstone Parkway**									
	Overall Intersection (Unsignalized)		**-**	**-**			**-**	**-**		
	Westbound Approach		**D**	**26.7**			**F**	**54.3**		
	Westbound Left		D	28.7	-	124	F	61.9	-	183
	Westbound Right		A	9.4	-	3	B	12.0	-	6
	Southbound Approach		**-**	**-**			**-**	**-**		
	Southbound Left	200	A	8.0	-	2	B	10.0	-	5
	Mitigation: Add a traffic signal and add a 2nd westbound left turn lane on Fieldstone Parkway									
	Overall Intersection (Signalized)		***A***	***9.7***			***B***	***11.3***		
	Westbound Approach		***B***	***17.1***			***B***	***19.2***		
	Westbound Left	250	B	17.3	30	74	B	19.4	26	77
	Westbound Right		B	15.5	0	18	B	17.9	0	23
	Northbound Approach		***A***	***9.6***			***B***	***11.5***		
	Northbound Thru		A	98	21	66	B	12.2	69	191
	Northbound Right	300	A	9.2	0	30	A	9.7	0	39
	Southbound Approach		***A***	***6.8***			***A***	***5.5***		
	Southbound Left	200	A	5.6	3	11	A	6.4	5	16
	Southbound Thru		A	6.8	60	101	A	5.4	25	45

No.	Intersection (Movement)	Storage Length (ft)[1]	AM Peak				PM Peak			
			LOS	Delay	50th%. Queue (ft)	95th %. Queue (ft)	LOS	Delay	50th%. Queue (ft)	95th %. Queue (ft)
3	**Route 30 and I-64 WB Ramps**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Westbound Approach		***C***	***20.1***			***D***	***32.3***		
	Westbound Left/Thru		C	20.1	-	32	D	32.3	-	56
	Northbound Approach		-	-			-	-		
	Northbound Left	250	B	11.0	-	16	A	9.3	-	13
	Mitigation: Add a traffic signal									
	Overall Intersection (Signalized)		**B**	**11.4**			**A**	**8.6**		
	Westbound Approach		***C***	***27***			***C***	***24.9***		
	Westbound Left/Thru		C	27	33	90	C	24.9	33	78
	Northbound Approach		***A***	***4.1***			***A***	***4***		
	Northbound Left	250	A	5.4	14	35	A	4.2	16	39
	Northbound Thru		A	3.3	12	27	A	4	40	71
	Southbound Approach		***B***	***12.3***			***B***	***11.1***		
	Southbound Thru		B	12.5	140	247	B	11.3	75	140
	Southbound Right	425	A	9	0	4	A	9.4	0	6
4	**Route 30 and I-64 EB Ramps**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Eastbound Approach		***B***	***12.3***			***B***	***12***		
	Eastbound Left		B	13.6	-	6	B	13.7	-	14
	Eastbound Right		B	12.0	-	21	B	11.2	-	21
5	**Route 30 and LaGrange Parkway**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Westbound Approach		***B***	***11.6***			***C***	***15.3***		
	Westbound Left		B	13.8	-	13	C	18.8	-	56
	Westbound Right		A	9.7	-	7	B	12.3	-	36
	Southbound Approach		-	-			-	-		
	Southbound Left	175	A	8.3	-	9	A	8.8	-	7
	Mitigation: Add a traffic signal									
	Overall Intersection (Signalized)		**A**	**8.2**			**B**	**12.3**		
	Westbound Approach		***B***	***17.5***			***B***	***17.7***		
	Westbound Left		C	21.5	20	50	C	21.9	63	119
	Westbound Right		B	14	0	17	B	14.1	37	74
	Northbound Approach		***B***	***10***			***B***	***13.2***		
	Northbound Thru		B	11.5	40	70	B	14.8	69	127
	Northbound Right	275	A	6.5	0	15	A	5.8	0	12
	Southbound Approach		***A***	***4.1***			***A***	***5.8***		
	Southbound Left	175	A	4.4	19	38	A	6.1	13	35
	Southbound Thru		A	4	26	42	A	5.7	25	52
6	**Six Mount Zion Road and Mount Laurel Road**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Westbound Approach		***A***	***0***			***B***	***10.1***		
	Westbound Left/Right		A	0	-	0	B	10.1	-	0
	Southbound Approach		-	-			-	-		
	Southbound Left/Thru		A	0.2	-	0	A	0.4	-	0
7	**Six Mount Zion Road and Fieldstone Parkway**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Eastbound Approach		***B***	***11.5***			***B***	***12.1***		
	Eastbound Left/Right		B	11.5	-	20	B	12.1	-	28
	Northbound Approach		-	-			-	-		
	Northbound Left/Thru		A	8.1	-	5	A	8.9	-	19

No.	Intersection (Movement)	Storage Length (ft)[1]	AM Peak				PM Peak			
			LOS	Delay	50th%. Queue (ft)	95th %. Queue (ft)	LOS	Delay	50th%. Queue (ft)	95th %. Queue (ft)
8	**Fieldstone Parkway and Mill Pond Run**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Eastbound Approach		-	-			-	-		
	Eastbound Left		A	7.5	-	2	A	7.8	-	9
	Westbound Approach		-	-			-	-		
	Westbound Left/Thru		A	0.6	-	0	A	0.8	-	0
	Northbound Approach		***B***	***12***			***B***	***14.6***		
	Northbound Left/Thru/Right		B	12	-	7	B	14.6	-	8
	Southbound Approach		***A***	***9.3***			***A***	***9.6***		
	Southbound Thru/Left		B	10.4	-	1	B	14	-	2
	Southbound Right		A	9.2	-	13	A	9	-	6
9	**Fieldstone Parkway and Stonehouse Glen**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Eastbound Approach		-	-			-	-		
	Eastbound Left/Thru/Right		A	0.8	-	0	A	1.9	-	2
	Westbound Approach		-	-			-	-		
	Westbound Left/Thru		A	4.4	-	2	A	5.7	-	7
	Northbound Approach		***A***	***9.6***			***B***	***12.8***		
	Northbound Left/Thru/Right		A	9.6	-	6	B	12.8	-	36
	Southbound Approach		***B***	***10.4***			***B***	***13.9***		
	Southbound Left/Thru/Right		B	10.4	-	10	B	13.9	-	6
10	**Six Mount Zion Road and Ware Creek Road**		Ware Creek Road will be closed to traffic at the intersection. Hence, there will be no conflicting movements at the intersection.							

Notes

[1] The storage length reported is the turn bay length plus half of the taper length, as coded in Synchro (consistent with VDOT's TOSAM guidance)

- Synchro does not provide delay or level of service for movements that have no conflicting movements under unsignalized conditions. Synchro also does not provide 50th percentile queues for unsignalized intersections.

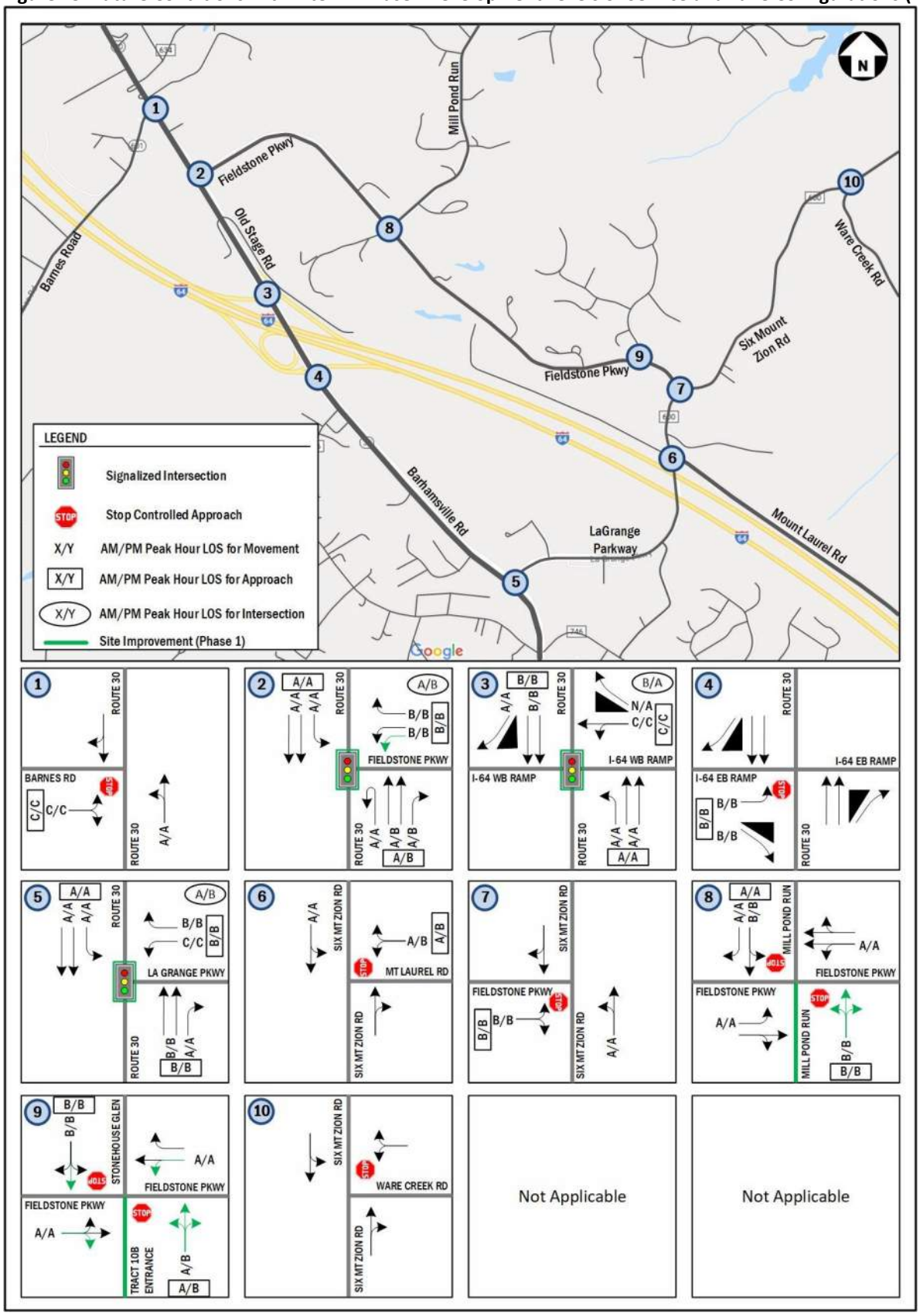
According to the James City County level of service (LOS) criteria, it is desirable to achieve a level of service (LOS) C or better for each lane group at an intersection. The Capacity Analysis results in Table 7 show that all the intersections operate at an acceptable level of service except for the following:

- <u>Route 30 and Fieldstone Parkway:</u>
  - The westbound left turn movement operates at an unacceptable level of service during both the peak hours
  - The following mitigations are recommended at the intersection:
    - Install a traffic signal and add a second westbound left turn lane on Fieldstone Parkway.
    - A preliminary signal warrant analysis conducted as part of the Traffic Impact Study for the signal revealed that a traffic signal would be warranted. Please see Table 12 in the 'Preliminary Signal Warrant Analyses' section for the analysis conducted for the intersection, based on the estimated ADTs at the intersection.
  - With the above mitigations in place, the overall intersection and all the lane groups at the intersection operate at acceptable levels of service during both the peak hours. Moreover, the queue lengths are anticipated to be accommodated within the turn lanes at the intersection.

- Route 30 and I-64 WB Ramps:
    - The westbound left/thru lane group operates at an unacceptable level of service during the PM peak hour
    - The installation of a traffic signal is recommended as a mitigation measure at the intersection.
    - A preliminary signal warrant analysis conducted as part of the Traffic Impact Study for the signal revealed that a traffic signal would be warranted. Please see Table 12 in the 'Preliminary Signal Warrant Analyses' section for the analysis conducted for the intersection, based on the estimated ADTs at the intersection.
    - With the above mitigation in place, the overall intersection and all the lane groups at the intersection operate at acceptable levels of service during both the peak hours. Moreover, the queue lengths are anticipated to be accommodated within the turn lanes at the intersection.
- Route 30 and LaGrange Parkway:
    - Although the intersection operates at an acceptable level of service as an unsignalized intersection, a traffic signal was assumed as a site improvement at the intersection.
    - A preliminary signal warrant analysis conducted as part of the Traffic Impact Study for the signal revealed that a traffic signal would be warranted. Please see Table 12 in the 'Preliminary Signal Warrant Analyses' section for the analysis conducted for the intersection, based on the estimated ADTs at the intersection.

The levels of service and lane configurations for the Future with Interim Phase I Development (2021) conditions are shown graphically in Figure 15.

Figure 15: Future Conditions with Interim Phase I Development Levels of Service and Lane Configurations (2021)



ANALYSIS OF FUTURE CONDITIONS WITHOUT DEVELOPMENT (2027)

Planned/Proffered Transportation Improvements

No planned background improvements were considered for background conditions (2027).

Inherent Growth

As discussed at the scoping meeting and provided in the scoping document, an inherent growth rate of 1% per year was applied to the existing volumes on the regional roads to account for regional growth. The existing plus growth volumes for 2027 are shown in Figure 16.

Background Developments

The following approved background developments were identified at the scoping meeting and were included in the future conditions (2027):

- Moss Creek Commerce Center:
    - 54,250 SF Self Storage
    - 13,200 SF Warehouse
    - 13,200 SF Office
    - 3,630 SF Single Tenant Office
    - 3,910 SF Convenience Market with Gas Pumps
    - 3,570 SF Drive-In Bank
    - 44,480 SF Shopping Center

    **The above represents the full build-out of the development, which is anticipated to be completed by 2027*

The trip generation table for the approved background development, the approved master plan is provided in Appendix E. The trip distribution shown in the Moss Creek traffic study was used to route the trips. The trips generated by the background development in 2027 are shown in Figure 17.

Future Conditions without Development Traffic Volumes (2027)

The traffic volumes generated by the background developments (Figure 17) were added to the existing plus growth traffic volumes (Figure 16), in order to establish the future without development (2027) traffic volumes. The Future without Development (2027) traffic volumes are shown in Figure 18.

Figure 16: Existing Plus Growth Volumes (2027)

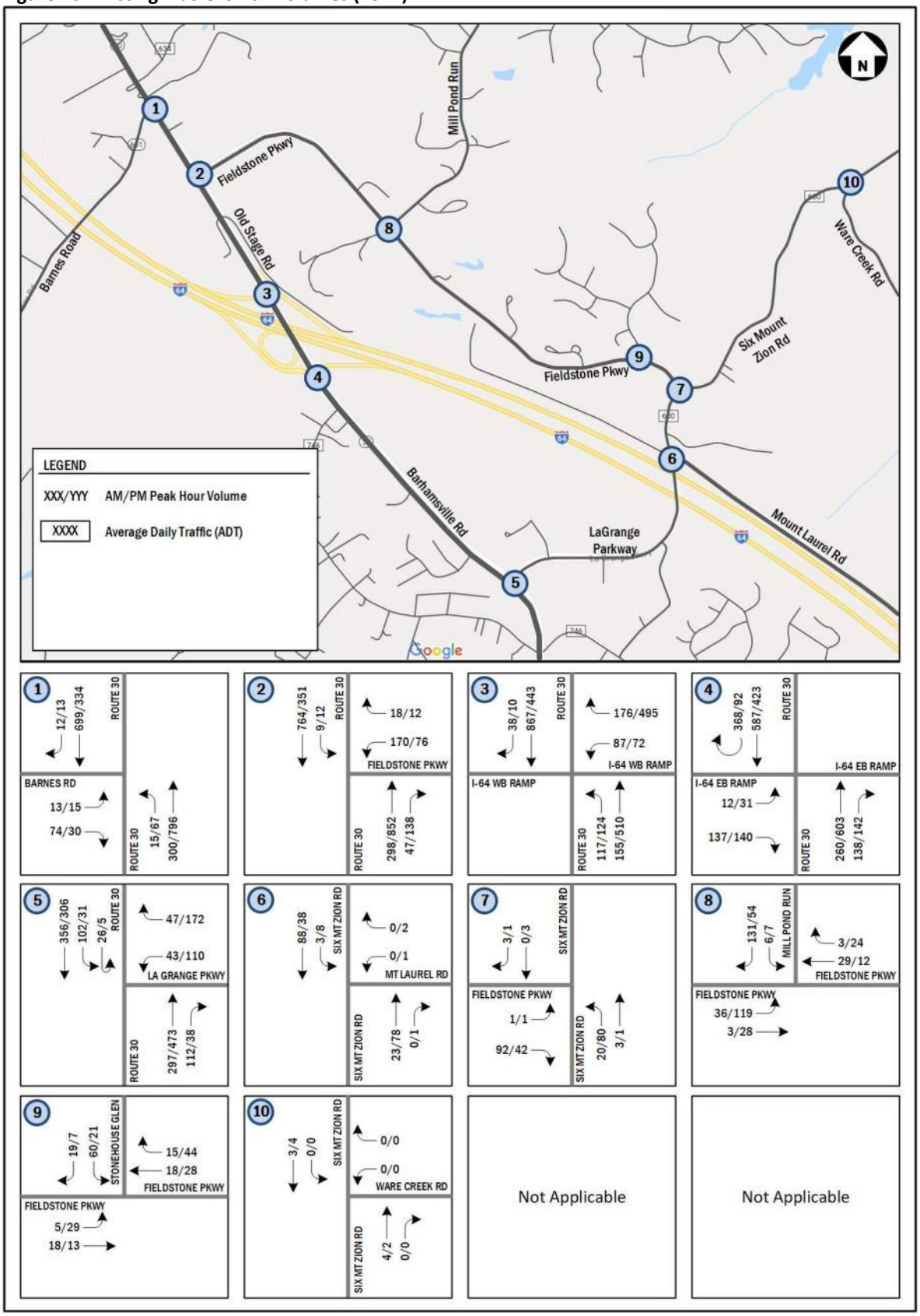


Figure 17: Background Development Trips (2027)

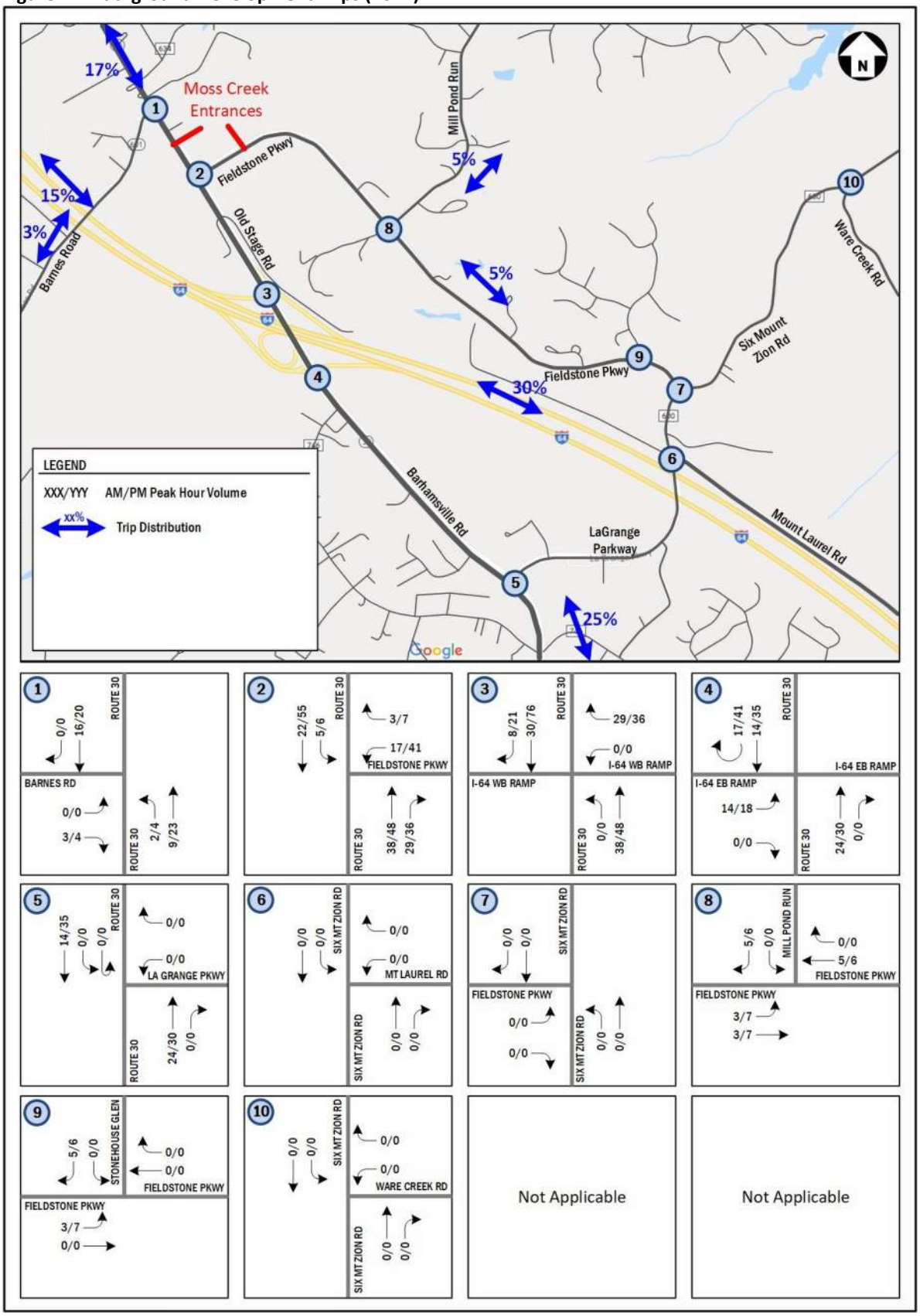
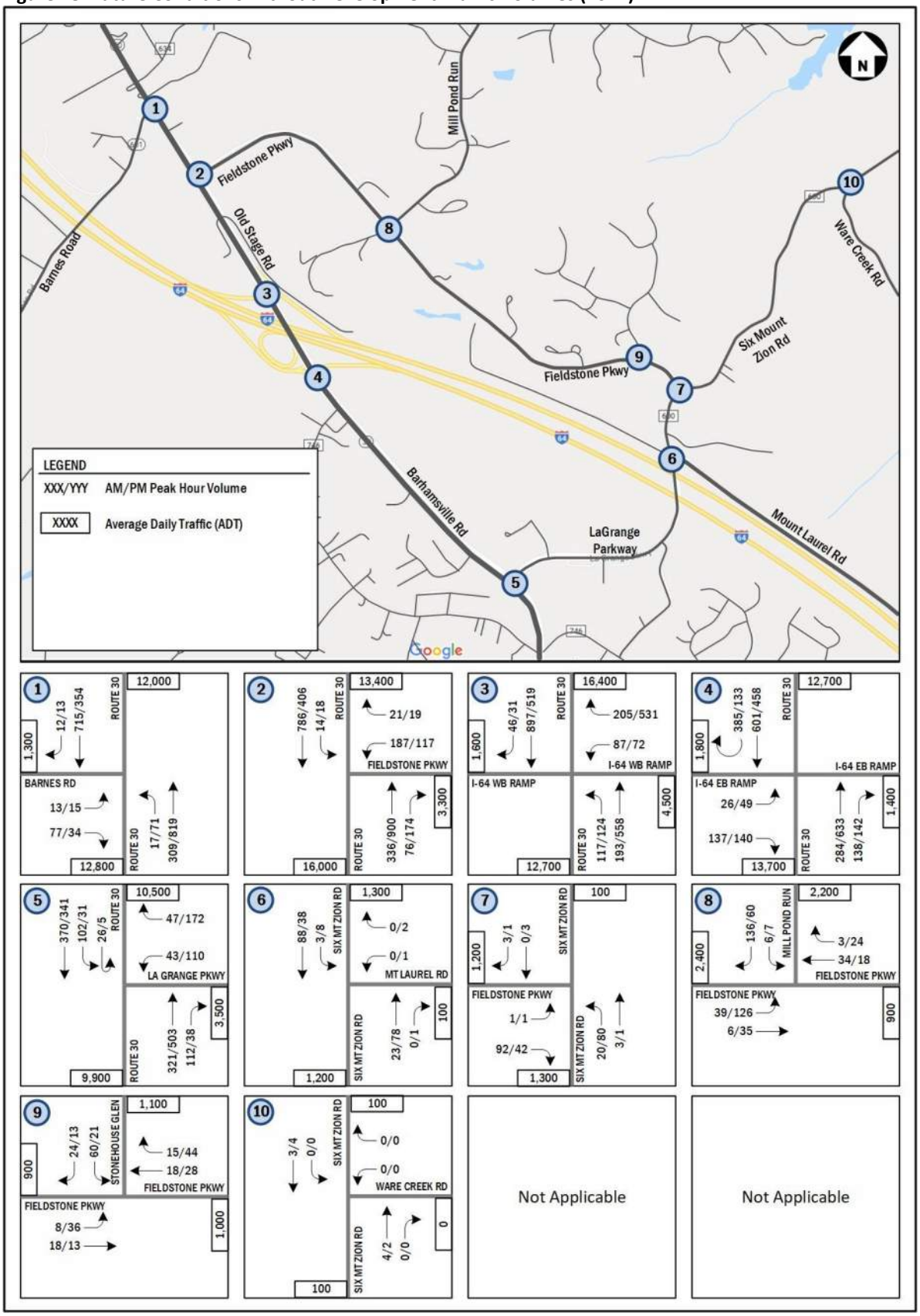


Figure 18: Future Conditions without Development Traffic Volumes (2027)



Future Conditions without Development Capacity Analysis (2027)

Capacity analysis was performed at the study intersections during the weekday morning and afternoon peak hours, under the Future without Development (2027) conditions. Intersection capacity analysis was performed using *Synchro version 10* based on the Highway Capacity Manual (HCM 2000) data and methodology. Consistent with VDOT's TOSAM guidance, a minimum peak hour factor of 0.88 was used for the intersections, unless the existing peak hour factor was higher. As discussed with VDOT/County staff a minimum of peak hour factor of 0.92 was used for Route 30 and the interchange ramps from I-64, unless the existing peak hour factors were higher.

The results of the intersection capacity analysis for the Future without Development (2027) conditions are summarized in Table 8. The levels of service and lane configurations for the Future without Development (2027) conditions are shown graphically in Figure 19. The description of the different LOS and delay and the detailed analysis worksheets are included in Technical Appendix C and Technical Appendix H.

According to the James City County level of service (LOS) criteria, it is desirable to achieve a level of service (LOS) C or better for each lane group at an intersection.

Table 8: Future Conditions without Development (2027) Intersection Capacity Analysis

No.	Intersection (Movement)	Storage Length (ft)[1]	AM Peak				PM Peak			
			LOS	Delay	50th%. Queue (ft)	95th %. Queue (ft)	LOS	Delay	50th%. Queue (ft)	95th %. Queue (ft)
1	**Route 30 and Barnes Road**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Eastbound Approach		***C***	***19.5***			***C***	***19.4***		
	Eastbound Left/Right		C	19.5	-	30	C	19.4	-	16
	Northbound Approach		-	-			-	-		
	Northbound Left/Thru		A	0.7	-	2	A	1.7	-	5
2	**Route 30 and Fieldstone Parkway**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Westbound Approach		**C**	**20.2**			**D**	**28.4**		
	Westbound Left		C	21.4	-	67	D	31.1	-	64
	Westbound Right		A	9.5	-	2	B	12.1	-	3
	Southbound Approach		-	-			-	-		
	Southbound Left	200	A	8.1	-	1	B	10.2	-	2
3	**Route 30 and I-64 WB Ramps**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Westbound Approach		***C***	***19.2***			***C***	***24.7***		
	Westbound Left/Thru		C	19.2	-	27	C	24.7	-	30
	Northbound Approach		-	-			-	-		
	Northbound Left	250	B	10.9	-	16	A	9.1	-	11
4	**Route 30 and I-64 EB Ramps**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Eastbound Approach		***B***	***12.1***			***B***	***11.5***		
	Eastbound Left		B	13.4	-	5	B	13	-	9
	Eastbound Right		B	11.9	-	21	B	11.0	-	19
5	**Route 30 and LaGrange Parkway**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Westbound Approach		***B***	***11.2***			***B***	***12.8***		
	Westbound Left		B	13	-	8	B	14.6	-	24
	Westbound Right		A	9.6	-	5	B	11.7	-	27
	Southbound Approach		-	-			-	-		
	Southbound Left	175	A	8.3	-	8	A	8.6	-	3

No.	Intersection (Movement)	Storage Length (ft)[1]	AM Peak				PM Peak			
			LOS	Delay	50th%. Queue (ft)	95th %. Queue (ft)	LOS	Delay	50th%. Queue (ft)	95th %. Queue (ft)
6	**Six Mount Zion Road and Mount Laurel Road**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Westbound Approach		***A***	***0***			***A***	***8.9***		
	Westbound Left/Right		A	0	-	0	A	8.9	-	0
	Southbound Approach		-	-			-	-		
	Southbound Left/Thru		A	0.2	-	0	A	1.3	-	0
7	**Six Mount Zion Road and Fieldstone Parkway**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Eastbound Approach		***B***	***11***			***B***	***10.6***		
	Eastbound Left/Right		B	11	-	13	B	10.6	-	6
	Northbound Approach		-	-			-	-		
	Northbound Left/Thru		A	7.3	-	2	A	8.3	-	6
8	**Fieldstone Parkway and Mill Pond Run**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Eastbound Approach		-	-			-	-		
	Eastbound Left		A	7.4	-	2	A	7.5	-	8
	Southbound Approach		***A***	***9.0***			***A***	***9.0***		
	Southbound Left		A	9.6	-	1	B	11.4	-	1
	Southbound Right		A	9.0	-	13	A	8.7	-	5
9	**Fieldstone Parkway and Stonehouse Glen**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Eastbound Approach		-	-			-	-		
	Eastbound Left/Thru		A	2.3	-	0	A	5.5	-	2
	Southbound Approach		***A***	***9.1***			***A***	***9.1***		
	Southbound Left/Right		A	9.1	-	8	A	9.1	-	3
10	**Six Mount Zion Road and Ware Creek Road**		Ware Creek Road will be closed to traffic at the intersection. Hence, there will be no conflicting movements at the intersection.							

Notes

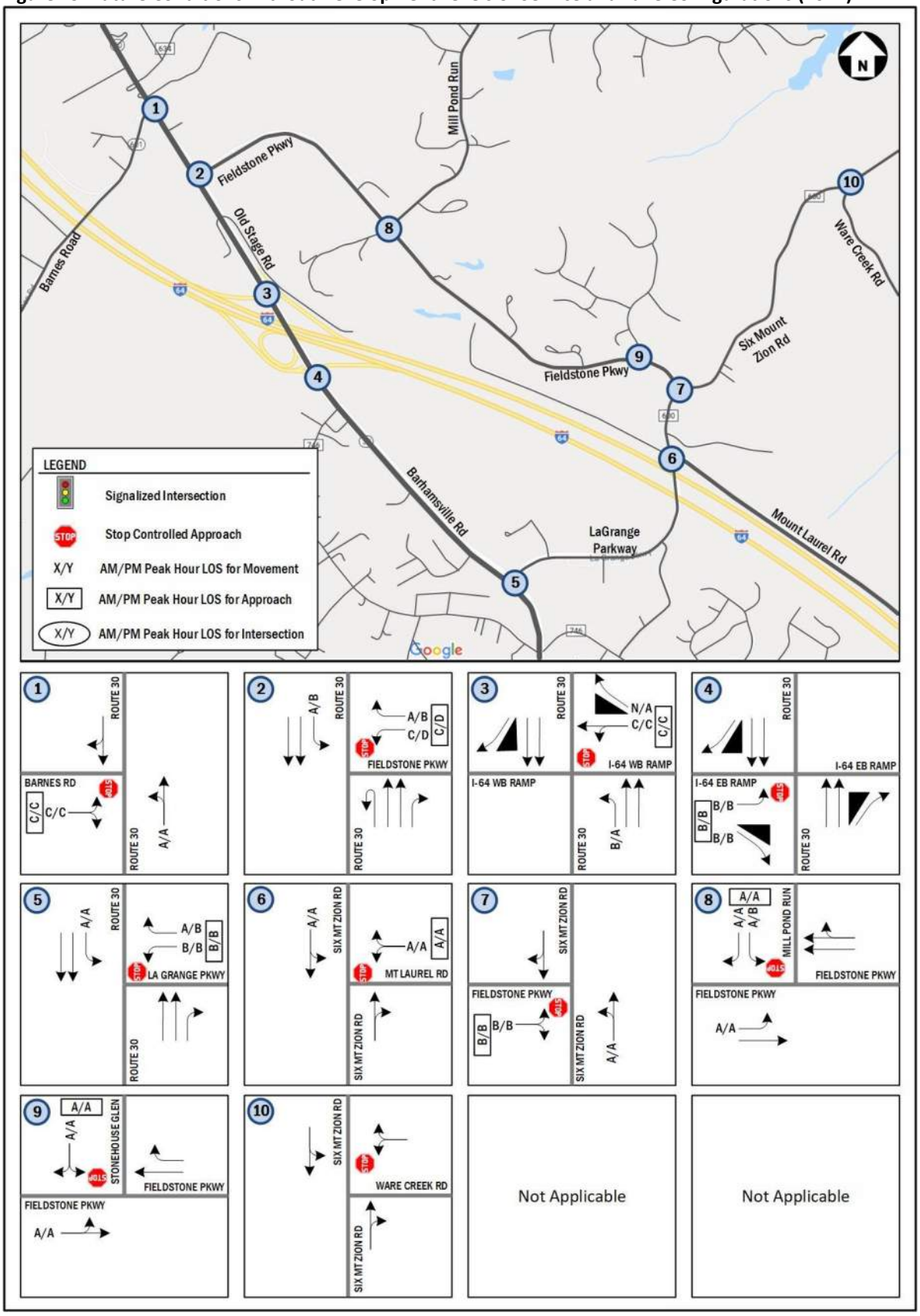
[1] The storage length reported is the turn bay length plus half of the taper length, as coded in Synchro (consistent with VDOT's TOSAM guidance)

- Synchro does not provide delay or level of service for movements that have no conflicting movements under unsignalized conditions. Synchro also does not provide 50th percentile queues for unsignalized intersections.

According to the James City County level of service (LOS) criteria, it is desirable to achieve a level of service (LOS) C or better for each lane group at an intersection. As shown in 8, all of the intersections operate at acceptable level of service, except for the westbound left turn movement at the intersection of Route 30 and Fieldstone Parkway during the PM peak hour. However, the queue length for the movement is less than 3 car lengths. Hence, no improvements are recommended at the intersection in the Future without Development (2027) conditions.

The levels of service and lane configurations for the Future without Development (2027) conditions are shown graphically in Figure 19.

Figure 19: Future Conditions without Development Levels of Service and Lane Configurations (2027)



TRIP GENERATION AND SITE TRAFFIC – FULL BUILD (2027)

Site Description

The site is located east of Route 30, north of I-64 and south of the York River in northwestern James City County, VA. The applicant seeks to amend the master plan and associated proffers, which will result in a reduction of density and traffic generation from the site as compared to the previous approvals on the site. The full build-out of the proposed plan consists of approximately 2,441 residential units and approximately 870,000 square feet of non-residential uses and is anticipated to be complete by 2027.

The site will be accessed via multiple entrances, primarily on Fieldstone Parkway, Six Mount Zion Road, Mount Laurel Road, and Ware Creek Road. The area map and site location is shown in Figure 1 and the proposed Master Plan is shown in Figure 2.

Site Generated Volumes

In order to calculate the trips generated by the proposed uses on the site in the full build-out (2027) conditions, trip generation rates established in previous Stonehouse traffic studies were utilized, as discussed and agreed to at the scoping meeting. The previous 2007 Stonehouse traffic study by URS established rates by conducting trip generation counts at uses nearby the proposed site. Those rates were earlier summarized in Table 4 and repeated below. An excerpt from the 2007 traffic study where the rates were established is provided in the scoping document attachments in Appendix A. As discussed and agreed to in the scoping document, for all other uses, ITE's Trip Generation Manual, 10th Edition was used. Table 9 shows the trip generation calculations for the Full Build-Out of the proposed development.

Table 9: Trip Generation with Reductions – Full Build-Out (2027)

Land Use		ITE Code	Size	Units	------ Weekday ------					
					AM Peak Hour			*PM Peak Hour*		
					In	Out	Total	In	Out	Total
Phase 1 - Assumed in Future with Interim Phase I Development Conditions (2021)										
Land Bays 3, 5, 8, 14	Residential	AR [1]	222	DU	38	51	89	61	44	106
Tract 10A	Residential	AR [1]	200	DU	34	46	80	55	40	95
Tract 10B	Residential	AR [1]	100	DU	17	23	40	28	20	48
Tract 10B	Retail Commercial	820	120.0	kSF	70	43	113	220	238	458
	Internal Capture [2]		*25%*		*-18*	*-11*	*-29*	*-55*	*-60*	*-115*
Phase 2										
Tract 2	Residential	AR [1]	400	DU	68	92	161	111	80	190
Tract 3	Residential	AR [1]	350	DU	60	81	141	97	70	167
Tract 11A	Residential	AR [1]	250	DU	43	58	101	69	50	119
Tract 11B	Residential	AR [1]	300	DU	51	69	121	83	60	143
Tract 11B	Non-Retail Commercial	AR [1]	200.0	kSF	74	16	90	23	71	94
Tract 13	Non-Retail Commercial	AR [1]	420.0	kSF	155	34	189	48	149	197
Tract S	Residential	AR [1]	300	DU	51	69	121	83	60	143
Phase 3										
Tract 11B	Residential	AR [1]	300	DU	51	69	121	83	60	143
Tract 9	Middle School (120kSF)	522	1200	Students	376	320	696	100	104	204
Phase 4										
Tracts 1, 4, 5, 6, 7	Residential	AR [1]	15	DU	3	3	6	4	3	7
Tracts 1, 4, 5, 6, or 7 [3]	A-1 Non Residential	970	130	kSF	6	2	8	15	14	29
Tract 8	Residential	AR [1]	4	DU	1	1	2	1	1	2
Full Build-Out Residential Total			**2441**	**DU**	**417**	**562**	**983**	**675**	**488**	**1163**
Full Build-Out Non-Residential Total			**870**	**kSF**	**287**	**84**	**371**	**251**	**412**	**663**
Full Build-Out School Total			**1200**	**Students**	**376**	**320**	**696**	**100**	**104**	**204**
Total Full Build-Out Trips					**1,080**	**966**	**2,050**	**1,026**	**1,004**	**2,030**

Notes:

Trips for residential and non-retail commercial calculated using rates from 2007 URS Stonehouse Traffic Impact Study

Tract 12, has been developed as of 2017 with 56 DU. This tract will not be included in the traffic analysis, since the trips will be captured in the existing traffic counts.

[1] *AR: Approved Rates*

[2] *Internal capture reprsents the reduction in trips associated with internally capture trips between the adjacent retail uses in Tract 10B and the adjacent residential landbays. 25% reduction is consistent with the 2015 Stonehouse traffic study.*

[3] *A winery with a 4,000 SF building/tasting room (average-sized ITE) was used to determine trips for the non-residential A-1 use in the Preservation Parcels. A winery was used since it is one of the highest trip-generating non-residential uses allowed in the A-1 district.*

As shown in Table 9, the full build-out of the proposed development will generate approximately 2,050 trips during the AM peak hour and 2,030 trips during the PM peak hour, including the trips generated by the Phase I of the development.

Direction of Approach for Site Traffic

The direction of approach for the proposed trips was evaluated based on the existing travel patterns within the study area. The direction of approach assumptions for traffic generated by the proposed development is shown in Table 10 and is shown graphically in Figure 20, Figure 21, and Figure 22.

Table 10: Direction of Approach

Road Name	Direction of Approach	
	Residential	**Non-Residential**
Route 30, North of Barnes Rd	10%	10%
East on I-64	48%	27%
West on I-64	10%	24%
Route 30, South of La Grange Parkway	32%	39%
Total	**100%**	**100%**

**Note: Since a school is proposed on Tract 9, a different distribution was used for those trips and is based on an anticipated attendance area for the school. The distribution used for the school is shown in Figure 22.*

Future Conditions with Full Build Development (2027) Volumes

The inbound and outbound trips calculated for the weekday morning and afternoon peak hours were routed based on the distribution shown in Table 10. The peak hour trips generated by the development are shown in Figure 20 (residential), Figure 21 (non-residential) and Figure 22 (Tract 9 – Middle School). The total trips for the development are shown in Figure 23.

The total trips generated by the proposed development (Figure 23) were added to the Future without Development (2027) volumes (Figure 18) in order to establish the Future with Full Build Development (2027) volumes, as shown in Figure 24.

Figure 20: Residential Site Trips (2027 – Full Build)

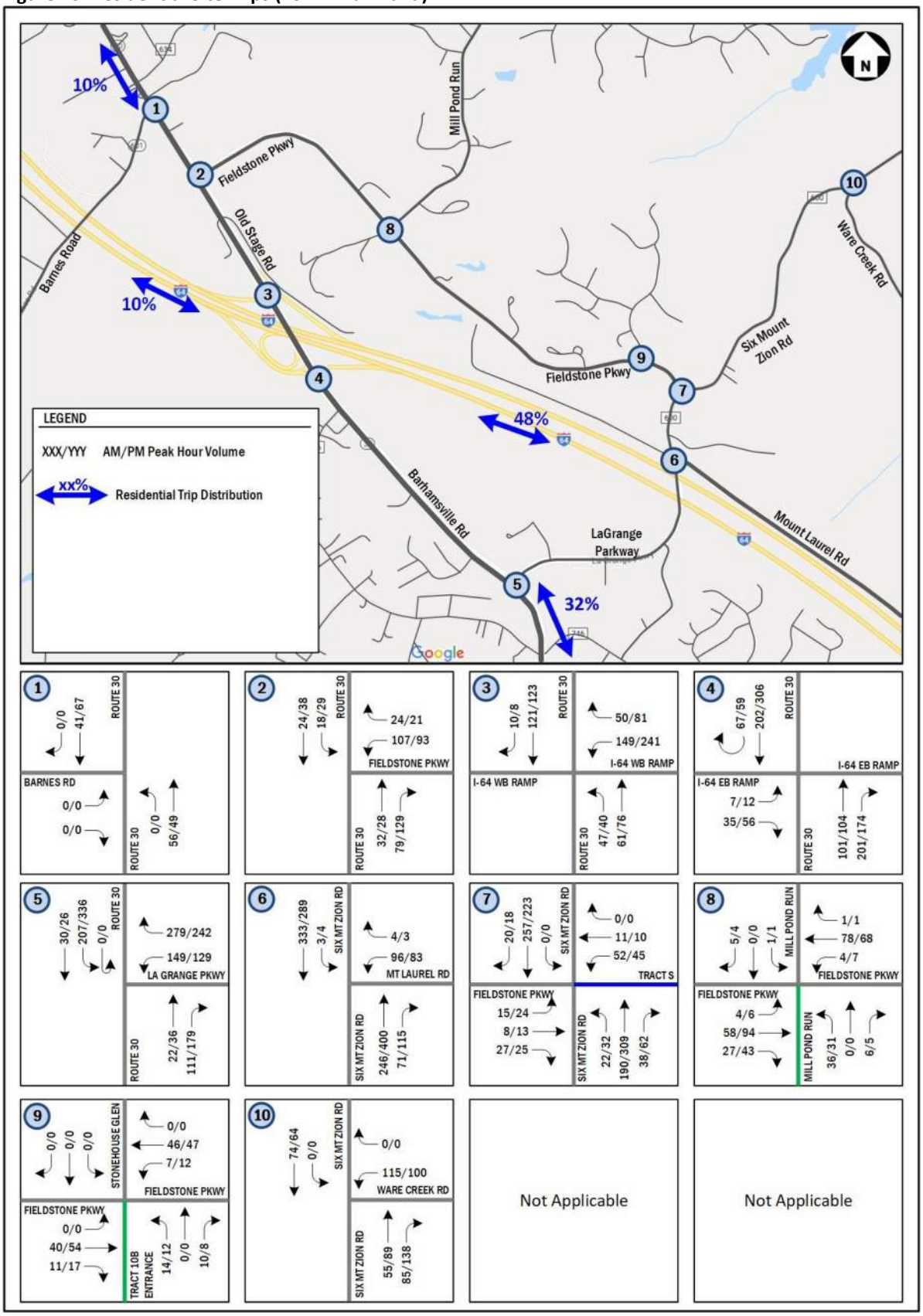


Figure 21: Non-Residential Site Trips (2027 – Full Build)

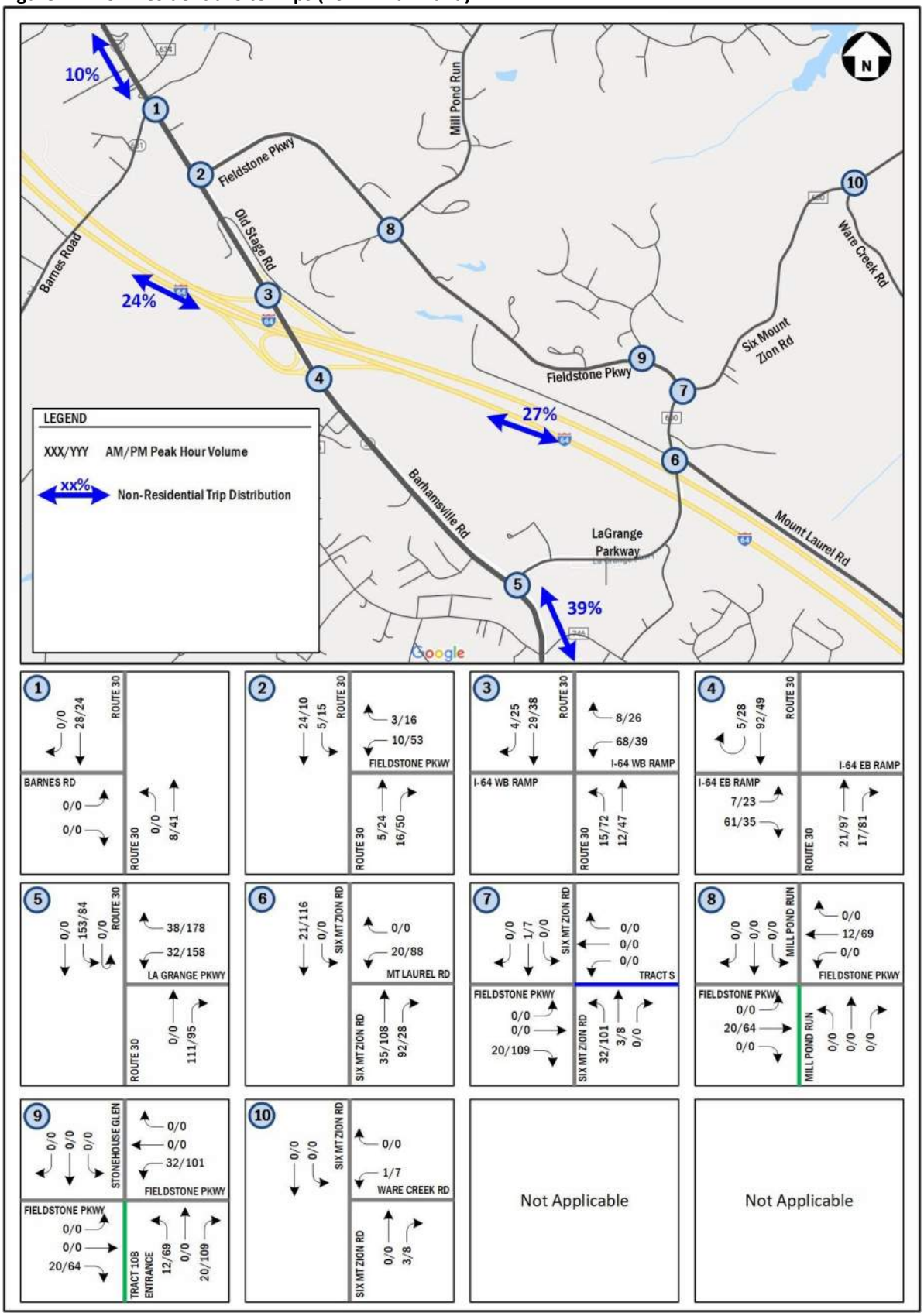


Figure 22: Tract 9 Trips – Middle School (2027 – Full Build)

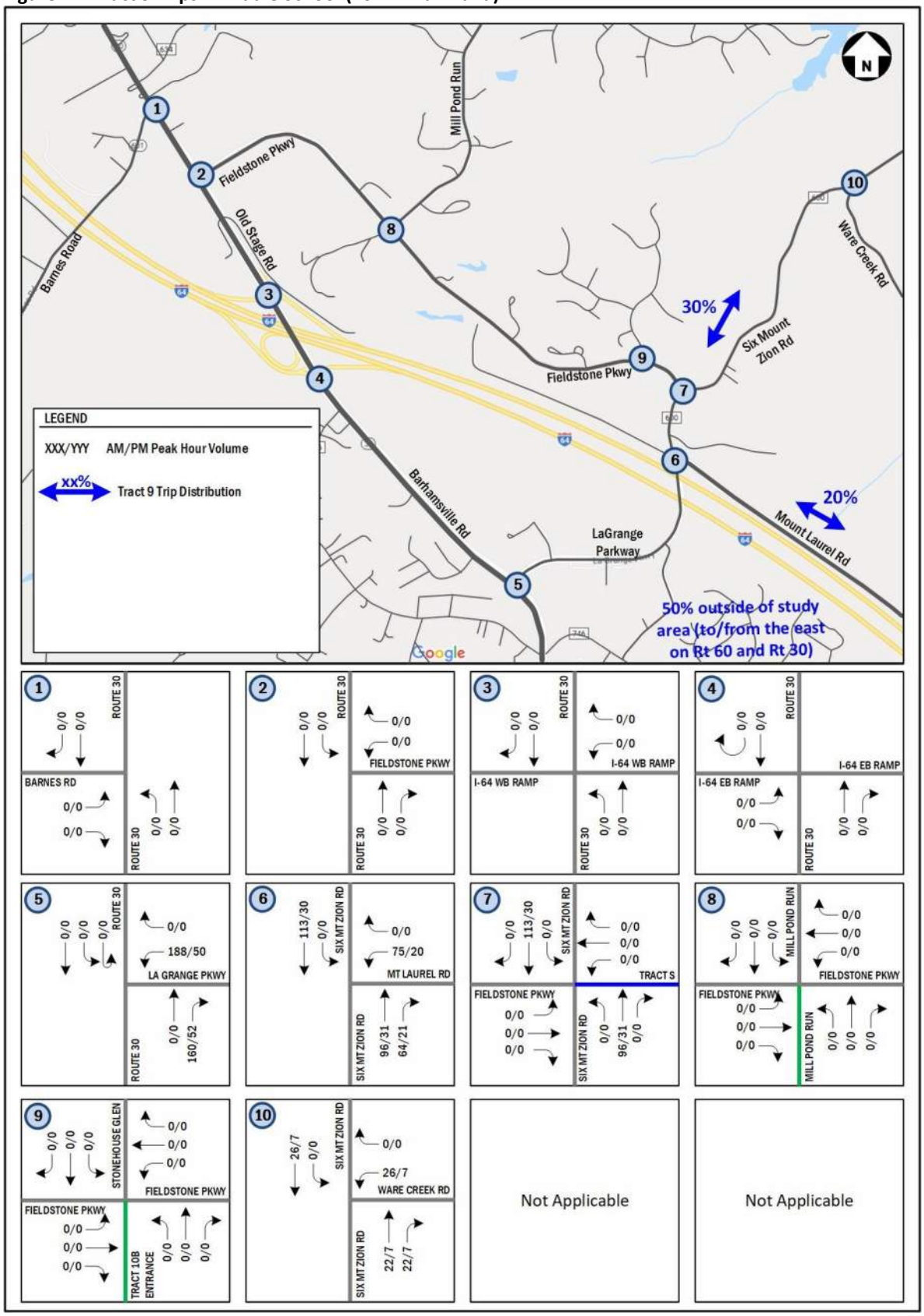


Figure 23: Total Trips (2027 – Full Build)

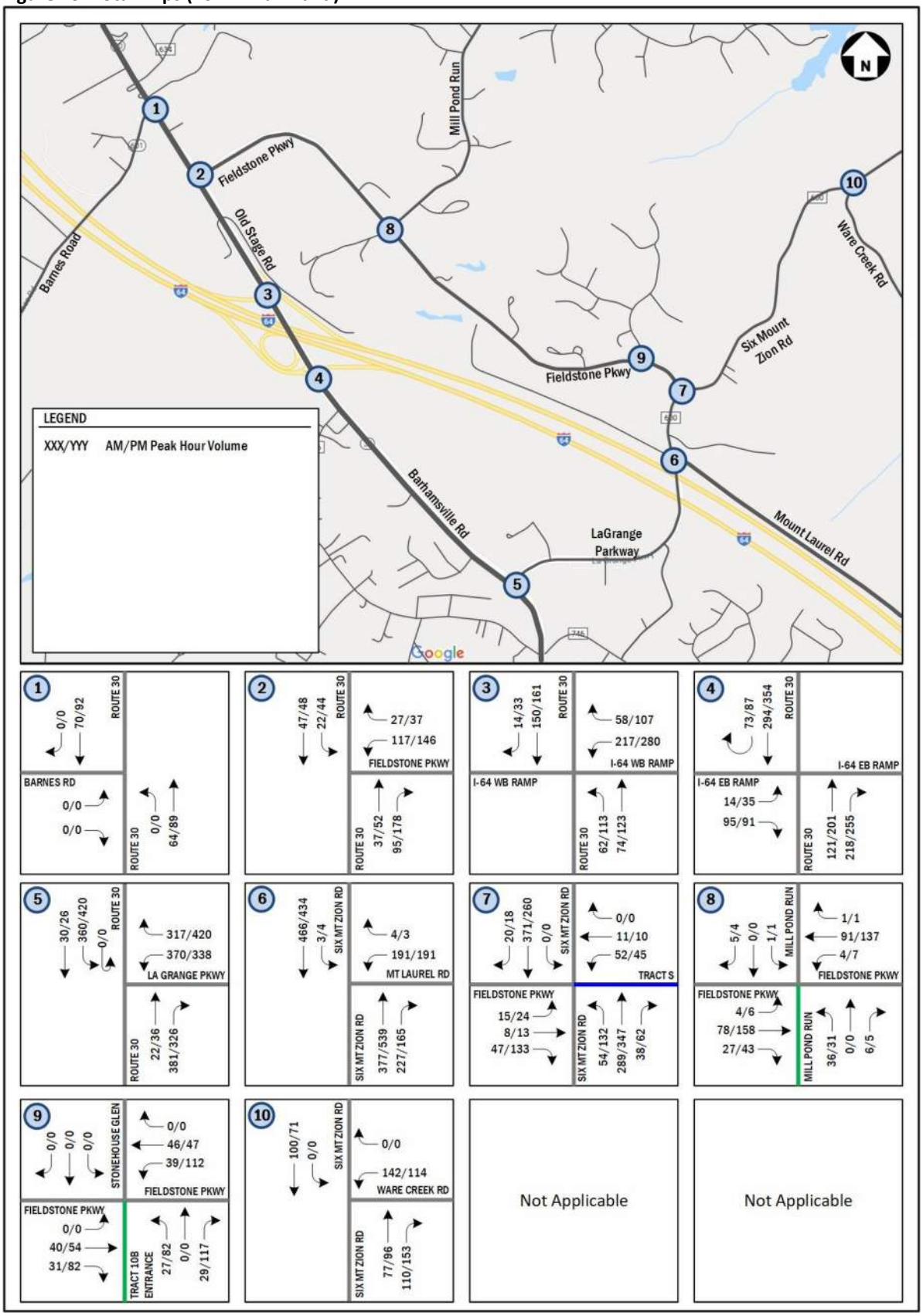
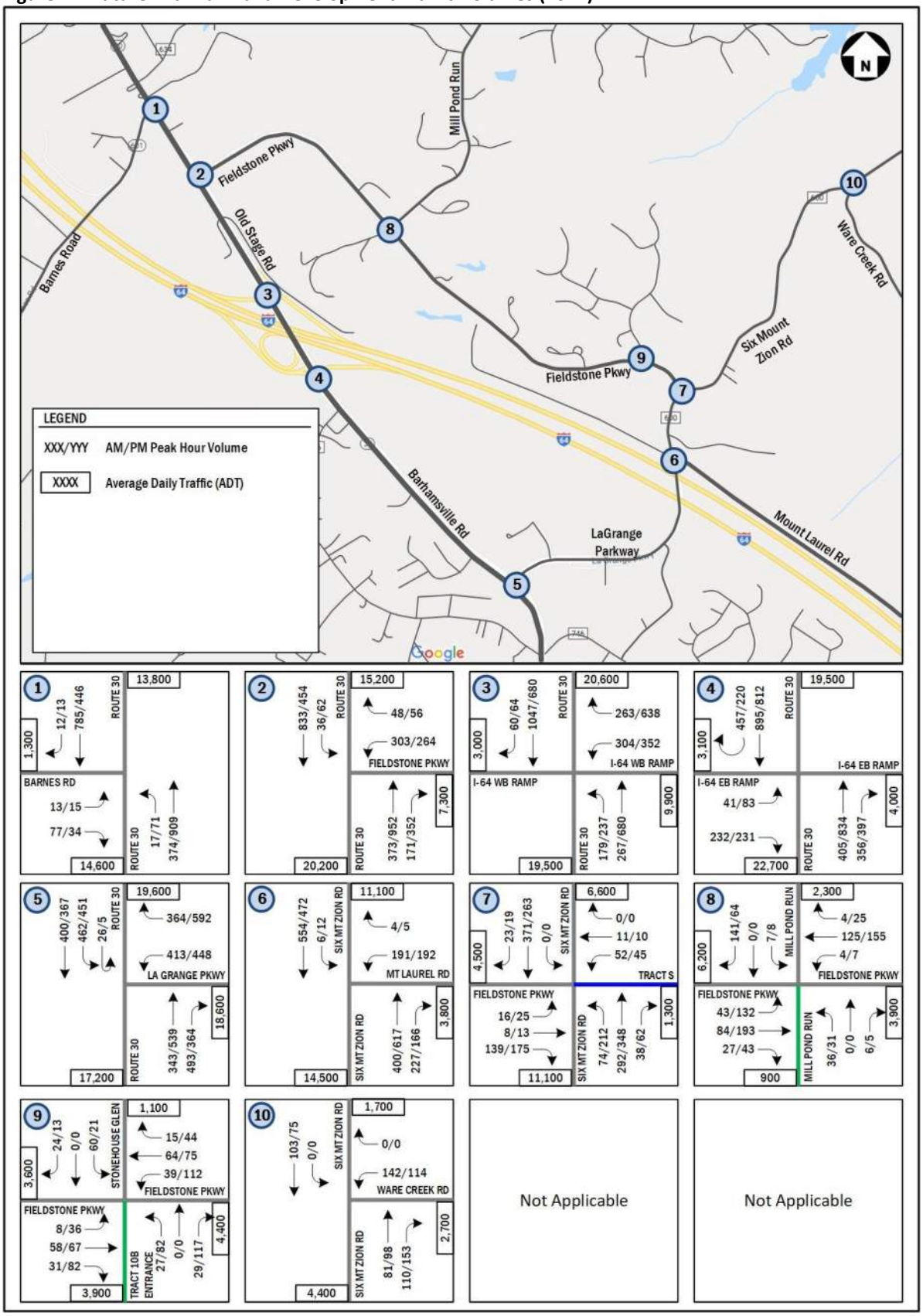


Figure 24: Future with Full Build Development Traffic Volumes (2027)



ANALYSIS OF FUTURE CONDITIONS WITH FULL BUILD DEVELOPMENT (2027)

Future Conditions with Full Build Development (2027) Capacity Analysis

Capacity analysis was performed at the study intersections during the weekday morning and afternoon peak hours, under the Future with Full Build Development (2027) conditions. Intersection capacity analysis was performed using *Synchro version 10* based on the Highway Capacity Manual (HCM 2000) data and methodology. Consistent with VDOT's TOSAM guidance, a minimum peak hour factor of 0.88 was used for the intersections, unless the existing peak hour factor was higher. As discussed with VDOT/County staff a minimum of peak hour factor of 0.92 was used for Route 30 and the interchange ramps from I-64, unless the existing peak hour factors were higher.

The results of the intersection capacity analysis for the Future with Full Build Development (2027) conditions are summarized in Table 11. The levels of service and lane configurations for the Future with Full Build Development (2027) conditions are shown graphically in Figure 25. The description of the different LOS and delay and the detailed analysis worksheets are included in Technical Appendix C and Technical Appendix I.

According to the James City County level of service (LOS) criteria, it is desirable to achieve a level of service (LOS) C or better for each lane group at an intersection.

Table 11: Future Conditions with Full Build Development (2027) Intersection Capacity Analysis

No.	Intersection (Movement)	Storage Length (ft)[1]	AM Peak				PM Peak			
			LOS	Delay	50th%. Queue (ft)	95th %. Queue (ft)	LOS	Delay	50th%. Queue (ft)	95th %. Queue (ft)
1	**Route 30 and Barnes Road**									
	Overall Intersection (Unsignalized)		**-**	**-**			**-**	**-**		
	Eastbound Approach		***C***	***22.4***			***C***	***24.4***		
	Eastbound Left/Right		C	22.4	-	36	C	24.4	-	22
	Northbound Approach		**-**	**-**			**-**	**-**		
	Northbound Left/Thru		A	0.7	-	2	A	2.0	-	6
2	**Route 30 and Fieldstone Parkway**									
	Overall Intersection (Signalized)		**B**	**10.4**			**B**	**12.6**		
	Westbound Approach		**B**	**17.9**			**C**	**22.0**		
	Westbound Left	250	B	18.2	35	84	C	22.4	52	104
	Westbound Right		B	16.1	0	22	C	20.2	0	30
	Northbound Approach		**B**	**10.7**			**B**	**12.8**		
	Northbound U Turn		A	0.0	0	0	A	0.0	0	0
	Northbound Thru		B	10.9	27	85	B	13.7	154	242
	Northbound Right	300	B	10.1	0	35	B	10.5	0	41
	Southbound Approach		**A**	**7.1**			**A**	**5.8**		
	Southbound Left	200	A	5.8	5	16	A	7.3	8	23
	Southbound Thru		A	7.2	74	123	A	5.5	35	64

No.	Intersection (Movement)	Storage Length (ft)[1]	AM Peak LOS	AM Peak Delay	AM Peak 50th%. Queue (ft)	AM Peak 95th %. Queue (ft)[2]	PM Peak LOS	PM Peak Delay	PM Peak 50th%. Queue (ft)	PM Peak 95th %. Queue (ft)[2]
3	**Route 30 and I-64 WB Ramps**									
	Overall Intersection (Signalized)		**C**	**22.5**			**B**	**18.9**		
	Westbound Approach		***D***	***39***	-	-	***C***	***33.2***	-	-
	Westbound Left/Thru		D	39	154	#320	C	33.2	159	#340
	Northbound Approach		***A***	***9***	-	-	***A***	***9.7***	-	-
	Northbound Left	250	B	12.9	40	104	B	12.1	53	97
	Northbound Thru		A	6.3	30	45	A	8.9	86	117
	Southbound Approach		***C***	***23.6***	-	-	***C***	***23.1***	-	-
	Southbound Thru		C	24.1	254	337	C	23.7	156	213
	Southbound Right	425	B	14.9	0	7	B	17.7	0	12
	Mitigation: Add 2nd northbound left turn on Route 30 and add 2nd westbound left turn on the off ramp									
	Overall Intersection (Signalized)		**B**	**18.8**			**B**	**15.7**		
	Westbound Approach		***C***	***27.4***			***C***	***25.0***		
	Westbound Left		C	27.3	65	146	C	25.0	66	151
	Westbound Left/Thru		C	27.5	65	147	C	25.0	66	152
	Northbound Approach		***B***	***13.8***			***B***	***11.0***		
	Northbound Left	250	C	27.4	38	83	C	24.7	43	93
	Northbound Thru		A	4.8	21	43	A	6.2	61	117
	Southbound Approach		***B***	***18.4***			***B***	***17.1***		
	Southbound Thru		B	18.8	191	324	B	17.4	117	213
	Southbound Right	425	B	11.9	0	7	B	13.5	0	12
4	**Route 30 and I-64 EB Ramps**									
	Overall Intersection (Unsignalized)		**-**	**-**			**-**	**-**		
	Eastbound Approach		***C***	***18***			***C***	***17.4***		
	Eastbound Left		C	18.4	-	12	C	20.1	-	27
	Eastbound Right		C	17.9	-	64	C	16.4	-	57
5	**Route 30 and LaGrange Parkway**									
	Overall Intersection (Signalized)		**C**	**21.2**			**C**	**28.3**		
	Westbound Approach		***C***	***31.8***			***D***	***40.4***		
	Westbound Left		D	50	239	#434	E	72.8	~297	#501
	Westbound Right		B	11	60	106	B	15.9	194	316
	Northbound Approach		***B***	***18.5***			***C***	***22.7***		
	Northbound Thru		C	27.2	87	137	C	30.4	149	212
	Northbound Right	275	B	12.5	78	176	B	11.3	48	105
	Southbound Approach		***B***	***14.2***			***B***	***18.3***		
	Southbound Left	175	B	18.4	158	239	C	26	161	#296
	Southbound Thru		A	9	54	77	A	8.7	49	70
	Mitigation: Add a 2nd southbound left turn on Route 30, add a 2nd westbound left turn on LaGrange Parkway									
	Overall Intersection (Signalized)		**B**	**17.3**			**B**	**19.8**		
	Westbound Approach		**B**	**18.1**			**B**	**17.6**		
	Westbound Left	250	C	25.6	95	151	C	23.6	108	168
	Westbound Right		A	9.4	58	104	B	13.2	199	300
	Northbound Approach		**B**	**16.1**			**C**	**21.4**		
	Northbound Thru		C	21.7	72	134	C	29	142	218
	Northbound Right	275	B	12.2	98	220	B	10.2	56	132
	Southbound Approach		***B***	***17.9***			***C***	***20.8***		
	Southbound Left	175	C	27	111	175	C	30	120	167
	Southbound Thru		A	6.8	43	77	A	9.3	52	75

No.	Intersection (Movement)	Storage Length (ft)[1]	AM Peak				PM Peak			
			LOS	Delay	50th%. Queue (ft)	95th %. Queue (ft)[2]	LOS	Delay	50th%. Queue (ft)	95th %. Queue (ft)[2]
6	**Six Mount Zion Road and Mount Laurel Road**									
	Overall Intersection (Unsignalized)		**-**	**-**			**-**	**-**		
	Westbound Approach		***F***	***150.3***			***F***	***246.7***		
	Westbound Left/Right		F	150.3	-	269	F	246.7	-	338
	Southbound Approach									
	Southbound Left/Thru		A	0.2	-	1	A	0.5	-	1
	Mitigation: Add a Traffic Signal, a westbound right turn lane on Mt Laurel Rd., a northbound right turn lane and a southbound left turn lane on Six Mt Zion Rd.									
	Overall Intersection (Signalized)		**B**	**11.7**			**B**	**14.2**		
	Westbound Approach		***B***	***19.6***			***C***	***22.6***		
	Westbound Left		B	19.6	46	133	C	22.7	53	#205
	Westbound Right	200	B	15.9	0	7	B	18.1	0	10
	Northbound Approach		***B***	***11.5***			***B***	***16.1***		
	Northbound Thru		B	12.7	76	194	B	18.1	146	332
	Northbound Right	200	A	9.6	0	32	A	8.8	0	25
	Southbound Approach		***A***	***9.2***			***A***	***7.6***		
	Southbound Left	200	A	6.5	1	5	A	8.7	2	7
	Southbound Thru		A	9.3	120	198	A	7.6	99	147
	Alternative Mitigation: Add a Roundabout									
	Overall Intersection (Unsignalized)		**A**	**6.2**			**A**	**6.2**		
	Westbound Approach		***B***	***12.8***	***-***	***38***	***B***	***15.2***	***-***	***53***
	Northbound Approach		***A***	***3.9***	-	***161***	***A***	***4.1***	-	***270***
	Southbound Approach		***A***	***6.6***	-	***156***	***A***	***6.1***	-	***120***

No.	Intersection (Movement)	Storage Length (ft)[1]	AM Peak				PM Peak			
			LOS	Delay	50th%. Queue (ft)	95th %. Queue (ft)[2]	LOS	Delay	50th%. Queue (ft)	95th %. Queue (ft)[2]
7	**Six Mount Zion Road and Fieldstone Parkway/Tract S**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Eastbound Approach		***E***	***35.2***			***F***	***131.3***		
	Eastbound Left/Thru/Right		E	35.2	-	97	F	131.3	-	270
	Westbound Approach		***F***	***123.3***			***F***	***448.4***		
	Westbound Left/Thru/Right		F	123.3	-	103	F	448.4	-	155
	Northbound Approach		-	-			-	-		
	Northbound Left/Thru		A	3	-	9	A	6.3	-	28
	Southbound Approach		-	-			-	-		
	Southbound Left/Thru		A	0	-	0	A	0	-	0
	Mitigation: Add a Traffic Signal, an eastbound right turn lane on Fieldstone Pkwy., and a northbound left turn lane on Six Mt Zion Rd.									
	Overall Intersection (Signalized)		**B**	**10.8**			**A**	**9.5**		
	Eastbound Approach		**B**	**17.4**			**B**	**16.2**		
	Eastbound Left/Thru		C	23.8	8	29	C	25.3	13	41
	Eastbound Right	200	*B*	*16.3*	0	29	*B*	*14.3*	0	25
	Westbound Approach		**C**	**27.1**			**C**	**27.1**		
	Westbound Left/Thru/Right		C	27.1	21	60	C	27.1	20	54
	Northbound Approach		***A***	***3.7***			***A***	***3.8***		
	Northbound Left	200	A	4.1	10	24	A	4.1	31	57
	Northbound Thru/Right		A	3.6	50	92	A	3.7	66	113
	Southbound Approach		***B***	***12.8***			***B***	***13.6***		
	Southbound Left/Thru/Right		B	12.8	120	221	B	13.6	89	180
	Alternative Mitigation: Add a Roundabout									
	Overall Intersection (Unsignalized)		**A**	**5.9**			**A**	**6.7**		
	Eastbound Approach		***A***	***7.7***	-	***35***	***A***	***7***	-	***42***
	Westbound Approach		***B***	***11.2***	-	***12***	***B***	***13***	-	***14***
	Northbound Approach		***A***	***5.1***	-	***74***	***A***	***6.4***	-	***157***
	Southbound Approach		***A***	***5.1***	-	***73***	***A***	***6.1***	-	***54***
8	**Fieldstone Parkway and Mill Pond Run**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Eastbound Approach		-	-			-	-		
	Eastbound Left		A	7.6	-	3	A	8	-	9
	Westbound Approach		-	-			-	-		
	Westbound Left/Thru		A	0.4	-	0	A	0.7	-	0
	Northbound Approach		***B***	***12.8***			***C***	***15.8***		
	Northbound Left/Thru/Right		B	12.8	-	8	C	15.8	-	9
	Southbound Approach		***A***	***9.5***			***A***	***9.8***		
	Southbound Thru/Left		B	10.9	-	1	C	15.1	-	2
	Southbound Right		A	9.4	-	15	A	9.2	-	6

No.	Intersection (Movement)	Storage Length (ft)[1]	AM Peak				PM Peak			
			LOS	Delay	50th%. Queue (ft)	95th %. Queue (ft)[2]	LOS	Delay	50th%. Queue (ft)	95th %. Queue (ft)[2]
9	**Fieldstone Parkway and Stonehouse Glen**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Eastbound Approach		-	-			-	-		
	Eastbound Left/Thru/Right		A	0.6	-	0	A	1.7	-	2
	Westbound Approach		-	-			-	-		
	Westbound Left/Thru		A	3	-	2	A	4.9	-	7
	Northbound Approach		***B***	***10.1***			***B***	***14.4***		
	Northbound Left/Thru/Right		B	10.1	-	7	B	14.4	-	43
	Southbound Approach		***B***	***11.0***			***B***	***14.9***		
	Southbound Left/Thru/Right		B	11.0	-	12	B	14.9	-	8
10	**Six Mount Zion Road and Ware Creek Road**									
	Overall Intersection (Unsignalized)		-	-			-	-		
	Westbound Approach		***B***	***11.5***			***B***	***11.2***		
	Westbound Left/Right		B	11.5	-	21	B	11.2	-	17
	Southbound Approach		-	-			-	-		
	Southbound Left		A	0.0	-	0	A	0	-	0

Notes

[1] The storage length reported is the turn bay length plus half of the taper length, as coded in Synchro (consistent with VDOT's TOSAM guidance)

 # Note from Synchro output: 95th percentile volume exceeds capacity, queue may be longer.

- Synchro does not provide delay or level of service for movements that have no conflicting movements under unsignalized conditions. Synchro also does not provide 50th percentile queues for unsignalized intersections.

According to the James City County level of service (LOS) criteria, it is desirable to achieve a level of service (LOS) C or better for each lane group at an intersection. The Capacity Analysis results in Table 11 show that all the intersections operate at an acceptable level of service except for the following:

- Route 30 and I-64 WB Ramps:
  - The westbound left/thru lane group operates at an unacceptable level of service during the AM peak hour
  - The addition of a second northbound left turn lane on Route 30 and a second westbound left turn lane on the off-ramp is recommended as a mitigation measure at the intersection
  - With the above mitigation in place, the overall intersection and all the lane groups at the intersection operate at acceptable levels of service during both the peak hours. Moreover, the queue lengths are anticipated to be accommodated within the turn lanes at the intersection.
- Route 30 and LaGrange Parkway:
  - The westbound left lane group operates at an unacceptable level of service during the AM and PM peak hours
  - The addition of a second southbound left turn lane on Route 30 and a second westbound left turn lane on LaGrange Parkway is recommended as a mitigation measure at the intersection

- With the above mitigation in place, the overall intersection and all the lane groups at the intersection operate at acceptable levels of service during both the peak hours. Moreover, the queue lengths are anticipated to be accommodated within the turn lanes at the intersection.

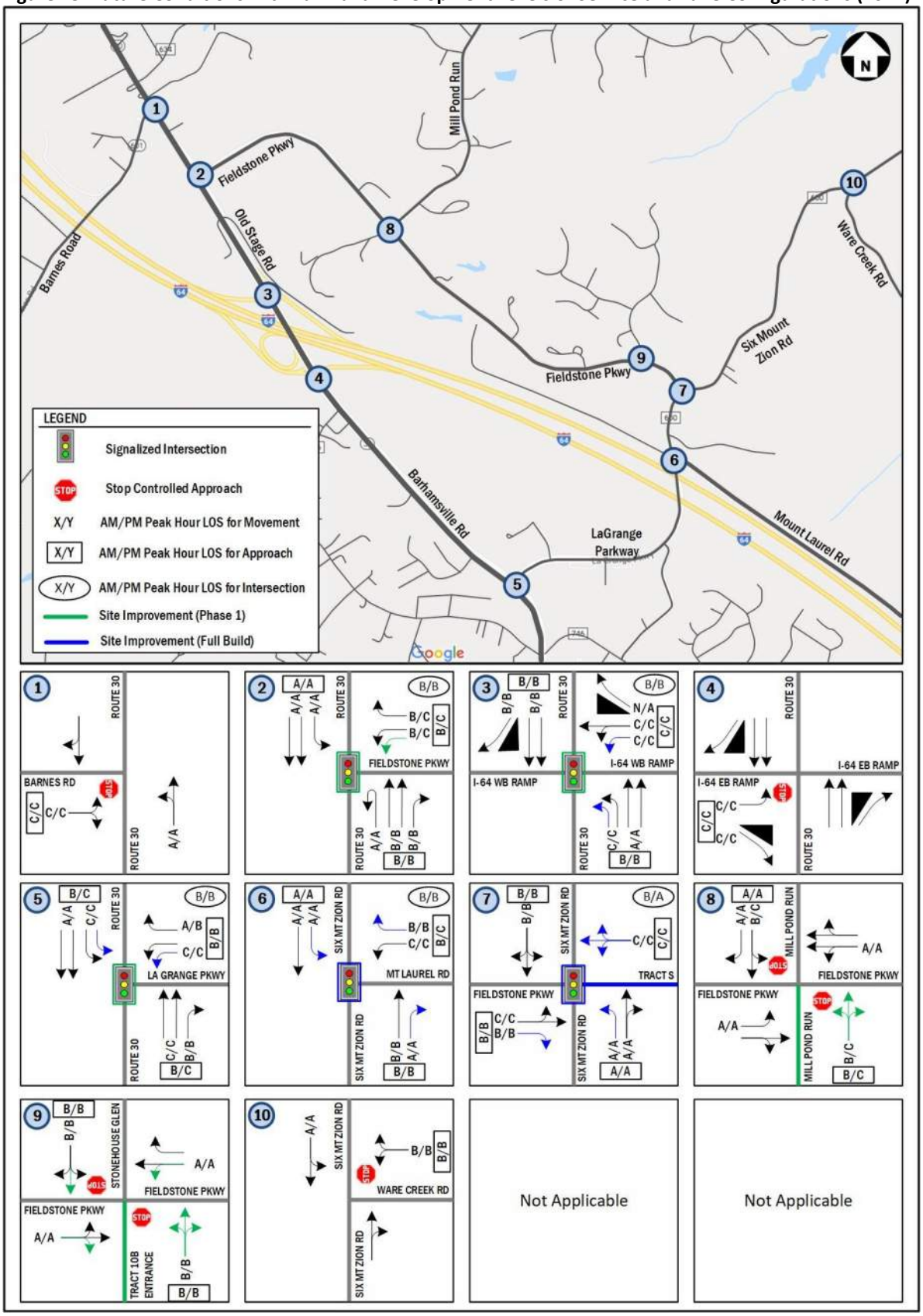
- Six Mount Zion Road and Mount Laurel Road:
  - The westbound left/right lane group operates at an unacceptable level of service during the AM and PM peak hours
  - The following mitigations are recommended at the intersection:
    - The installation of a traffic signal.
    - A preliminary signal warrant analysis conducted as part of the Traffic Impact Study for the signal revealed that a traffic signal would be warranted. Please see Table 12 in the 'Preliminary Signal Warrant Analyses' section for the analysis conducted for the intersection, based on the estimated ADTs at the intersection.
    - The addition of a westbound right turn lane on Mount Laurel Road and
    - The addition of a northbound right turn lane and a southbound left turn lane on Six Mount Zion Road
  - With the above mitigations in place, the overall intersection and all the lane groups at the intersection operate at acceptable levels of service during both the peak hours. Moreover, the queue lengths are anticipated to be accommodated within the turn lanes at the intersection.
  - A roundabout at the intersection was also evaluated as an alternative mitigation measure. A roundabout was found to operate at an acceptable level of service. Please see the 'Preliminary Roundabout Feasibility' section for the details about the preliminary roundabout assessment.

- Six Mount Zion Road and Fieldstone Parkway/Tract S:
  - The eastbound and westbound left/thru/right lane groups operate at unacceptable levels of service
  - The following mitigations are recommended at the intersection:
    - The installation of a traffic signal.
    - A preliminary signal warrant analysis conducted as part of the Traffic Impact Study for the signal revealed that a traffic signal would be warranted. Please see Table 12 in the 'Preliminary Signal Warrant Analyses' section for the analysis conducted for the intersection, based on the estimated ADTs at the intersection.
    - The addition of an eastbound right turn lane on Fieldstone Parkway and a northbound left turn lane on Six Mount Zion Road
  - With the above mitigations in place, the overall intersection and all the lane groups at the intersection operate at acceptable levels of service during both the peak hours. Moreover, the queue lengths are anticipated to be accommodated within the turn lanes at the intersection.

- A roundabout at the intersection was also evaluated as an alternative mitigation measure. A roundabout was found to operate at an acceptable level of service. Please see the 'Preliminary Roundabout Feasibility' section for the details about the preliminary roundabout assessment.

The levels of service and lane configurations for the Future with Full Build Development (2027) conditions are shown graphically in Figure 25.

Figure 25: Future Conditions with Full Build Development Levels of Service and Lane Configurations (2027)



PRELIMINARY SIGNAL WARRANT ANALYSES

This section presents preliminary signal warrant analyses for the following intersections where a traffic signal is proposed as a mitigation:

- Intersection #2: Route 30 and Fieldstone Parkway – Assumed in 2021
- Intersection #3: Route 30 and I-64 WB Ramps – Assumed in 2021
- Intersection #5: Route 30 and LaGrange Parkway – Assumed in 2021
- Intersection #6: Six Mount Zion Road and Mount Laurel Road – Assumed in 2027
- Intersection #7: Six Mount Zion Road and Fieldstone Parkway – Assumed in 2027

The preliminary warrant analyses were conducted using the ADT signal warrants per the VDOT Supplement of MUTCD. The signal warrant requirements for the ADT estimates are shown in Figure 26. The ADTs were estimated based on the volumes in the Future Conditions with Interim Phase I Development (2021) or the Future Conditions with Full Build Development (2027). The results of the preliminary signal warrant analysis are shown in Table 12.

Figure 26: ADT Signal Warrant Table (Source: VDOT Supplement of MUTCD)

Table 4C-V1. Traffic Signal Warrant Using Average Daily Traffic Estimate

(To be used only when traffic counts are not available, such as at a future intersection)

Condition A—Minimum Vehicular Volume

Number of lanes for moving traffic on each approach		Vehicles per day on major street (total of both approaches)				Vehicles per day on higher-volume minor-street approach (one direction only)			
Major Street	Minor Street	100%[a]	80%[b]	70%[c]	56%[d]	100%[a]	80%[b]	70%[c]	56%[d]
1	1	8,000	6,400	5,600	4,480	2,400	1,920	1,680	1,344
2 or more	1	9,600	7,680	6,720	5,376	2,400	1,920	1,680	1,344
2 or more	2 or more	9,600	7,680	6,720	5,376	3,200	2,560	2,240	1,792
1	2 or more	8,000	6,400	5,600	4,480	3,200	2,560	2,240	1,792

Condition B—Interruption of Continuous Traffic

Number of lanes for moving traffic on each approach		Vehicles per day on major street (total of both approaches)				Vehicles per day on higher-volume minor-street approach (one direction only)			
Major Street	Minor Street	100%[a]	80%[b]	70%[c]	56%[d]	100%[a]	80%[b]	70%[c]	56%[d]
1	1	12,000	9,600	8,400	6,720	1,200	960	850	680
2 or more	1	14,400	11,520	10,080	8,064	1,200	960	850	680
2 or more	2 or more	14,400	11,520	10,080	8,064	1,600	1,280	1,120	896
1	2 or more	12,000	9,600	8,400	6,720	1,600	1,280	1,120	896

[a] Basic minimum hourly volume for urban areas
[b] Used for combination of Conditions A and B after adequate consideration of other remedial measures in urban areas
[c] May be used when the major-street speed exceeds 40 mph or in an isolated community with a population of less than 10,000
[d] May be used for combination of Conditions A and B after adequate consideration of other remedial measures when the major-street speed exceeds 40 mph or in an isolated community with a population of less than 10,000

Table 12: Preliminary Signal Warrant Analysis Results

Condition	Estimated ADT		Signal Warrant Requirements		Signal Warrant Met?
	Major Street (Both Directions)	Minor Street (One Direction Only)	Major Street (Both Directions)	Minor Street (One Direction Only)	
#2 Route 30 and Fieldstone Parkway – Future with Interim Phase I Development (2021)					
70% Thresholds					
Condition A	16,900	3,000	6,720	2,240	YES
Condition B	16,900	3,000	10,080	1,120	YES
56% Thresholds					
Condition A	16,900	3,000	5,376	1,792	YES
Condition B	16,900	3,000	8,064	896	YES
#3 Route 30 and I-64 WB Ramps – Future with Interim Phase 1 Development (2021)					
70% Thresholds					
Condition A	17,300	2,450	6,720	1,680	YES
Condition B	17,300	2,450	10,080	850	YES
56% Thresholds					
Condition A	17,300	2,450	5,376	1,344	YES
Condition B	17,300	2,450	8,064	680	YES
#5 Route 30 and LaGrange Parkway – Future with Interim Phase 1 Development (2021)					
70% Thresholds					
Condition A	11,300	2,950	6,720	2,240	YES
Condition B	11,300	2,950	10,080	1,120	YES
56% Thresholds					
Condition A	11,300	2,950	5,376	1,792	YES
Condition B	11,300	2,950	8,064	896	YES
#6 Six Mount Zion Road and Mount Laurel Road – Future with Full Build Development (2027)					
100% Thresholds					
Condition A	14,500	1,900	8,000	2,400	NO
Condition B	14,500	1,900	12,000	1,200	YES
80% Thresholds					
Condition A	14,500	1,900	6,400	1,920	NO
Condition B	14,500	1,900	9,600	960	YES
#7 Six Mount Zion Road and Fieldstone Parkway – Future with Full Build Development (2027)					
100% Thresholds					
Condition A	11,100	2,250	8,000	2,400	NO
Condition B	11,100	2,250	12,000	1,200	NO
80% Thresholds					
Condition A	11,100	2,250	6,400	1,920	YES
Condition B	11,100	2,250	9,600	960	YES

Per the MUTCD, the following are the requirements for a traffic signal to be warranted at an intersection:

- Either Condition A or Condition B for the 100% or 70% thresholds has to be satisfied or;
- Both Condition A and Condition B for the 80% or 56% thresholds have to be satisfied

As shown in Table 12, the preliminary signal warrants based on the estimated ADTs for all the intersections **are satisfied**. Please note, however, that the analysis is a preliminary analysis. A full-fledged Traffic Signal Warrant Study would need to be submitted in accordance with VDOT guidelines to determine if other warrants for signalization may be met and if a signal is warranted. A summary of the signal warrant analysis is shown in Table 13.

Table 13: Preliminary Signal Warrants Summary

Intersection	Development Phase	Preliminary Signal Warrant Met?
#2 Route 30 and Fieldstone Parkway	Future with Interim Phase I Development (2021)	Yes
#3 Route 30 and I-64 WB Ramps	Future with Interim Phase 1 Development (2021)	Yes
#5 Route 30 and LaGrange Parkway	Future with Interim Phase 1 Development (2021)	Yes
#6 Six Mount Zion Road and Mount Laurel Road	Future with Full Build Development (2027)	Yes
#7 Six Mount Zion Road and Fieldstone Parkway	Future with Full Build Development (2027)	Yes

PRELIMINARY ROUNDABOUT FEASIBILITY

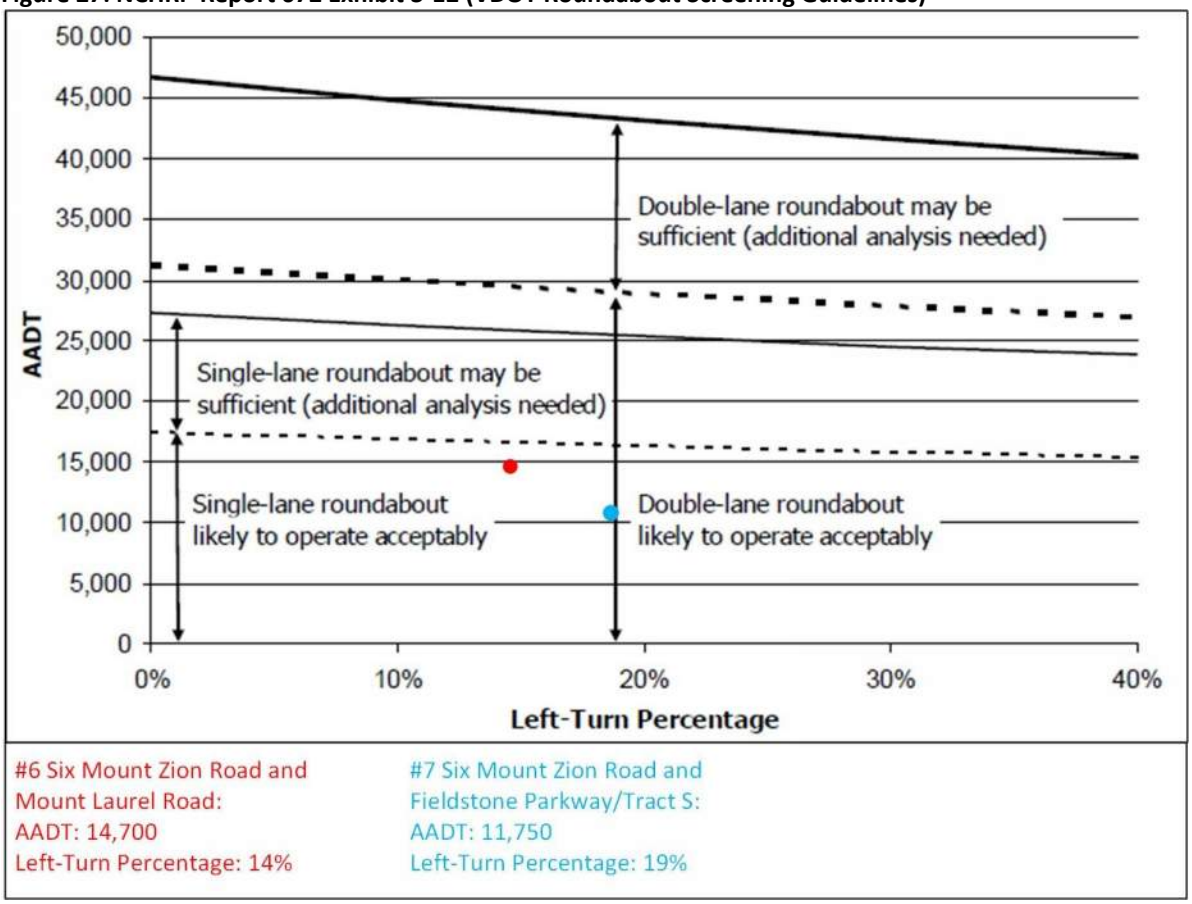
As requested by VDOT staff during the scoping meeting, a preliminary roundabout assessment was conducted for the following intersections, where a roundabout is proposed as a mitigation:

- Intersection #6: Six Mount Zion Road and Mount Laurel Road – Assumed in 2027
- Intersection #7: Six Mount Zion Road and Fieldstone Parkway – Assumed in 2027

The preliminary assessment was conducted based on the VDOT Roundabout Screening Guidelines. The results of the roundabout evaluation per the screening criteria are presented below:

- The left turn percentage at the intersections are shown below. Figure 27 shows the NCHRP Report 672 Exhibit 3-12 given in Step 1 of the Roundabout Screening Guidelines.

Figure 27: NCHRP Report 672 Exhibit 3-12 (VDOT Roundabout Screening Guidelines)



- The assessment shown above reveals that a single-lane roundabout is likely to operate acceptably at both the intersections.
- The range of the Inscribed Circle Diameter for a one-lane roundabout is 130 feet to 180 feet for a WB-67 design vehicle.
- As shown in the Capacity Analysis section, roundabouts work at acceptable levels of service at both the intersections, assuming a single-lane roundabout and with a single approach lane for all the legs. Hence, the addition of a turn lane would not be necessary in case roundabouts are constructed at the intersections.

TURN LANE WARRANT ANALYSES

This section presents a turn lane warrant analysis for the proposed new roadways along Six Mount Zion Road and Fieldstone Parkway. The turn lane warrant analyses were conducted based on the guidelines in the VDOT Road Design Manual, Appendix F. The results of the left turn lane warrant analysis are presented in Table 14 (Interim Phase I - 2021) and Table 15 (Full Build-Out - 2027) and the results of the right turn lane warrant analyses are presented in Table 16 (Interim Phase I - 2021) and Table 17 (Full Build-Out - 2027). The turn lane warrant graphics are included in Appendix J.

Table 14: Left Turn Lane Warrant Analysis (Interim Phase I - 2021) Results

Intersection	Peak Hour	PHV Left Turns	PHV Advancing Volume	% Left Turns	PHV Opposing Volume	Turn Lane Warrant Met?
Mill Pond Run and Fieldstone Parkway	AM	4	93	4%	126	No
	PM	7	153	5%	316	No
Fieldstone Parkway and Tract 10B Entrance	AM	39	82	48%	62	No
	PM	112	199	56%	106	No

Table 15: Left Turn Lane Warrant Analysis (Full Build-Out - 2027) Results

Intersection	Peak Hour	PHV Left Turns	PHV Advancing Volume	% Left Turns	PHV Opposing Volume	Turn Lane Warrant Met?
Tract S Entrance on Six Mount Zion Road	AM	0	394	0%	330	No
	PM	0	282	0%	410	No
Mill Pond Run and Fieldstone Parkway	AM	4	133	3%	111	No
	PM	7	187	4%	236	No
Fieldstone Parkway and Tract 10B Entrance	AM	39	118	33%	89	No
	PM	112	231	48%	149	No

Table 14 and Table 15 show that a left turn lane is not warranted at the proposed new roadways/entrances on Six Mount Zion Road or Fieldstone Parkway in the future with development conditions with the Interim Phase I or the Full Build-Out of the development. Hence, a separate left turn lane is not proposed on Six Mount Zion Road or Fieldstone Parkway for the proposed new roadways/entrances.

Table 16: Right Turn Lane Warrant Analysis (Interim Phase I - 2021) Results

Intersection	Peak Hour	PHV Right Turns	PHV Approach Total	Turn Lane Warrant Met?
Mill Pond Run and Fieldstone Parkway	AM	27	126	No
	PM	43	316	Yes (Taper)
Fieldstone Parkway and Tract 10B Entrance	AM	31	69	No
	PM	62*	138	Yes (Taper)

** The right turns have been adjusted, based on the guidelines provided in the Appendix F of VDOT's Road Design Manual.*

Table 17: Right Turn Lane Warrant Analysis (Full Build-Out - 2027) Results

Intersection	Peak Hour	PHV Right Turns	PHV Approach Total	Turn Lane Warrant Met?
Tract S Entrance on Six Mount Zion Road	AM	38	404	Yes (Taper)
	PM	62	622	Yes
Mill Pond Run and Fieldstone Parkway	AM	27	154	No
	PM	43	368	Yes (Taper)
Fieldstone Parkway and Tract 10B Entrance	AM	31	97	No
	PM	62*	185	Yes (Taper)

** The right turns have been adjusted, based on the guidelines provided in the Appendix F of VDOT's Road Design Manual.*

Table 16 and Table 17 show that a right turn taper is warranted on Fieldstone Parkway at Mill Pond Run and at the Tract 10B Entrance in the Future with Interim Phase I Development (2021) as well as Future with Full Build-Out Development (2027). In the Future with Full Build-Out Development (2027), a full width right turn lane is warranted on Six Mount Zion Road at the Tract S Entrance. However, a right turn lane is not proposed at any of the intersections. As shown in the Capacity Analysis section, the intersections operate at an acceptable level of service without the turn lane. In addition, there are no queuing issues anticipated at the intersections.

SITE IMPACT ON CROAKER ROAD SOUTH OF I-64

As discussed at the scoping meeting and noted in the scoping document, a qualitative analysis was completed for the full build scenario for the following intersections that were previously included within the Stonehouse TIA dated November 8, 2007 and prepared by URS:

- Rochambeau Dr (Route 30) and Bridge Rd,
- Rochambeau Dr (Route 30) and Croaker Rd (Route 607), and
- Route 60 & Croaker Rd (Route 607)/Crosswalk Shopping Center.

The forecasted site volumes within the 2007 URS TIA and the current full build volumes are graphically shown in Figure 28. These volumes were compared and the incremental change at each intersection is summarized in Table 18. **Please note that as per the signed scoping document, only a qualitative analysis was conducted for these intersections. Hence, traffic counts were not conducted at any of these intersections.**

Table 18: Forecasted Site Volume Comparison

Intx #	Intersection	AM 2007 URS TIA	AM 2018 Study Full Build	AM % Change	PM 2007 URS TIA	PM 2018 Study Full Build	PM % Change
9	**Rochambeau Dr & Bridge Rd***	1360	234	-83%	1583	174	-89%
10	**Rochambeau Dr & Croaker Rd**	1306	116	-91%	1479	121	-92%
11	**Route 60 & Croaker Rd/Crosswalk Shopping Center**	588	207	-65%	964	281	-71%

* Bridge Road is no longer proposed.

With the current masterplan, the forecasted site volumes will significantly decrease during the AM and PM peak hours at all intersections. Therefore, the impact to Croaker Road, south of I-64, is anticipated to be minimal.

In addition to the above comparison, the projected site traffic volumes were also compared to the existing traffic volumes on the section of Croaker Road south of the I-64 ramps for the 2007 URS Study as well as for the 2018 Study. As mentioned earlier, traffic counts were not conducted on this section of Croaker Road; hence, **the existing volumes for the 2018 conditions were estimated from the available traffic data on VDOT's Traffic Data website (for 2017).** The comparison is shown in Table 19 below.

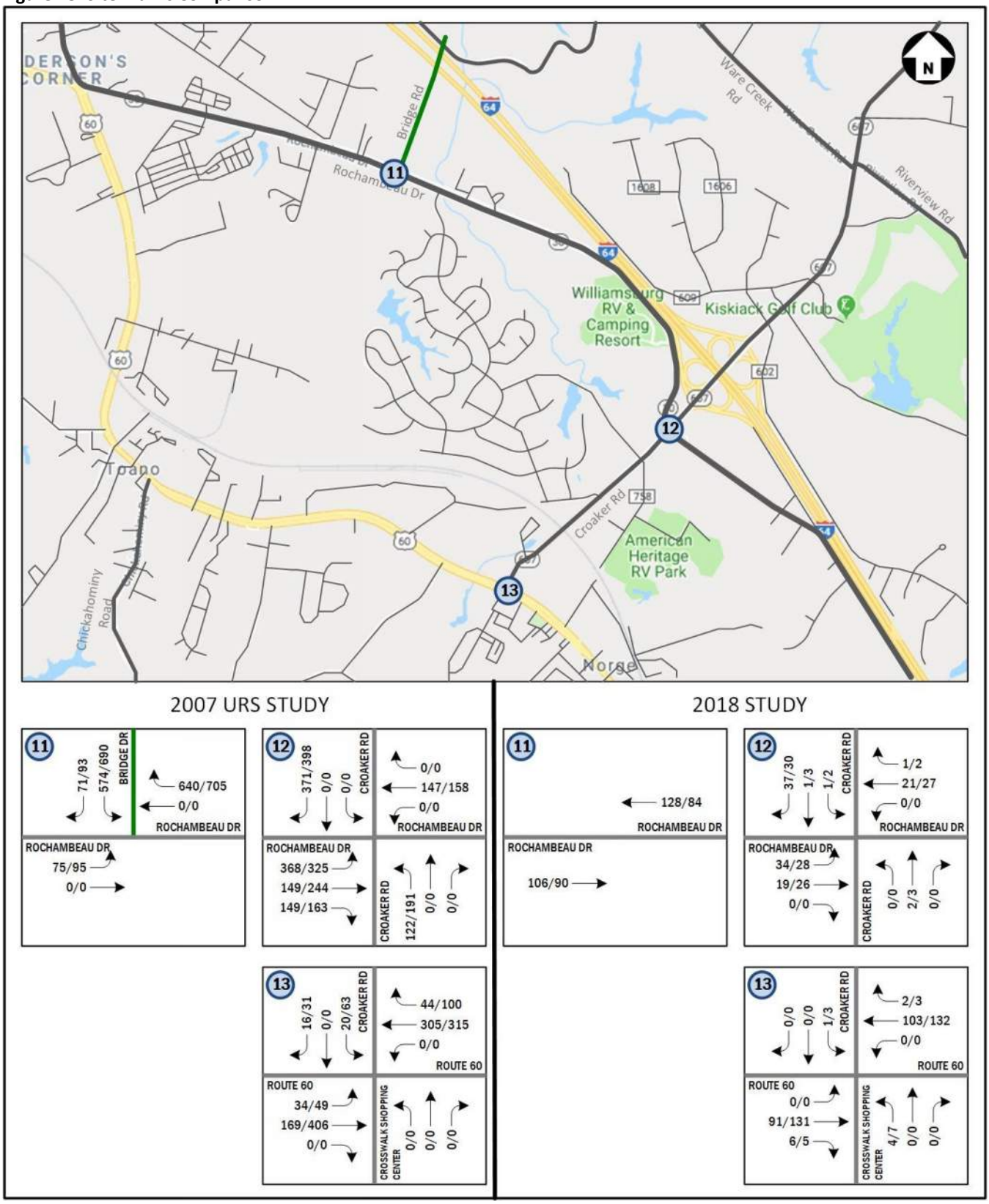
Table 19: Existing Traffic Volumes vs Site Traffic on Croaker Road – South of I-64

Roadway Segment	Peak Hour	2007 Study			2018 Study (Estimated)		
		Existing Volume	Site Trips	% Increase due to Site Traffic	Existing Volume*	Site Trips	% Increase due to Site Traffic
Croaker Road	AM	974	739	76%	1875	76	4%
South of I-64	PM	1005	723	72%	1806	68	4%

** The existing volumes for the 2018 conditions are estimated from available data on VDOT's Traffic Data website*

It can be seen from Table 19 that there has been an increase in the existing volumes on Croaker Road south of the I-64 ramps from the 2007 conditions to the 2017 conditions. However, the projected site trips on this section of Croaker Road are significantly lower for the 2018 proposal compared to the 2007 study. Hence, the proposed development is anticipated to increase the traffic volumes by only 4%, which is a significant drop compared to an approximately 70% increase as shown in the 2007 study. Therefore, the impact to the section of Croaker Road is anticipated to be minimal.

Figure 28: Site Traffic Comparison



SITE IMPACT ON CROAKER ROAD NORTH OF I-64

The 2007 Traffic Study for Stonehouse did not analyze the intersections on Croaker Road north of I-64. Hence, for this section of Croaker Road, the projected site traffic volumes were compared to the estimated existing traffic volumes only for the 2018 conditions. As mentioned earlier, traffic counts were not conducted on this section of Croaker Road; hence, **the existing volumes for the 2018 conditions were estimated from the available traffic data on VDOT's Traffic Data website (for 2017)**. The comparison is shown in Table 20 below.

Table 20: Site Traffic on Croaker Road – North of I-64

Roadway Segment	Peak Hour	2018 Study (Estimated)		
		Existing Volume*	Site Trips	% Increase due to Site Traffic
Croaker Road	AM	605	9	1%
North of I-64	PM	583	20	3%

** The existing volumes for the 2018 conditions are estimated from available data on VDOT's Traffic Data website*

It can be seen from Table 20 that compared to the estimated existing volumes on Croaker Road in 2017, the proposed development is anticipated to increase the volume by only 3%. Therefore, the impact on this section of Croaker Road is anticipated to be minimal.

I-64/ROUTE 30 RAMP WEAVE/MERGE ANALYSIS

As mentioned in the scoping document, a weave/merge analysis for the I-64 Ramps at Route 30 was conducted as part of this study. The analysis was conducted using the Weave/Merge Analysis Module in HCS 2010 software. This section presents a summary of the weave/merge analysis results.

Table 21 presents a summary of the weave/merge analysis for all the scenarios analyzed in the study. The analysis worksheets from HCS 2010 are included in Appendix K. As shown in Table 21, the densities on the ramps are anticipated to be less than 13 pc/mi/lane and the speeds are anticipated to be higher than 50 mph.

Table 21: Summary of Weave/Merge Analysis for the I-64 Ramps on Route 30

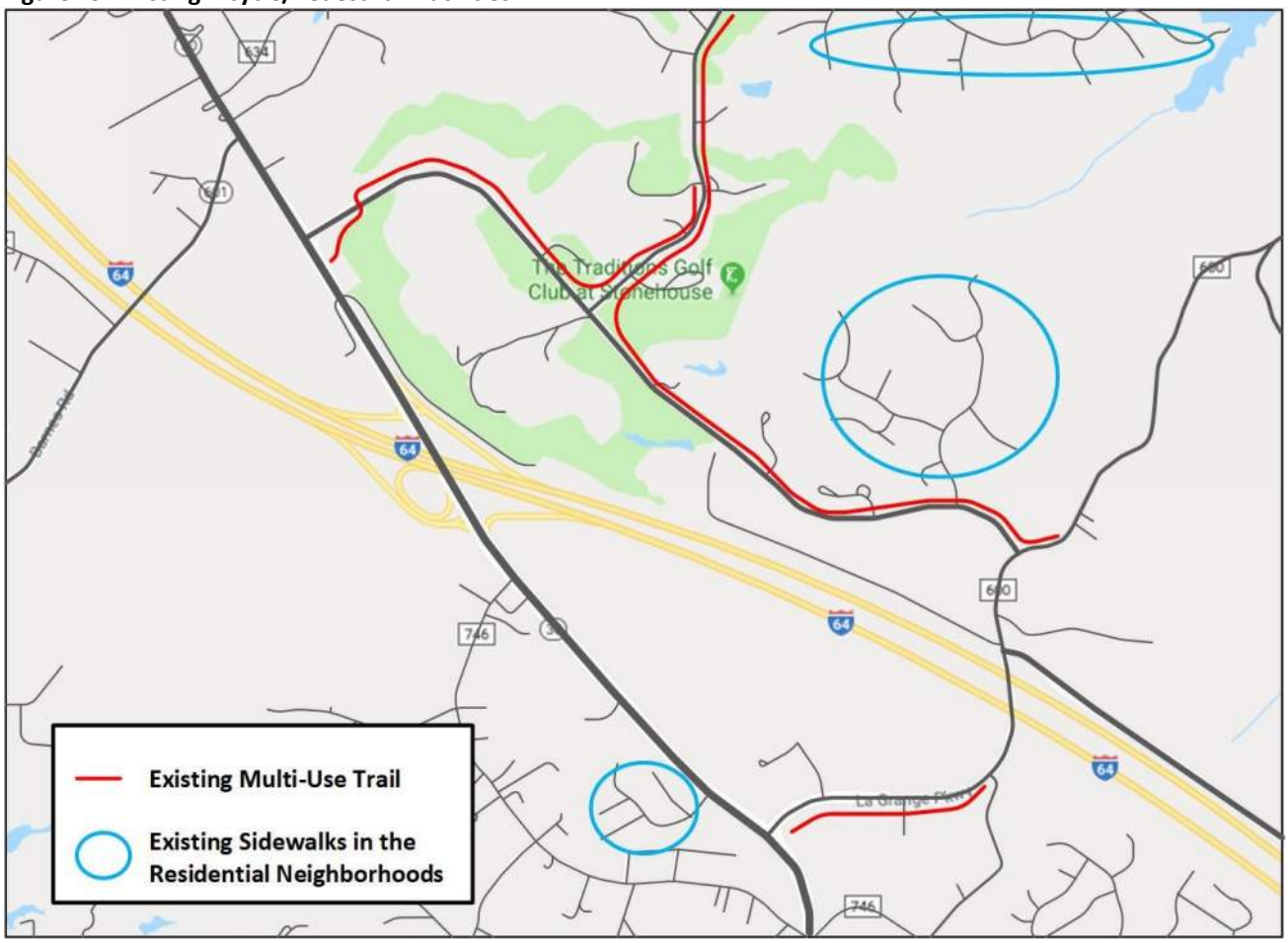
		Existing (2017)		Future Without Development (2021)		Future with Interim Phase I Development (2021)		Future Without Development (2027)		Future with Full Build-Out Development (2027)	
		AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
1	Diverge (SB Rte.30 and WB I-64 On Ramp)										
Density	(pc/mi/ln)	8.4	4.6	8.9	5.0	9.7	6.0	9.5	5.8	11.0	7.4
Speed	(mph)	52.6	52.6	52.6	52.6	52.5	52.6	52.6	52.6	52.5	52.5
LOS		A	A	A	A	A	A	A	A	B	A
2	Merge (NB Rte. 30 and WB I-64 Off Ramp)										
Density	(pc/mi/ln)	3.9	9.1	4.3	9.7	5.0	11.1	4.8	10.6	5.9	12.6
Speed	(mph)	57.0	57.0	57.0	57.0	57.0	57.0	57.0	57.0	57.0	56.0
LOS		A	A	A	A	A	B	A	B	A	B
3	Diverge (SB Rte 30 and EB I-64 On Ramp)										
Density	(pc/mi/ln)	3.6	2.2	3.9	2.5	4.4	3.1	4.3	2.9	7.2	6.4
Speed	(mph)	52.0	52.5	51.9	52.4	51.8	52.3	51.9	52.4	51.4	52.2
LOS		A	A	A	A	A	A	A	A	A	A
4	Diverge (NB Rte.30 and EB I-64 On Ramp)										
Density	(pc/mi/ln)	4.9	7.9	5.1	8.3	5.4	8.8	5.4	8.8	6.6	10.7
Speed	(mph)	52.4	52.4	52.4	52.4	52.4	52.3	52.4	52.4	51.9	51.9
LOS		A	A	A	A	A	A	A	A	A	B
5	Merge (SB Rte. 30 and EB I-64 Off Ramp)										
Density	(pc/mi/ln)	8.3	6.9	8.6	7.3	9.1	8.0	9.1	7.8	12.4	11.6
Speed	(mph)	56.0	56.0	56.0	56.0	56.0	56.0	56.0	56.0	56.0	56.0
LOS		A	A	A	A	A	A	A	A	B	B

As shown above in Table 21, the levels of service at the ramps are anticipated to be LOS B or better during each scenario. Hence, the proposed development is not anticipated to impact the weaving/merging operations at the I-64 Ramps and Route 30.

BICYCLE, PEDESTRIAN, AND TRANSIT ACCOMMODATIONS

A multi-use trail currently exists in the study area along Fieldstone Parkway, Mill Pond Run, and LaGrange Parkway. In addition, sidewalks currently exist in the residential neighborhoods in the study area. Figure 29 shows the existing pedestrian/bicycle facilities in the study area. Stonehouse proffers provide for a future multi-use trail on Six Mount Zion Road. The existing and future trail network throughout Stonehouse are consistent with the County's Pedestrian Accommodation Master Plan.

Figure 29: Existing Bicycle/Pedestrian Facilities



The public transportation service in the vicinity of the site is provided by Williamsburg Area Transit Authority. A map of the bus routes is shown in Figure 30. The Purple 2 line shown in Figure 30 is the bus route that serves the site. The terminals of the line are at Stonehouse Commerce Park in the vicinity of the site and the Walmart Supercenter on E Rochambeau Drive, where the users can transfer to several other lines in the system.

Figure 30: WATA Service Map

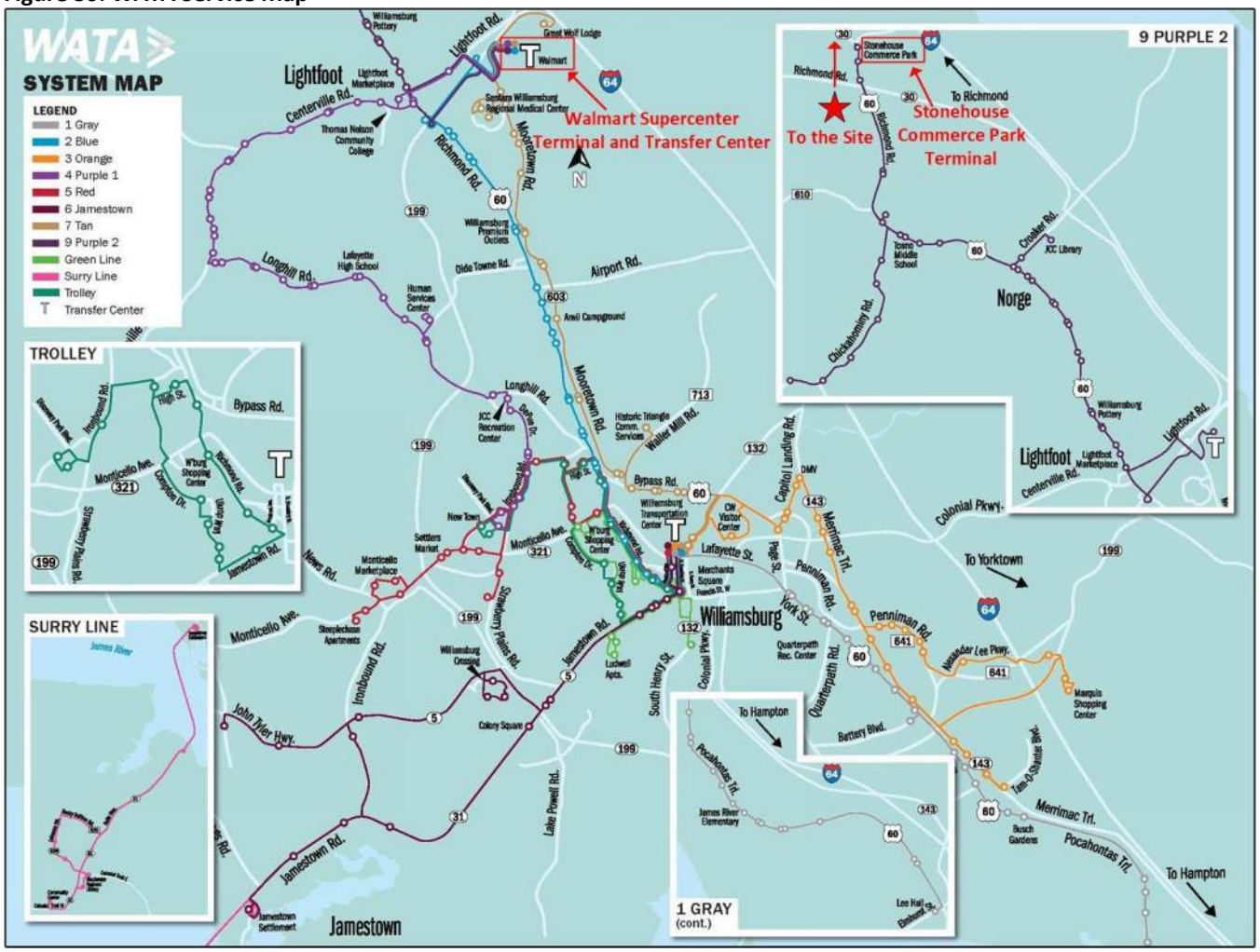


Table 22: Existing Purple 2 Route

Route	From	To	Typical Headway / Frequency (minutes) Peak and Off Peak	Weekday Service First	Weekday Service Last	Sunday Service First	Sunday Service Last
Purple 2	Barhamsville Road/LaGrange Parkway	Toana Drive/Bumt Ordinary Apartments	60	5:58 AM	7:58 AM	7:58 AM	4:58 PM

CONCLUSIONS

The analysis presented in this report supports the following major conclusions:

- **Existing Conditions (2017):**
  - All the study intersections operate at acceptable level of service under the Existing Conditions.
- **Future without Development Conditions (2021):**
  - All the study intersections operate at acceptable level of service under the Future without Development Conditions (2021).
- **Future without Development Conditions (2027):**
  - All the study intersections operate at acceptable level of service under the Future without Development Conditions (2027) with the exception of:
    - Route 30 and Fieldstone Parkway: The westbound left turn movement at this intersection operates at unacceptable levels or service during the PM Peak Hour. No improvements are recommended as the queue length for this movement is less than 3 car lengths.
- **Trip Generation and Site Traffic:**
  - <u>Interim Phase 1 (2021):</u>
    - The interim phase of the proposed development on the site consists of approximately 522 residential units, and approximately 120,000 square feet retail commercial. The interim phase of the development is anticipated to be complete by 2021.
    - The proposed development will generate approximately 293 trips during the AM peak hour and approximately 592 trips during the PM peak hour.
  - <u>Full Build (2027):</u>
    - The proposed development on the site consists of approximately 2,441 residential units and approximately 870,000 square feet of non-residential uses. The proposed development is anticipated to be complete by 2027.
    - The proposed development will generate approximately 2,050 trips during the AM peak hour and approximately 2,030 trips during the PM peak hour.
- **Future with Interim Phase I Development (2021) Capacity Analysis Results:**
  - <u>Route 30 and Fieldstone Parkway:</u>
    - The westbound left turn movement operates at an unacceptable level of service during both the peak hours
    - The following mitigations are recommended at the intersection:
      - Install a traffic signal and add a second westbound left turn lane on Fieldstone Parkway. The 'Preliminary Signal Warrant Analyses' reveals that a traffic signal will be warranted at this intersection.

- With the above mitigations in place, the overall intersection and all the lane groups at the intersection operate at acceptable levels of service during both the peak hours. Moreover, the queue lengths are anticipated to be accommodated within the turn lanes at the intersection.

- Route 30 and I-64 WB Ramps:
  - The westbound left/thru lane group operates at an unacceptable level of service during the PM peak hour
  - The installation of a traffic signal is recommended as a mitigation measure at the intersection. The 'Preliminary Signal Warrant Analyses' reveals that a traffic signal will be warranted at this intersection.
  - With the above mitigation in place, the overall intersection and all the lane groups at the intersection operate at acceptable levels of service during both the peak hours. Moreover, the queue lengths are anticipated to be accommodated within the turn lanes at the intersection.
- Route 30 and LaGrange Parkway:
  - Although the intersection operates at an acceptable level of service as an unsignalized intersection, a traffic signal was assumed as a site improvement. The 'Preliminary Signal Warrant Analyses' reveals that a traffic signal will be warranted at this intersection.

- **Future with Full Build Development (2027) Capacity Analysis Results:**
  - Route 30 and I-64 WB Ramps:
    - The westbound left/thru lane group operates at an unacceptable level of service during the AM peak hour
    - The addition of a second northbound left turn lane on Route 30 and a second westbound left turn lane on the off-ramp is recommended as a mitigation measure at the intersection
    - With the above mitigation in place, the overall intersection and all the lane groups at the intersection operate at acceptable levels of service during both the peak hours. Moreover, the queue lengths are anticipated to be accommodated within the turn lanes at the intersection.
  - Route 30 and LaGrange Parkway:
    - The westbound left lane group operates at an unacceptable level of service during the AM and PM peak hours
    - The addition of a second southbound left turn lane on Route 30 and a second westbound left turn lane on LaGrange Parkway is recommended as a mitigation measure at the intersection
    - With the above mitigation in place, the overall intersection and all the lane groups at the intersection operate at acceptable levels of service during both the peak hours. Moreover, the queue lengths are anticipated to be accommodated within the turn lanes at the intersection.
  - Six Mount Zion Road and Mount Laurel Road:
    - The westbound left/right lane group operates at an unacceptable level of service during the AM and PM peak hours
    - The following mitigations are recommended at the intersection:

        - The installation of a traffic signal. The 'Preliminary Signal Warrant Analyses' reveals that a traffic signal will be warranted at this intersection.
        - The addition of a westbound right turn lane on Mount Laurel Road
        - The addition of a northbound right turn lane and a southbound left turn lane on Six Mount Zion Road
    - With the above mitigations in place, the overall intersection and all the lane groups at the intersection operate at acceptable levels of service during both the peak hours. Moreover, the queue lengths are anticipated to be accommodated within the turn lanes at the intersection.
    - A roundabout at the intersection was also evaluated as an alternative mitigation measure. A roundabout was found to operate at an acceptable level of service.
  - <u>Six Mount Zion Road and Fieldstone Parkway/Tract S:</u>
    - The eastbound and westbound left/thru/right lane groups operate at unacceptable levels of service
    - The following mitigations are recommended at the intersection:
        - The installation of a traffic signal. The 'Preliminary Signal Warrant Analyses' reveals that a traffic signal will be warranted at this intersection.
        - The addition of an eastbound right turn lane on Fieldstone Parkway and a northbound left turn lane on Six Mount Zion Road
    - With the above mitigations in place, the overall intersection and all the lane groups at the intersection operate at acceptable levels of service during both the peak hours. Moreover, the queue lengths are anticipated to be accommodated within the turn lanes at the intersection.
    - A roundabout at the intersection was also evaluated as an alternative mitigation measure. A roundabout was found to operate at an acceptable level of service.
- **Development Level Thresholds for Intersection Improvements:**
    - The intersection improvements mentioned above are listed in more detail in the proffer statement for the application. A table showing the thresholds for the development levels on the site which would trigger the recommended improvements at the study intersections is included in Appendix L.

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Chantilly, VA 20151
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TRAFFIC IMPACT STUDY ADDENDUM – STONEHOUSE MASTER PLAN AMENDMENT

To: Ellen Cook James City County Planning

From: Tushar Awar, P.E., PTOE
Erin Steel, P.E.

Date: August 8, 2019

Revised September 18, 2019

Subject: Stonehouse Rezoning and Master Plan Amendment – Addendum to December 10, 2018 TIS
James City County Plan Z-18-0002, MP-18-0002

This memorandum serves as an addendum to the Stonehouse Rezoning and Master Plan Amendment Traffic Impact Study, dated December 10, 2018. Per the review comments received by James City County (General Traffic Impact Study Comments, Study Area Limits) on July 18, 2019 and September 6, 2019 requesting additional information and clarification for the following items listed below:

I. Ware Creek Road/Six Mount Zion Road Existing Conditions Clarification

Based on the comment received by James City County pertaining to the intersection of Ware Creek Road/Six Mount Zion Road existing traffic counts, additional information and clarification is being provided.

As noted on Figures 4 and 5 (Pages 15 and 16, respectively) in the December 10, 2018 traffic study, Ware Creek Road was closed to traffic at its intersection with Six Mount Zion Road when the existing counts were performed. Since there is no traffic, no intersection analysis could be evaluated under existing and future without development conditions. Under Future with Development (2021 and 2027) conditions, the trips for the sections of Stonehouse that will utilize Ware Creek Road from Six Mount Zion Road were routed through Ware Creek Road and the intersection was evaluated. The capacity analysis results show that the intersection operates at acceptable levels of service in the future with development conditions.

It should be noted that the Applicant previously petitioned VDOT for the disconnection of Ware Creek Road to Mount Laurel Road. The Applicant is willing to re-petition VDOT about the closure of Ware Creek Road to Croaker Road versus traveling west via Six Mount Zion Road. Approximately 2,000 linear feet of Ware Creek Road will remain in its existing gravel surface condition running west of its intersection with Mount Laurel Road. With reduced travel times and upgraded road conditions being significantly superior to the west via Six Mount Zion Road as compared to the existing narrow road widths east along Ware Creek Road, it will be more desirable for the site trips to use Six Mount Zion Road.

II. Trip Generation Clarification for Non-Residential Uses on Tracts 1, 4, 5, 6, 7, 8

The July 18, 2019 comment letter from James City County requested additional information about the non-residential uses for Tracts 1, 4, 5, 6, 7, 8. As discussed with County staff, Note 3 of the Trip Generation table has been revised with the requested information and is attached to this memorandum.

Table 9: Trip Generation with Reductions – Full Build-Out (2027)

With Revised Note 3

Land Use		ITE Code	Size	Units	------ Weekday ------					
					AM Peak Hour			*PM Peak Hour*		
					In	Out	Total	In	Out	Total
Phase 1 - Assumed in Future with Interim Phase I Development Conditions (2021)										
Land Bays 3, 5, 8, 14	Residential	AR [1]	222	DU	38	51	89	61	44	106
Tract 10A	Residential	AR [1]	200	DU	34	46	80	55	40	95
Tract 10B	Residential	AR [1]	100	DU	17	23	40	28	20	48
Tract 10B	Retail Commercial	820	120.0	kSF	70	43	113	220	238	458
	Internal Capture [2]		*25%*		*-18*	*-11*	*-29*	*-55*	*-60*	*-115*
Phase 2										
Tract 2	Residential	AR [1]	400	DU	68	92	161	111	80	190
Tract 3	Residential	AR [1]	350	DU	60	81	141	97	70	167
Tract 11A	Residential	AR [1]	250	DU	43	58	101	69	50	119
Tract 11B	Residential	AR [1]	300	DU	51	69	121	83	60	143
Tract 11B	Non-Retail Commercial	AR [1]	200.0	kSF	74	16	90	23	71	94
Tract 13	Non-Retail Commercial	AR [1]	420.0	kSF	155	34	189	48	149	197
Tract S	Residential	AR [1]	300	DU	51	69	121	83	60	143
Phase 3										
Tract 11B	Residential	AR [1]	300	DU	51	69	121	83	60	143
Tract 9	Middle School (120kSF)	522	1200	Students	376	320	696	100	104	204
Phase 4										
Tracts 1, 4, 5, 6, 7	Residential	AR [1]	15	DU	3	3	6	4	3	7
Tracts 1, 4, 5, 6, or 7 [3]	A-1 Non Residential	970	130	kSF	6	2	8	15	14	29
Tract 8	Residential	AR [1]	4	DU	1	1	2	1	1	2
Full Build-Out Residential Total			**2441**	**DU**	**417**	**562**	**983**	**675**	**488**	**1163**
Full Build-Out Non-Residential Total			**870**	**kSF**	**287**	**84**	**371**	**251**	**412**	**663**
Full Build-Out School Total			**1200**	**Students**	**376**	**320**	**696**	**100**	**104**	**204**
Total Full Build-Out Trips					**1,080**	**966**	**2,050**	**1,026**	**1,004**	**2,030**

Notes:

Trips for residential and non-retail commercial calculated using rates from 2007 URS Stonehouse Traffic Impact Study

Tract 12, has been developed as of 2017 with 56 DU. This tract will not be included in the traffic analysis, since the trips will be captured in the existing traffic counts.

[1] *AR: Approved Rates*

[2] *Internal capture reprsents the reduction in trips associated with internally capture trips between the adjacent retail uses in Tract 10B and the adjacent residential landbays. 25% reduction is consistent with the 2015 Stonehouse traffic study.*

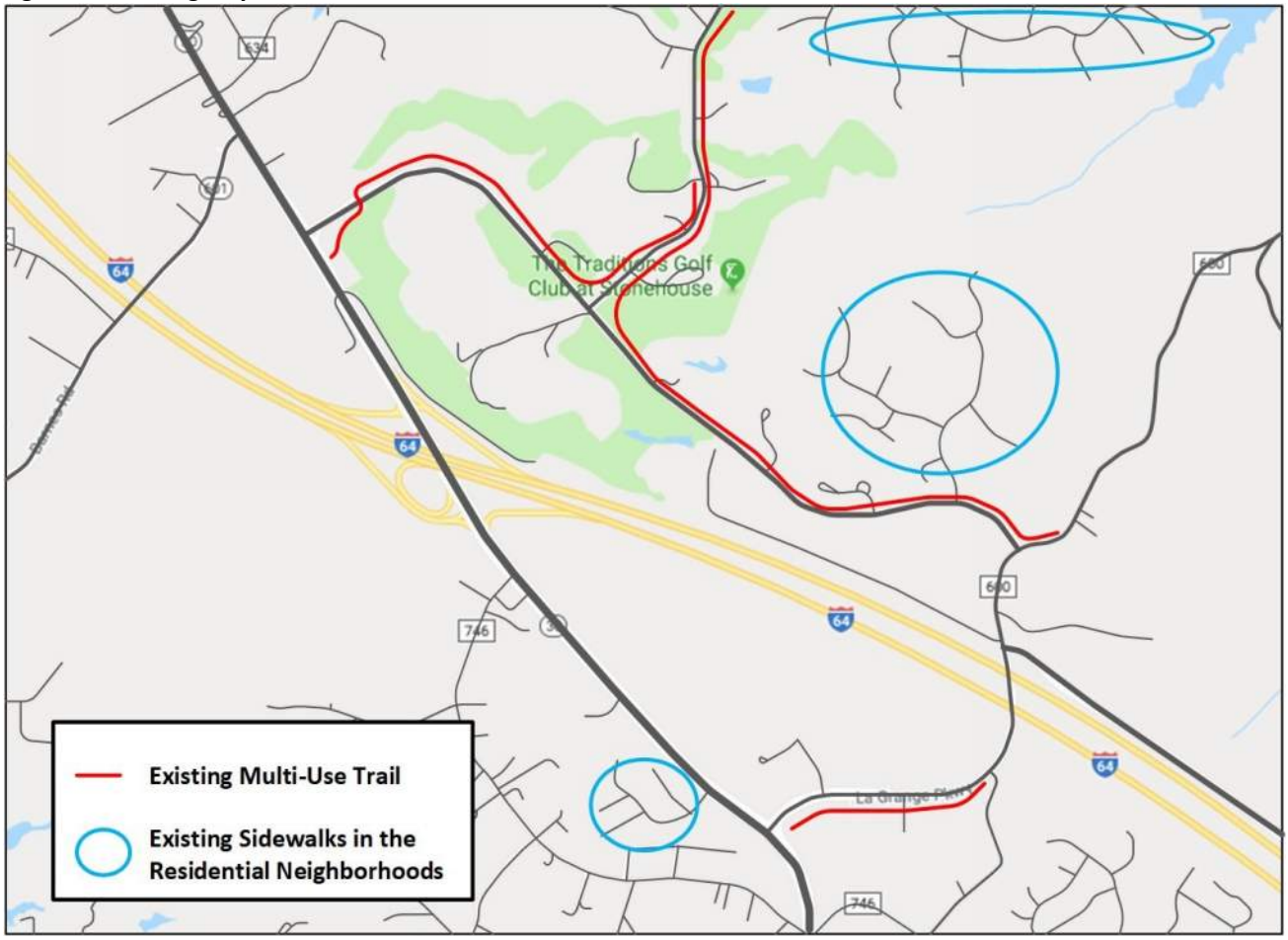
[3] *A winery with a 4,000 SF building/tasting room (average-sized ITE) was used to determine trips for the non-residential A-1 use in the Preservation Parcels. A winery was used since it is one of the highest trip-generating non-residential uses allowed in the A-1 district. The remaining 126,000 SF could be used, for instance, for winery production or storage, but do not generate traffic in excess of what is already accounted for in the trip generation.*

III. BICYCLE AND PEDESTRIAN ACCOMMODATIONS

As requested by County staff, the description of the existing and future pedestrian and bicycle accommodations shown on Page 71 of the December 10, 2018 Traffic Impact Study have been further clarified in this addendum.

A multi-use trail currently exists in the study area along Fieldstone Parkway, Mill Pond Run, and LaGrange Parkway. In addition, sidewalks currently exist in the residential neighborhoods in the study area. Figure 29 (from the December 10, 2018 Traffic Impact Study) is provided below and shows the existing pedestrian/bicycle facilities in the study area. Stonehouse proffers provide for a multi-use trail on Six Mount Zion Road. The existing and future trail network throughout Stonehouse are consistent with the County's adopted Pedestrian Accommodation Master Plan and Bikeways Plan, with the exception that the plans call for both a multi-use trail (Pedestrian Plan) and a bike lane (Bikeways Plan) on Six Mount Zion Road. The Applicant constructed shoulder bike lanes in both directions and a multi-use path in connection with its reconstruction of Six Mount Zion Road. Additionally, the Applicant has committed to a further extensive network of trails, both along the right of way and through natural areas which are far in excess of the County's recreational guidelines. The Applicant is not willing to commit to construct both bike lanes and multi-use paths with future road construction as they are largely redundant improvements and with the challenging topography in Stonehouse and the increased environmental impacts the tangible and intangible costs substantially outweigh any modest incremental benefit, particularly in light of the extensive trail system proffered.

Figure 29: Existing Bicycle/Pedestrian Facilities



080 007838

AMENDED AND RESTATED
STONEHOUSE PROFFERS

THESE AMENDED AND RESTATED PROFFERS are made as of this 27th day of November, 2007, by **GS STONEHOUSE GREEN LAND SUB LLC**, a Delaware limited liability company (together with its successors and assigns, the "Owner").

RECITALS

A. Owner is the owner of certain real property (the "Existing Property") located in James City County, Virginia, more particularly described on Exhibit A attached hereto and made a part hereof which is a portion of the property commonly referred to as the Stonehouse Planned Unit Development.

B. The Existing Property and the balance of the property located within the Stonehouse Planned Unit Development (not owned by Owner) is now zoned PUD-C and PUD-R, with proffers, and is subject to (i) a plan of development entitled "Stonehouse, Virginia, Master Plan, James City County, Virginia and New Kent County, Virginia, Stonehouse Inc./ Stonehouse LLC Owners/Developers" prepared by Langley and McDonald, P.C., dated February 19, 1999, a copy of which is on file with the County Planning Director (the "Existing Master Plan"), and (ii) Second Amended and Restated Stonehouse Proffers, dated August 6, 1999, of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia (the "Clerk's Office") as document number 990021231 (the "Existing Proffers").

Prepared by: Vernon M. Geddy, III, 1177 Jamestown Road, Williamsburg, VA 23185.
Return to: JCC Attorney's Office, 101-C Mounts Bay Road, Williamsburg, VA 23185.

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C. Owner has applied to amend the Existing Master Plan in various respects and to include tracts of land containing approximately 89 acres (Tax Parcels 1310100019 and 1310100008A) and 4.125 acres (Tax Parcel 063010001), respectively, which property is more particularly described on Exhibit A-1 (the "Additional Property"), to rezone Tax Parcels 1310100019 and 1310100008A of the Additional Property from A-1 to PUD-C, with proffers, and to rezone Tax Parcel 0630100001 of the Additional Property from A-1 to PUD-R, with proffers, to amend the zoning line between the PUD-R and PUD-C portions of the development, and to amend and restate the Existing Proffers in their entirety as set forth below but only to the extent the Existing Master Plan and Existing Proffers apply to the Existing Property. The Existing Property and the Additional Property are hereinafter referred to as the "Property". In connection therewith, Owner has filed rezoning and master plan amendment applications with the County which have been assigned case numbers Z-4-07 and MP-4-07 by the County Planning Department (the "Applications").

D. Owner has submitted to the County an amended plan of development entitled "Stonehouse Master Plan" prepared by Chas. H. Sells, Inc. dated November, 2007 (the "Master Plan") in accordance with Section 24-484 of the County Zoning Ordinance.

E. A traffic impact study entitled "Stonehouse Traffic Impact Analysis" prepared by URS Corporation and dated May 22, 2007 as revised September 12, 2007, and November, 2007 (the "Traffic Study") has been submitted to the County in accordance with Section 24-484 of the

County Zoning Ordinance. The Traffic Study has been reviewed and approved by the County and the Virginia Department of Transportation ("VDOT"). The Traffic Study addresses the requirements of Proffer 3 of the Existing Proffers as provided in Proffer 3(i) thereof.

F. Owner has submitted to the County (i) a listing of all previous archaeological studies performed on the Stonehouse development, including on the Property, entitled "Previous Archaeological Excavations, Dated May 23, 2007" compiled by Carol Tyrer of Circa~Cultural Resource Management, LLC, (ii) a table listing all identified archaeological sites at the Stonehouse development, including the Property, entitled "Archaeological Sites at the Stonehouse Development, Dated March, 2007" compiled by Carol Tyrer of Circa~Cultural Resource Management, LLC, and (iii) a map identifying the approximate location of each of the identified archaeological sites entitled "Stonehouse Archaeological Exhibit" made by Chas. H. Sells, Inc. and dated April 3, 2007 (together, the "Archaeological Documents"). The Director of Planning has reviewed and approved the Archaeological Documents and each of the studies listed therein.

G. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned PUD-R and PUD-C for the protection and enhancement of the community and to provide for the high-quality and orderly development of the Property in accordance with Section 15.2-2296 *et seq.* of the Virginia Code and Section 24-16 of the Zoning Ordinance.

NOW, THEREFORE, in consideration of the approval by the County of the Applications and the Master Plan and the acceptance of the Amended Proffers, the Existing Proffers are hereby amended and restated insofar as they relate to the Property as set forth below. The Existing Proffers and Existing Master Plan shall continue to govern the portion of the Stonehouse Planned Unit Development not included within the Property. Owner agrees that the following conditions shall be met and satisfied in the development of the Property.

CONDITIONS

1. **Community Association**. Owner, with the concurrence of the Association at Stonehouse, Inc., shall subject Land Bays 1, 3, 5, 8 (other than BMP#6) and 14 to the existing Declaration of Covenants, Restrictions, Affirmative Obligations and Conditions for Stonehouse recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 970015414, including without limitation, the architectural review process and guidelines. Owner shall organize a community association or associations (the "Community Association") in accordance with Virginia law in which all property owners in the development on the Property other than in Land Bays 1, 3, 5, 8 and 14, by virtue of their property ownership, shall be members, provided, however, Owner may subject by the recordation of supplemental declaration(s) portions of the Property to existing property owners association(s) and restrictive covenants. The Community Association shall own and maintain BMP#6 located in Land Bay 8. Owners of property within the existing Stonehouse Glen subdivision shall have

the right to subject their property to the Governing Documents (as hereinafter defined) and become members of the Community Association on the same terms and conditions as other owners within the Property. There shall be one master Community Association for all residential portions of the Property other than in Land Bays 1, 3, 5, 8 and 14. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Community Association shall be submitted to and reviewed by the County Attorney. The Governing Documents shall (i) require that the Community Association adopt an annual maintenance budget and assess all members for the maintenance of all properties owned or maintained by the Community Association and (ii) shall grant the Community Association the power to file liens on members' properties for non-payment of such assessments and for the cost of remedying violations of, or otherwise enforcing, the Governing Documents. The Governing Documents shall also provide for one or more Design Review Committee(s) with the power to review and approve all site development and architectural plans within the development. Owner may organize separate neighborhood or commercial associations and impose supplemental or different restrictive covenants on individual sections of the Property.

2. **Density**. There shall be no more than 3,646 residential units and no more than 2,900,000 square feet of non-residential uses, excluding recreational uses, permitted on the Property. Of the 3,646 residential units no more than 1,200 residential units shall be B – attached structures containing two to four dwelling units, C – attached structures less than three stories

and containing more than four dwelling units or D - attached structures of three or more stories and containing more than four dwelling units as those terms are defined in section 24 – 484 of the County Zoning Ordinance. Owner shall provide on each site plan or subdivision plan for any development within the Property a then current accounting of the number of residential units, unit type and square footage of non-residential development that have previously been approved by the County and are proposed by the plan in question in form acceptable to the Director of Planning to permit the accurate tracking of the progression of the development of the Property.

3. Transportation Improvements. This proffer sets forth external and internal road and intersection improvements recommended in the Traffic Study and the phasing of their construction.

3.1 Periodic Traffic Counts. Owner shall have traffic volume counts conducted annually beginning not less than one year from the date of final approval of the requested rezoning by the Board of Supervisors and on or about each anniversary of the initial count thereafter ("Annual Counts"). With the approval of VDOT and the Director of Planning, the Annual Counts shall be conducted at a time of year such that no adjustment factor will need to be applied to the raw count data to estimate annual average daily traffic. The Annual Counts shall be conducted at (i) Fieldstone Parkway at its intersection with State Route 30, (ii) La Grange Parkway at its intersection with State Route 30, (iii) Ware Creek road at its intersection with Mount Laurel Road and (iv) Bridge Road at its intersection with Rochambeau Drive

(collectively, the "Entrances") and submit the results of such counts to the Director of Planning and to VDOT. The Annual Counts shall include counts of left turn movements at each intersection where there is a vehicle per hour threshold in these Proffers for triggering additional left turn lane improvements.

3.2 Initial Transportation Improvements. The County shall not be obligated to grant final subdivision or site plan approval for any additional development on the Property after such time as the combined entering and exiting a.m. or p.m. peak hour traffic volumes entering and exiting the Entrances reach a total of 947 vehicles as shown by the Annual Counts (the "Initial Trigger") until the following improvements have been completed or such improvements have been commenced (as used herein with respect to construction or installation of improvements, "commenced" shall mean all necessary plan approvals and permits have been obtained and actual physical construction activity, e.g. land disturbing, has begun) and guarantees in accordance with ' 15.2-2299 of the Code of Virginia, as amended, and the applicable provisions of the County Code in form and amount reasonably satisfactory to the County Attorney ("Guarantees") for their completion have been posted with the County:

(a) Install a 4-lane roadway (Bridge Road) connecting the Property to State Route 30 (Rochambeau Drive) generally as shown on the Master Plan. The intersection of Bridge Road with State Route 30 shall include separate turn lanes (eastbound left turn, westbound left turn and westbound channelized right turn) on State Route 30 and southbound turn lanes (left turn and

right turn) on the Bridge Road approach to State Route 30 and shall include a median in Route 30 of sufficient width to accommodate a westbound left turn lane on Route 30 to be installed in the future by others. A traffic signal shall be installed when VDOT signal warrants ("Warrants") are met. Install a second left turn lane to the southbound Bridge Road approach to State Route 30 when either the a.m. or p.m. peak hour volume of vehicles completing this movement exceeds 300 vehicles per hour; and

(b) Widen the segment of State Route 30 from two lanes to four lanes between the intersection with Bridge Road/Route 30 intersection and the Route 30/State Route 607 (Croaker Road) intersection; and

(c) At the intersection of State Routes 30 and 755 with State Route 607, add dual left turn lanes and a channelized right turn lane to the eastbound approach to Croaker Road; and

(d) Install a traffic signal at the intersection of State Route 30 and Fieldstone Parkway when Warrants are met; and

(e) Install a traffic signal at the intersection of State Route 30 and the westbound Interstate 64 Exit 227 exit ramps when Warrants are met; and

(f) Install a traffic signal at the intersection of the State Route 1045 and State Route 30 when Warrants are met; and

(g) Install a traffic signal at the intersection of the eastbound I-64 Exit 227 off-ramp and State Route 30 when Warrants are met.

3.3 Level 1 Transportation Improvements. The County shall not be obligated to grant final subdivision or site plan approval for any additional development on the Property after such time as the combined entering and exiting a.m. or p.m. peak hour traffic volumes entering and exiting the Entrances reach a total of 2,135 vehicles as shown by the Annual Counts ("Level 1 Trigger") until the following improvements have been completed or such improvements have been commenced and Guarantees for their completion have been posted with the County and Guarantees for the design and construction of the Level 2 Transportation Improvements have been posted with the County:

(a) Modify the pavement markings on southbound Fieldstone Parkway to add a second left turn lane to the southbound Fieldstone Parkway approach to State Route 30 when either the a.m. or p.m. peak hour volume of vehicles completing this movement exceeds 300 vehicles per hour; and

(b) Add a second left turn lane to the westbound I-64 off-ramp at Exit 227 to southbound State Route 30. Add a second left turn lane to the northbound State Route 30 approach to the westbound I-64 on-ramp at Exit 227. Widen the westbound I-64 on-ramp to two lanes; and

(c) Install an exclusive left turn lane, a dual left/thru lane and an exclusive right turn lane on the southbound State Route 607 (Croaker Road) approach to U.S. Route 60 (Richmond Road); and

(d) Install a second left turn lane and a separate right turn lane to the northbound State Route 607 approach to State Routes 30 and 755; and

(e) Add a left and right turn lane and a second through lanes to westbound State Route 755 (Rochambeau Drive) approach to Route 607 (Croaker Road); and

(f) Owner shall have posted Guarantees for the design and completion of the Level 2 Transportation Improvements with the County.

3.4 Level 2 Transportation Improvements. The County shall not be obligated to grant final subdivision or site plan approval for any additional development on the Property after such time as the combined entering and exiting a.m. or p.m. peak hour traffic volumes entering and exiting the Entrances reach a total of 2,793 vehicles as shown by the Annual Counts ("Level 2 Trigger") until the following improvements have been completed or such improvements have been commenced and Guarantees for their completion have been posted with the County:

(a) Add a second left turn lane to the southbound State Route 1045 approach to State Route 30 when either a.m. or p.m. peak hour volume of vehicles completing this movement exceed 300 vehicles per hour; and

(b) Extend by 200 feet the length of the on-ramp to eastbound I-64 at Exit 231 from northbound State Route 607 (Croaker Road): and

(c) Add a second left turn lane to the eastbound State Route 30 approach to Bridge Road when either a.m. or p.m. peak hour volume of vehicles completing this movement exceed 300 vehicles per hour

3.5 Design of Improvements. The Initial Trigger, Level 1 Trigger and the Level 2 Trigger are hereinafter called an "Improvement Trigger". The County shall not be obligated to grant final subdivision or site plan approval for any additional development on the Property after such time as the Annual Counts reflect the combined entering and exiting a.m. or p.m. peak hour traffic volumes entering and exiting the Entrances equals or exceeds a total of 80% of an Improvement Trigger until such time as Owner has submitted evidence satisfactory to the Director of Planning that the design of the improvements associated with the Improvement Trigger has commenced.

3.6 Commencement of Improvements. The County shall not be obligated to grant final subdivision or site plan approval for any additional development on the Property after such time as the Annual Counts reflect the combined entering and exiting a.m. or p.m. peak hour traffic volumes entering and exiting the Entrances equals or exceeds a total of 90% of an Improvement Trigger until such time as Owner has submitted evidence satisfactory to the

Director of Planning that the construction of the improvements associated with the Improvement Trigger has commenced or Guarantees for such construction have been posted with the County.

3.7 Traffic Signal Warrant Analyses. Anything to the contrary herein notwithstanding, Owner shall not be obligated to install or post Guarantees for any traffic signal until such time as VDOT determines Warrants for that signal have been met. The Annual Counts shall include turning movement counts at the intersections listed in Sections 3.2, 3.3 and 3.4 for potential signalization. If based on the Annual Count VDOT determines any intersection at which a traffic signals is proffered is approaching meeting Warrants for installation of the traffic signal then at the request of VDOT, Owner shall have a Warrant analysis of that intersection conducted and submitted to the County and VDOT.

3.8 VDOT Standards. All improvements proffered in this Section 3 shall be designed and constructed in accordance with applicable VDOT standards and guidelines. All traffic signals proffered hereby shall be designed and installed to accommodate future proffered traffic improvements. Traffic signal timing equipment will be modified and signal timing plans updated as\required by VDOT concurrently with capacity improvements at the intersection in question. All traffic signals proffered hereby shall include signal coordination equipment if required by VDOT.

3.9 FHWA Approvals. The proffered modifications to Interstate 64 interchanges will require the approval of the Federal Highway Administration ("FHWA"). If FHWA approval

of a modification is not granted after submission through and with the approval of VDOT of all appropriate and required interchange modification applications and supporting documentation, Owner shall propose to the County and VDOT substitute improvements and provide VDOT and the County with a traffic study showing the impact of the proposed substitute improvements, commensurate in traffic benefit and costs with the proffered interchange modifications for the review and approval of the County and VDOT. If such substitute improvements are approved by the County and VDOT, the completion or posting of Guarantees for their completion with the County shall satisfy the obligation of Owner with respect to the proffered interchange modification for which FHWA approval was not granted.

3.10 Updated Traffic Study. (a) Owner may have the Traffic Study updated, amended or supplemented from time to time by an independent traffic consultant and shall submit any such updated, amended or supplemented Traffic Study to the County and VDOT for approval. The schedule of road and intersection improvements and the phasing thereof set forth above may be amended by the Owner based on such updated, amended or supplemented Traffic Study with the approval of the Board of Supervisors. Owner shall convey, without charge, to VDOT or the County, as appropriate, all right of way owned by it that is necessary for such improvements and, when completed, shall dedicate all such improvements to VDOT or the County, as appropriate.

(b) The County shall not be obligated to grant final subdivision or site plan approval for

any additional development on the Property after such time as the Level 2 Trigger is reached until the Owner, at its expense, has submitted to the VDOT and the Director of Planning for their review and approval an updated traffic study of the Stonehouse development performed by a traffic consultant acceptable to the County. The consultant shall submit the proposed methodology for the study to VDOT for approval before initiation of the study, however, the methodology shall include forecasted background traffic volumes (including traffic volumes from approved developments other than Stonehouse) as identified in the current traffic study. If the updated study indicates changes in the improvements proffered hereby and/or the triggers for such improvements are necessary as a result of an increase traffic generated by the development on the Property compared with that projected in the approved Traffic Study, Owner shall submit to the County an updated improvement and trigger plan which shall be subject to approval by the Director of Planning. Further development of the Property shall be in accordance with the approved, updated improvement and trigger plan.

3.11 Internal Road and Intersection Improvements. To ensure adequate service at major internal intersections and along roadway segments within the Property, Owner shall install the following improvements at the time of roadway and intersection construction in the area of the specified intersection unless another trigger is specified herein:

(a) Install eastbound left turn lane and right turn lane on the Fieldstone Parkway approach to La Grange Parkway and install a southbound right turn lane and a northbound left

turn lane on the La Grange Parkway approach to Fieldstone Parkway; and

(c) Install a traffic signal at the LaGrange Parkway/Fieldstone Parkway intersection when Warrants are met; and

(b) Add a second northbound left turn lane on the La Grange Parkway approach to Fieldstone Parkway when either a.m. or p.m. peak hour volume of vehicles completing this movement exceed 300 vehicles per hour; and

(c) Install a southbound left turn lane and a northbound right turn lane on the La Grange Parkway approach to Mount Laurel Road and install a westbound left turn lane and a right turn lane on Mount Laurel Road; and

(d) Install a traffic signal at the LaGrange Parkway/Mount Laurel Road intersection when Warrants are met; and

(e) Add a second westbound left turn lane to the Mount Laurel Road approach to La Grange Parkway when either a.m. or p.m. peak hour volume of vehicles completing this movement exceed 300 vehicles per hour. Concurrent with the installation of the second left turn lane on westbound Mount Laurel Road, La Grange Parkway will be widened from 2 lanes to 4 lanes from Mount Laurel Road south to the existing 4-lane section; and

(f) Extend the 4-lane section of Bridge Road from State Route 30 to Ware Creek Road.

3.12 Bicycle Accommodation Improvements. The improvements made by Owner to

Route 30 and the Route 607/Route 30 intersection shall include shoulder bike lanes provided such bike lanes can be installed within the existing right of way. All improvements to Route 600 within the Property shall include a shoulder bike lane except, with the approval of the Director of Planning, no bike lane shall be required where Route 600 passes under Interstate 64 if such a bike lane is not feasible due to pavement width restrictions under the bridge.

3.13 External Road Connections. There shall be no road connection directly from the Property onto Croaker Road. Within one year from the date of approval of the requested rezoning by the Board of Supervisors, Owner shall petition VDOT to permit the disconnection of Ware Creek Road immediately west of its intersection with Mount Laurel Road from the portion of Ware Creek Road that extends through the Property and, if VDOT approval is obtained, physically disconnect the road, to prevent traffic from the Property from using Ware Creek Road to access Croaker Road. If VDOT refuses to allow this disconnection, Owner shall not improve a segment of Ware Creek Road between its intersection with Bridge Road and the eastern boundary of the Property and shall not improve Ware Creek Road west of its intersection with Mount Laurel Road to the first subdivision road in the Property and through the use of signage and other measures as approved by VDOT shall attempt to de-emphasize Ware Creek Road as a means of ingress and egress to and from the Property.

4. Economic Development. (a) As and when segments of the roads shown on the Master Plan within or adjacent to areas designated E, F, G or H on the Master Plan are

constructed, water and sewer lines shall be installed adjacent to or within the road right-of-way or otherwise extended to such areas with capacity to serve the areas described above. Within 12 months from the date of approval of the requested rezoning by the Board of Supervisors, (i) design plans for water and sewer lines along Mount Laurel Road from its intersection with Six Mount Zion road to its intersection with Bridge Road with capacity to serve Tract 11 shall be submitted to the County and JCSA and (ii) design plans for the improvement of Mount Laurel Road to meet applicable VDOT subdivision street standards shall be submitted to the County and VDOT. Such water and sewer lines and road improvements shall be installed within 18 months of approval of such design plans.

(b) Owner, upon request, shall provide the County's Office of Economic Development ("OED"), any state or regional economic development agency and/or any prospective user identified by the OED or such state or regional agency with a marketing information package for the areas of the Property designated E, F, G or H on the Master Plan containing relevant information about the property such as size and configuration of available sites, surveys, topographic information, utility availability and capacity, road access, stormwater management plans and similar information.

(c) In Tracts 10B and 11A there shall be no more than 70,000 square feet of retail development and no single retail use shall exceed 7,500 square feet. If and when mixed use buildings are permitted by applicable zoning ordinances, no more than 10% of the floor area of

any mixed use building in Tracts 10B and 11A shall be devoted to retail use.

5. Public Sites.

5.1 School Site and Public Use Site. (a) Owner shall convey to the County, without consideration, a site containing approximately gross 179 acres (the "School Site") in the location shown on the Master Plan as "School" for use by the County only as a site for schools and a public athletic field/tennis court complex. If the County desires to locate any other public use on the School Site, the use, location and architectural design of any improvements shall be subject to the prior approval of Owner.

(b) Owner shall convey to the County or the James City Service Authority ("JCSA"), without consideration, a site located in Tract 9 containing approximately ten acres for use only as a police, fire or emergency medical services station, public library, County or JCSA office building, park, park and ride lot, recycling center, community building or any combination thereof.

5.2 Timing of Conveyances. All conveyances of public sites to the County pursuant to this Condition 5 shall be upon the request of the County Administrator after the County has adopted a capital improvements program including funding for facilities on the sites. Within 45 days of the receipt of such a request Owner shall cause to be prepared and submitted to the County any required subdivision plat. The actual conveyance shall be made within five business days of final approval of the subdivision plat. If no subdivision is required, such conveyance

shall be made within 30 days of the receipt of the request from the County Administrator.

5.3 Reversion. If (i) the Board of Supervisors makes a formal determination by resolution not to use any of the sites conveyed to the County, the School Board or the Service Authority for the aforesaid public purposes before construction of any improvements on such sites or (ii) construction of improvements has not been commenced within fifteen years from the date of conveyance to the County, the School Board or the Service Authority, at the option of Owner title to such site or sites shall revert to the Owner or an entity designated by Owner, if as of the date of the resolution Owner owns any of the Property, or if Owner does not then own any of the Property, to the master Community Association. The County, at the request of the Owner or Community Association, shall deliver deeds to the Owner or Community Association, as appropriate, evidencing such reversion of title.

6. Community and Recreational Facilities.

6.1 Facilities and Phasing. Owner shall construct the community and recreational facilities described below (subject to obtaining all required permits) generally in the locations shown on the Master Plan. The facilities listed in paragraph (a) of this Section shall be commenced before the County is obligated to grant building permits for more than 800 residential units on the Property and shall be completed within 30 months of the date of commencement. Design plans for the facilities listed in paragraphs (b) through (g) and in paragraph (i) of this Section and in Section 6.2(b) shall be submitted to and approved by the

County Planning Director and construction of such facilities shall have started, or Guarantees in an amount and form reasonably acceptable to the County Attorney for such construction shall have been posted with the County, before the County is obligated to grant final subdivision of site plan approval for more than 50% of the mid-point of the range of residential lots or units permitted in the Tract or Land Bay in which the facilities are to be located and in any event the facilities shall be installed within three years from the date of final approval of the first subdivision plat or site plan for development within the Tract in question. Design plans for the facilities listed in paragraph (h) of this Section shall be submitted to the County within one year of the commencement of construction of the Bridge Road from Route 30 into the Property and the facilities shall be installed within one year from the date of final approval by the County of the design plans. Design plans for the facilities listed in paragraph (j) of this Section shall be submitted to and approved by the County Planning Director and construction of such facilities shall have started, or Guarantees in an amount and form reasonably acceptable to the County Attorney for such construction shall have been posted with the County, before the County is obligated to grant final subdivision or site plan approval for any residential lots or units permitted in Tract 2 or Tract 3 and in any event design plans for the facilities shall be submitted to the County within one year of the date of final approval of these Amended and Restated Proffers and the Amended Master Plan and the facilities shall be installed within one year from the date of final approval by the County of the design plans. Each Amenity Area shall contain

approximately the gross and net acreage set forth on the Master Plan.

(a) Tract 1, Amenity Area D. A major recreation facility including an 18,000 square foot building with an indoor basketball court, one outdoor junior Olympic pool with a water surface area of at least 5,000 square feet, one children's fun pool, two unlit softball fields, two unlit soccer fields, play areas for both toddlers and older children, open space of at least one acre for unstructured play, and one sand volleyball court.

(b) Tract 4, Amenity Area G. A canoe launch site with dock (subject to permitting) and benches accessed by a pedestrian path connecting to the internal pedestrian system.

(c) Tract 4, Amenity Area E. Passive park of at least seven acres accessed by a pedestrian path connecting to the internal pedestrian system. An appropriate interpretive historical sign shall be installed at the site.

(d) Tract 6, Amenity Area C. Playground with at least five apparatus and/or activities, unstructured play area of at least one acre, a gazebo and a community garden area of at least 2,500 square feet with a water source.

(e) Tract 6, Amenity Area F. A canoe launch site with dock (subject to permitting) and benches accessed by a pedestrian path connecting to the internal pedestrian system.

(f) Tract 8, Amenity Area A. Passive park of at least two acres accessed by a pedestrian path connecting to the internal pedestrian system. An appropriate interpretive historical sign shall be installed at the site.

(g) Tract 8, Amenity Area B. A marina (subject to permitting), trails to waterfront, benches. Commercial uses at the marina such as a restaurant, ships store or tackle/bait shop shall be open to the public.

(h) Tract 9. Three acre boat and RV storage area for residents.

(i) Land Bay 14. Park of at least two acres.

(j) Tract 3. A recreation facility of at least three acres to include a community building with a minimum area of 3,000 square feet, a swimming pool with a minimum water area of 4,500 square feet, a minimum 20 foot by 20 foot wading pool, outdoor seating areas and an open lawn of 30,000 square feet for gathering and play.

(k) Playgrounds. In addition to the facilities proffered in paragraphs (a) through (i) above, eleven playgrounds/pocket parks placed throughout the Property. Pocket parks will not be located primarily or exclusively in a single Tract. Each playground will be at least 3,000 square feet in area and include five activities and/or apparatus as well as benches for seating. Pocket parks will include benches for seating, gazebo or other gathering area.

(l) School Site. Owner shall construct four lighted softball fields and an eight court tennis complex on the School Site prior to or within one year of the conveyance of the School Site to the County. These facilities shall be open to the public and shall be conveyed to the County upon completion.

The Amenity Areas\listed in paragraphs (b), (c) and (e) shall upon completion be

dedicated to the County and shall be open to the public. Owner shall provide public parking adjacent to a public road as close as reasonably possible to those three amenity areas given applicable environmental, topographic and regulatory constraints. If the marina listed in paragraph (g) is constructed, Owner shall reserve two boat slips for use by the U.S. Coast Guard and/or the County Police or Fire Departments, if such use is requested by those agencies at the time of development plans for the marina being submitted to the County.

The exact facilities to be provided at each site may be varied by Owner, with the consent of the Director of Planning based on, among other things, the demographics and expressed preferences of the residents of the development. There shall be provided on the Property other recreational facilities, if necessary, such that the overall recreational facilities on the Property meet the standards set forth in the County's Recreation Master Plan as determined by the Director of Planning or in lieu of such additional facilities Owner shall make cash contributions to the County in an amount determined pursuant to the County's Recreation Master Plan (with the amount of such cash contributions being determined by escalating the amounts set forth in the Recreation Master Plan to dollars for the year the contributions are made using the formula in Section 8(g)) or some combination thereof. All cash contributions proffered by this Proffer shall be used by the County for recreation capital improvements and shall be paid at the time of final site plan or final subdivision plat approval for the final phase of the development.

6.2 Trail System.

(a) Multi-Use Paths. An asphalt multi-use path approximately 15 miles in length and designed in accordance with applicable County greenway standards shall be installed on the Property along Six Mount Zion Road (except, with the approval of the Director of Planning, no multi-use path shall be required where Six Mount Zion Road passes under Interstate 64 if such a multi-use path is not feasible due to width restrictions under the bridge), Mount Laurel Road, the new parkway over I-64 and out to the marina site and along Ware Creek Road. In lieu of the multi-use path along Ware Creek Road, Owner may install a shoulder bike lane. The multi-use path shall be installed at the time the adjacent road is constructed or widened or if no construction or widening will take place at the time of development of adjacent parcels.

(b) Pedestrian Paths. Pedestrian paths along Ware Creek and internally along stream buffers to connect pedestrian system in individual Tracts to Amenity Area D in Tract 1 and to Amenity Area B in Tract 8, all subject to permitting. Pedestrian paths located within the net developable areas of the Property shall be asphalt. Pedestrian paths located outside net developable areas shall have a surface approved by the County Environmental Director and any other regulatory body with jurisdiction. Design plans for the path within a Tract shall be submitted to the County with the first development plan for the Tract and construction of such path shall begin or Guarantees for such construction shall be posted before the County is obligated to grant final subdivision of site plan approval for more than 50% of the mid-point of the range of residential lots or units permitted in the Tract and in any event the path shall be

installed within three years from the date of final approval of the first subdivision plat or site plan for development within the Tract in question.

(c) Greenway Connections. Owner shall provide connections at the boundaries of the Property from the internal trail system to a County wide greenway system, when and if implemented by the County.

7. Archaeological Sites.

7.1 Stone House Site. Owner shall preserve the site of the foundations of the "Stone House" located within Tract 4, Amenity Area E.

7.2 Other Archaeological Sites. (a) Archaeological sites listed in the Archaeological Documents (defined in Recital F) that are potentially eligible for the National Register of Historic Places that can be avoided by the development will be clearly marked on site plans or subdivision construction plans ("development plans"). In addition, if ground clearing or construction activities take place near the site area, then the site boundaries will be cordoned-off in the field with orange snow fencing prior to land disturbing near the area. If potentially eligible sites cannot be avoided by the development, then a Phase II evaluation will be completed on the site prior to any ground disturbance activity in the site area. The Phase II evaluation will be submitted to the County Planning Director for review.

(b) At the conclusion of the Phase II evaluation, if a site is determined not eligible for listing on the National Register of Historic Places, then development may occur in the site area.

If the determination is made that the site is eligible for listing on the National Register of Historic Places, then several mitigation options are available:

(i) Avoidance. The site may be avoided by the development by setting aside the site in a park, RPA buffer, or vegetative area. National Register eligible archaeological sites that can be avoided by the development will be clearly marked on project development plans. In addition, if ground clearing or construction activities take place near the site area, then the site boundaries will be cordoned-off in the field with orange snow fencing prior to land disturbing in the area.

(ii) Partial Avoidance/Data Recovery. The site may be partially located within a RPA or vegetative buffer and partially within a development area. In this case, data recovery will be limited to the site area to be impacted. The site area that remains within the buffer will be clearly marked on project development plans. In addition, if ground clearing or construction activities take place near the site area, then the remaining site boundaries will be cordoned-off in the field with orange snow fencing prior to land disturbing in the area. A Treatment Plan will be completed and submitted to the County Planning Director for review.

(iii) Data Recovery. If the site cannot be avoided, then a Treatment Plan will be completed and submitted to the County Planning Director for review.

(c) If the Phase II or Phase III study of a site determines the site is eligible for inclusion on the National Register of Historic Places and such site is to be preserved in place, the treatment plan shall include nomination to the National Register of Historic Places. All approved

treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

7.3 Unexpected Archaeological Discoveries. Should previously unidentified historic properties be identified during development of the Property, the applicant will halt all construction work involving subsurface disturbance in the area of the resource and in the surrounding area where further subsurface remains can reasonably be expected to occur and notify the Director of Planning and the Virginia State Historic Preservation Officer ("SHPO") of the discovery. The Director of Planning and the SHPO will be allowed to immediately inspect the work site and determine the area and nature of the affected archaeological resource. Construction work may then continue in the area outside the archaeological resource as defined by Director of Planning and the SHPO, or their designated representative. Within 14 working days of the original notification of discovery, the Director of Planning, in consultation with the SHPO, will determine the National Register eligibility of the resource based on information provided by Owner's archaeologist recovered from the field, site type, artifacts, and historic research. If the resource is determined eligible for the National Register, the applicant will prepare a plan for its avoidance, protection, recovery of information, or destruction without data recovery. The plan shall be approved by the Director of Planning, in consultation with the SHPO, prior to implementation. Work in the affected area shall not proceed until either (i) the development and implementation of appropriate data recovery or other recommended mitigation

procedures, or (ii) the determination is made that the located remains are not eligible for inclusion on the National Register.

7.4 Qualifications and Standards. The archaeological excavations will be conducted under the direct supervision of an archaeologist who meets the *Secretary of the Interior's Professional Qualification Standards*. All work and resulting reports will meet the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* and the Virginia Department of Historic Resource's (VDHR) guidance entitled, *Guidelines for Preparing Identification and Evaluation Reports for Submission Pursuant to Section's 106 and 110, National Historic Preservation Act, Environmental Impact Reports of State Agencies, Virginia Appropriations Act, 1998 Session Amendments* and *Guidelines for Archaeological Investigations in Virginia June 1996*. All field and laboratory methodology, as well as the final report, will be conducted in accordance with standards set forth in the VDHR's *Guidelines for Preparing Archaeological Resource Management Reports* and will meet the qualifications set forth in the Secretary of Interior's *Professional Qualification Standards*.

8. Cash Contributions for Community Impacts. (a) Owner shall make a one-time contribution to the County of $2,000.00 for each residential dwelling unit constructed on the Property. Such contributions shall be used by the County for the school uses.

(b) Owner shall make a one-time contribution to the County of $1,000.00 for each residential dwelling unit constructed on the Property. Such contributions shall be used by the

County for the provision of affordable housing within the County.

(c) A one-time contribution of $42.00 for each single family dwelling unit, $35.00 for each multi-family dwelling unit and an amount equal to $0.14 per gallon per day of average daily sanitary sewage flow as determined by JCSA for each non-residential building based on the use of the building(s) the sewer flows from which discharge into JCSA Lift Station 9-5 shall be made to the JCSA.

(d) A one-time contribution of $93.00 for each single family dwelling unit, $77.50 for each multi family dwelling unit and an amount equal to $0.31 per gallon per day of average daily sanitary sewage flow as determined by JCSA for each non-residential building based on the use of the building(s) the sewer flows from which discharge into JCSA Lift Station 9-7 shall be made to the JCSA.

(e) A one-time contribution of $16,240 for use by the County in purchasing monitoring equipment and establishing monitoring stations on the Property for the County's Water Quality Monitoring Program shall be made to the County at the time of the submittal of the initial development plan for development on the Property and a contribution of $4,840 shall be made to the County on each of the following nine anniversary dates of the initial payment for ongoing maintenance and sampling costs.

(f) The contributions described in paragraphs (a) through (d) above shall be payable at the time of final subdivision or site plan approval for the residential unit or non-residential

building unless the County adopts a policy calling for the payment of cash proffers at a later time in the development process, in which case the contributions described in paragraphs (a) through (d) above shall be payable at the time specified in the policy. In the event dwelling units, such as townhouse units, require both a site plan and subdivision plat, the contributions described above shall be paid at the time of final subdivision plat approval.

(g) The per unit contribution amounts shall consist of the amounts set forth in the above paragraphs plus any adjustments included in the Marshall and Swift Building Costs Index (the "Index") from 2007 to the year a payment is made if payments are made after on or after January 1, 2009. The per unit contribution amount shall be adjusted once a year with the January supplement of the Index of the payment year. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in the preceding paragraphs of this Section. In the event that the Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining the Index (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

(h) The County, JCSA and Owner acknowledge and agree that the obligations of Owner to make cash contributions for water system improvements is governed by the Water Facilities Agreement dated April 29, 2005 among JCSA and the predecessors in title to Owner to the

Property.

9. **Water Conservation**. (a) The JCSA and the Hampton Roads Sanitation District ("HRSD") are undertaking a joint feasibility study of a reclaimed water system to supply irrigation water for the Stonehouse development, including a satellite treatment plant, storage facility and distribution lines ("Reclaimed Water System"). Owner shall participate in and cooperate with HRSD and JCSA in the feasibility study. If HRSD, JCSA and Owner agree that the Reclaimed Water System is feasible and HRSD and JCSA determine to undertake the project and all necessary permits and approvals for the project are obtained, (i) Owner shall install the pipe system for the distribution of the reclaimed water within the Property in accordance with HRSD/JCSA specifications, (ii) Owner shall convey without charge to HRSD a site of up to three net developable acres within the Property in a location acceptable to Owner and HRSD for the location of the treatment and storage facilities, and (iii) Owner shall require in the Governing Documents that property owners within the Property connect to and utilize the Reclaimed Water System for irrigation. Owner's approval of the feasibility of the project shall not be unreasonably withheld.

(b) The Owner shall be responsible for developing water conservation standards to be submitted to and approved by the JCSA. The Community Association shall be responsible for enforcing these standards. The standards shall address such water conservation measures as (i) the requirement to use the Reclaimed Water System for irrigation if the system is constructed, (ii)

limitations on the installation and use of irrigation systems (other than the Reclaimed Water System) and irrigation wells, (iii) if the Reclaimed Water System is not constructed, the use of approved landscaping materials such as warm season turf in appropriate growing areas and drought tolerant native plants and (iv) the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the JCSA prior to final subdivision or site plan approval for development on the Property.

(c) If the Owner desires to have outdoor watering of common areas on the Property it shall provide water for irrigation utilizing the reclaimed water system if it is constructed or otherwise from recycled water or surface water collection from surface water ponds and shall not use JCSA water or well water for irrigation purposes, except as provided below. This requirement prohibiting the use of well water may be waived or modified by the General Manager of JCSA if the Owner demonstrates to the JCSA General Manager that there is insufficient water for irrigation from recycled water or in the surface water impoundments, and the Owner may apply for a waiver for shallow (less than 100 feet) wells to supplement the recycled water supply or surface water impoundments. Owner acknowledges a waiver will be required for each well requested.

10. <u>Environmental Protection</u>.

10.1 <u>Special Stormwater Criteria</u>. The Property shall be subject to the County's

Special Stormwater Criteria ("SSC") as a SSC Type 1 as if the Ware Creek watershed was subject to a management plan adopted by the Board of Supervisors so long as the SSC continue to be applicable to the Powhatan and Yarmouth Creek watersheds or are generally applicable in the County. If the County repeals its SSC program, Owner shall no longer be bound by this Proffer. The County acknowledges that the stormwater management inventory system proffered by Section 10.3 will qualify for an SSC unit per Tract under SSCP#22, the additional 25 foot RPA setback proffered by Section 10.5 will qualify for an SSC unit per Tract under SSCP#23 and provision of as-built drawings for the entire storm drainage system will qualify for one-half of an SSC unit per Tract under SSCP#39.

10.2 Stormwater Management Plans. At least 60 days prior to submission of development plans for a Tract as designated on the Master Plan within the Property, Owner shall submit to the County a conceptual master stormwater management plan for that Tract ("Stormwater Plan"). Each Stormwater Plan shall include the following: (i) narrative providing information about specific site plans including proposed land use, significant environmental constraints, and proposed method for meeting stormwater management requirements; (ii) preliminary site plan with conceptual layout of road network and utilities; (iii) completed Significant Design Consideration Checklist; (iv) identification of proposed location and type of each stormwater management device; (v) mapping of existing conditions drainage areas and environmental constraints; (vi) identification of stream crossings including proposed type of

crossing and summary of environmental impacts and mitigation requirements; (vii) 10-Point System worksheets showing preliminary calculations to verify compliance within each site; and (viii) SSC Checklist identifying the required unit measures and the menu items for which credit will be requested towards compliance. The submittal will not include calculations or detail sheets representing the design of stormwater management devices.

10.3 Stormwater Management Inventory System. Owner shall create a comprehensive inventory of all stormwater management devices within the Property. This inventory shall include data sheets for every device that will include basic information including location, type, and size of device. Additionally, a digital picture and other design information such as required storage volume and general operations and maintenance requirements shall be included. The goal of the system is to provide an interactive means by which the Community Association can maintain the stormwater management system and work proactively with the County. The database will be designed in accordance with any existing James City County stormwater management inventory standards. The initial version of the system shall be submitted with the first conceptual Stormwater Plan for the Property and the inventory system shall be updated as each Tract develops.

10.4 Conservation Easements. Owner shall grant a conservation easement to the Williamsburg Land Conservancy or some other County approved land conservation organization over all portions of the Property over which the Owner has granted a natural open space

easement to the County for Chesapeake Bay Preservation Ordinance purposes. The terms of the conservation easement shall be consistent with the terms of the County standard natural open space easement required for Chesapeake Bay Preservation Ordinance purposes.

10.5 Building RPA Setback. A 25 foot setback from the defined RPA buffer will be established so that no building will be erected within 25 feet of the RPA.

10.6 Low Impact Development (LID) Educational Field Center. To support the use of LID practices within Stonehouse an educational field center shall be established at the main amenity center to be located within Tract 1. This educational center will include the construction of a covered recreational amenity, in the vicinity of one of the corners of the parking area, such as a gazebo or other gathering space. The structure will incorporate numerous elements of LID including the use of a section of a green roof through complete or terraced coverage, the use of a rain barrel to provide reuse water for irrigation in the immediate vicinity of the structure, a rain garden, and the use of small sections (2-3 parking spaces) of multiple types of permeable pavement for a total of 12 spaces. The intention of the LID educational field center is to provide residents and perspective residents with a working example of applications they could implement on their lots. While the impacts of LID on a lot by lot basis can not be counted on or quantified, it is expected that applications throughout Stonehouse will serve as additional stormwater management water quantity and quality treatment above and beyond the minimum required standards. An educational component will include information explaining the elements of the

LID and providing reference information for interested residents. Prior to construction of the educational field center, educational materials will be located at the project sales office.

10.7 Rain Water Reuse Cistern. A large-scale cistern (rain barrel) shall be used at the main amenity center to be located within Tract 1 as a means to collect roof runoff to be used for irrigation around the amenity center and other uses not requiring potable water.

10.8 Natural Resources. A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2, or G3 resources as defined in the County's Natural Resources Policy in the project area shall be submitted to the Director of Planning for his/her review and approval prior to land disturbance. If the inventory confirms that a natural heritage resource exists, a conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. All inventories and conservation management plans shall meet the Virginia Department of Conservation and Recreation's Division of Natural Resources ("DCR/DNH") standards for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by the DCR/DNH or the United States Fish and Wildlife Service. All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon, to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may substitute for the incorporation of the conservation management plan into the plan of development for the site. This proffer shall be interpreted in accordance with the County's Natural Resources Policy adopted by the County

on July 27, 1999.

10.9. Nutrient Management Plan. The Association shall be responsible for contacting an agent of the Virginia Cooperative Extension Office ("VCEO") or, if a VCEO agent is unavailable, a soil scientist licensed in the Commonwealth of Virginia, an agent of the Soil and Water Conservation District or other qualified professional to conduct soil tests and to develop, based upon the results of the soil tests, customized nutrient management plans (the "Plans") for all common areas within the Property and for the single family lots shown on each subdivision plat of the Property. The Plans shall be submitted to the County's Environmental Director for his review and approval prior to the issuance of the building permits for more than 25% of the units shown on the subdivision plat. Upon approval, the Owner so long as it controls the Community Association and thereafter the Community Association shall be responsible for ensuring that any nutrients applied to common areas which are controlled by the Community Association be applied in strict accordance with the Plan. The Owner shall provide a copy of the individual Plan for each lot to the initial purchaser thereof. Within five years after issuance of the Certificate of Occupancy for the first dwelling unit on the Property and every three years thereafter, a turf management information seminar shall be conducted on the site. The seminar shall be designed to acquaint residents with the tools, methods, and procedures necessary to maintain healthy turf and landscape plants.

10.10 LEED Certification of Amenity Center. The amenity center building proffered by

Section 6.1 (a) shall achieve a certification level of Certified under U.S. Green Building Council's Leadership in Energy and Environmental Design certification program. Owner shall furnish evidence of certification to the Director of Planning.

10.11 Water Quality Monitoring Program. In addition to the cash contributions provided for by Section 8(e) of these Proffers, Owner shall cooperate with the Environmental and Stormwater Divisions in establishing three water quality monitoring stations on the Property in locations approved by Owner. These stations will be located to operate in conjunction with any other stream monitoring conducted by Owner pursuant to permit or regulatory requirements.

11. Development Phasing. The County shall not be obligated to issue building permits for more than the number of units on a cumulative basis set forth beside each anniversary of the date of the final approval of the applied for rezoning by the Board of Supervisors:

Anniversary of Rezoning	**Maximum Number of Units**
1	**200**
2	**450**
3	**750**
4	**1,100**
5	**1,450**
6	**1,800**

7	**2,150**
8	**2,500**
9	**2,850**
10	**3,200**
11	**3,550**
12	**3,646**

12. **Conceptual Review.** At least 60 days prior to submission of a development plan for all or any portion of a Tract, Owner shall submit a conceptual development plan for the development of the entire Tract to the Director of Planning for review and comment by the Director of Planning and the Development Review Committee. The conceptual development plan shall show the layout of lots/units or commercial buildings, density in units or square footage, road locations, amenity areas and improvements, trails and pedestrian paths, common and natural open space, required or proffered buffers, proposed clearing limits and any archaeology or natural resource preservation areas within the tract. Such review shall be for the purposes of determining general consistency with zoning ordinance requirements, the Master Plan, these proffers and other applicable County policies.

13. **Work Force Housing.** A minimum of 125 of the residential units shall be

reserved and offered for sale at an average price at or below $250,000 ("Workforce Units") subject to adjustment as set forth herein. The Workforce Units shall be shown and designated as such on the development plans for the area in question. The maximum prices set forth herein shall be adjusted annually, or January 1st of each year, by increasing such prices by the cumulative rate of inflation as measured by the Index annual average change for the period from January 1, 2008 until January 1 of the year in question. The Director of Planning shall be provided with a copy of the settlement statement for each sale of a Workforce Unit and a spreadsheet prepared by Owner showing the prices of all of the Workforce Unit that have been sold for use by the County in tracking compliance with the price restrictions applicable to the Workforce Units.

14. **Water and Sewer Master Plans**. Owner shall submit to the JCSA for its review and approval an overall master water and sanitary sewer plan for the Property prior to the submission of any development or subdivision plans for the Property. The overall Master Plan will be submitted as a skeletized layout reflecting the major pressure lines of the system with calculations justifying the line sizes. The purpose of the overall water master plan is to be sure the "system backbone" is appropriately sized for total build-out and not handled on a section-by-section submittal basis. The overall Master Water Plan shall also identify at what point in the development a future water source/facility may be required. JCSA will not require lift station locations and gravity sewer layout to be shown as part of the overall Master Sewer Plan. These

items will be included on sub-Development Area master plan submittals when more detail can be provided (i.e. lift station locations, gravity sewer layout, looping of waterlines, etc). It is understood the Reclaimed Water System if implemented will impact the overall Master Sewer Plan. Assuming that the project will be moving forward with sections of the development prior to this determination, notes/disclaimers will be added to the overall Master Sewer Plan stating the water re-use facility is not included. If the Reclaimed Water System does happen, then revised overall Master Sewer Plans will have to be submitted.

15. **Strip Shopping Centers Prohibited**. No retail development in Tracts 10 or 11 shall consist of an unbroken row or line of building fronts which are one unit deep and parallel or principally oriented to either Fieldstone Parkway, Six Mount Zion Road, Bridge Road or Mount Laurel Road with the parking field for such buildings located between the building and Fieldstone Parkway or Mount Laurel Road. It is the intent of this proffer to prohibit retail development commonly known as "strip retail/commercial development." Development plans for retail development in Tracts 10 and 11 shall be subject to approval by the Director of Planning as to their compliance with this proffer.

16. **Tract 9 Height Limit**. No building in Tract 9 shall exceed 35 feet in height.

17. **Design Review.** Owner shall prepare and submit design review guidelines for each Tract of the Property to the Director of Planning setting forth design and architectural standards consistent with the Section entitled "Architectural Criteria" of the Community Impact

Statement on file with the Planning Department for the development of the Tract prior to the County being obligated to grant final approval to any development plans for the Tract (the "Guidelines"). Owner shall establish one or more Design Review Board(s) to review all building plans and building elevations for conformity with the Guidelines and to approve or deny such plans.

18. **Headings**. All section and subsection headings of Conditions herein are for convenience only and are not a part of these Proffers.

19. **Severability**. If any condition or part thereof set forth herein shall be held invalid or unenforceable for any reason by a court of competent jurisdiction, the invalidity or unenforceability of such condition or part thereof shall not invalidate any other remaining condition contained in these Proffers.

WITNESS the following signatures and seals:

GS STONEHOUSE GREEN LAND SUB LLC.

By: _____
Title: SVP

STATE OF ~~VIRGINIA~~ Connecticut
CITY/COUNTY OF Fairfield, to-wit:

The foregoing instrument was acknowledged before me this 27th day of November, 2007 by Michael Bradley, Senior Vice President of GS STONEHOUSE GREEN LAND SUB LLC, a Delaware limited liability company, on behalf of the company.

_____
NOTARY PUBLIC

My commission expires:

_____

JENNIFER L. SKAWINSKI
Notary Public
Fairfield Cty. CT
My Commission Expires 5-31-08

EXHIBIT "A"
PROPERTY DESCRIPTION

DESCRIPTION OF PROPERTY
HELD BY
STONEHOUSE GLEN, LLC, JTL STONEWILL JOINT VENTURE, LLC AND CIMARRON CAPITAL, LLC

Tract I
Tax Parcel ID No.: 0540100002

"LAGRANGE" Tract, containing 203.29 acres, more or less, being Parcels A, B and D on a plat of survey made by John B. Vance, Jr., C.L.S., dated February 5, 1972, recorded in Plat Book 29, Page 40. Being the same land conveyed to the Chesapeake Corporation of Virginia by Littleberry James Haley, Jr., et al., by deed dated March 30, 1981, recorded in Deed Book 212, Page 411. LESS AND EXCEPT all lands lying north of the southerly boundary line of "Fieldstone Parkway" shown on that certain plat entitled "SUBDIVISION PLAT SHOWING STONEHOUSE GLEN SECTION 1 & 2 AND RIGHT OF WAY OF FIELDSTONE PARKWAY BEING A SUBDIVISION OF THE PROPERTY OF FIELDSTONE INVESTMENT, LLC AND STONEHOUSE GLEN, LLC" dated May 31, 2006, prepared by LandMark Design Group, recorded in the Clerk's Office for the City of Williamsburg and the County of James City as Instrument Number 060016179.

Tract II
Tax Parcel ID No.: 0540100014

All that property shown as "Parcel R-1" on that certain plat entitled "SUBDIVISION PLAT SHOWING STONEHOUSE GLEN SECTION 1 & 2 AND RIGHT OF WAY OF FIELDSTONE PARKWAY BEING A SUBDIVISION OF THE PROPERTY OF FIELDSTONE INVESTMENT, LLC AND STONEHOUSE GLEN, LLC" dated May 31, 2006, prepared by LandMark Design Group, recorded in the Clerk's Office for the City of Williamsburg and the County of James City as Instrument Number 060016179.

Tract III
Tax Parcel ID No.: 0530100021

All that property shown as "Parcel R-2" on that certain plat entitled "SUBDIVISION PLAT SHOWING STONEHOUSE GLEN SECTION 1 & 2 AND RIGHT OF WAY OF FIELDSTONE PARKWAY BEING A SUBDIVISION OF THE PROPERTY OF FIELDSTONE INVESTMENT, LLC AND STONEHOUSE GLEN, LLC" dated May 31, 2006, prepared by LandMark Design Group, recorded in the Clerk's Office for the City of Williamsburg and the County of James City as Instrument Number 060016179.

DESCRIPTION OF PROPERTY
HELD BY
FIELDSTONE INVESTMENT, LLC, JTL STONEWILL JOINT VENTURE, LLC AND CIMARRON CAPITAL, LLC

Tract I
Tax Parcel ID No.: 0440100026

12.5757 acres, shown as Parcel C on a "Boundary Line Adjustment Plat of Property owned by Stonehouse, Inc. and Golf Trust of America, L.P." made by Langley and McDonald, P.C., dated 5/5/97, recorded in Plat Book 66, Pages 89-93. LESS AND EXCEPT 5.2428 acres shown as Parcel C-1 on "Subdivision Plat of Stonehouse Development Area One, Phase 1, Section I-B, Section II-A, Section III-C, Being a Subdivision of Properties Owned by Stonehouse Limited Liability Company and Stonehouse, Inc.", made by Langley and McDonald, Inc., dated November 19, 1999, last revised December 9, 1999, recorded in Plat Book 75, Pages 93-97, and being the same 5.2428 acres conveyed to Stonehouse Development Company, LLC by deed dated December 27, 1999, from Stonehouse, Inc. recorded as Document No. 99-26875.

Tract II
Tax Parcel ID No.: 0440100027

5.0538 acres shown as Parcel D on a "Boundary Line Adjustment Plat of Property Owned by Stonehouse, Inc. and Golf Trust of America, L.P." made by Langley and McDonald, P.C., dated 5/5/97, recorded in Plat Book 66, Pages 89-93.

Tract III
Tax Parcel ID No.: 0440100028

13.1105 acres shown as Parcel E on a "Boundary Line Adjustment Plat of Property Owned by Stonehouse, Inc. and Golf Trust of America, L.P." made by Langley and McDonald, P.C., dated 5/5/97, recorded in Plat Book 66, Pages 89-93.

Tract IV
Tax Parcel ID Nos.: 0440100029, 0530100010 and 0530100025

Section I-B containing 19.1500 acres and Section III-C containing 16.0620 acres, all as shown on "Subdivision Plat of Stonehouse Development Area One, Phase 1, Section I-B, Section II-A, Section III-C, Being a Subdivision of Properties Owned by Stonehouse Limited Liability Company and Stonehouse, Inc.", made by Langley and McDonald, Inc., dated November 19, 1999, last revised December 9, 1999, recorded in Plat Book 75, Pages 93-97, and that certain property shown as "Parcel R-5" on that certain "SUBDIVISION PLAT SHOWING STONEHOUSE GLEN SECTION 1 & 2 AND RIGHT OF WAY OF FIELDSTONE PARKWAY BEING A SUBDIVISION OF THE PROPERTY OF FIELDSTONE INVESTMENT, LLC AND STONEHOUSE GLEN, LLC" dated May 31, 2006, prepared by LandMark Design Group, recorded in the Clerk's Office for the City of Williamsburg and the County of James City as Instrument Number 060016179

Tract V
Tax Parcel ID Nos.: 0530100022, 0530100023 and 0530100024

All that property shown as "BMP #6", "Parcel R-4", and "Parcel R-3" on that certain plat entitled "SUBDIVISION PLAT SHOWING STONEHOUSE GLEN SECTION 1 & 2 AND RIGHT OF WAY OF FIELDSTONE PARKWAY BEING A SUBDIVISION OF THE PROPERTY OF FIELDSTONE INVESTMENT, LLC AND STONEHOUSE GLEN, LLC" dated May 31, 2006, prepared by LandMark Design Group, recorded in the Clerk's Office for the City of Williamsburg and the County of James City as Instrument Number 060016179. Together with all the rights, title and interest in and to that certain easement conveyed to Fieldstone Investment, LLC under that certain Benefit Pathway and Utility Easement dated May 15, 2006, recorded in the aforementioned Clerk's Office as Document No. 060012689.

Tract VI
Tax Parcel ID No.: 1310100019

ALL THAT certain tract of land lying in Stonehouse District, James City County, Virginia, containing 48.21 acres, more or less, and being in the residue of the "Tankard" Tract, known among the tax recorded for said county as Tax Map 13-1 (1-19). Reference is made to that plat of survey recorded in the Clerk's Office, Circuit Court, James City County, Virginia, in Plat Book 50, Page 14, and Deed recorded in Deed Book 420, Page 712, that plat recorded in Plat Book 88, Pages 43-44, and that Deed recorded as Instrument Number 020027159.

Tract VII
Tax Parcel ID No.: 1310100008A

Parcel I: ALL THAT certain tract or parcel of land situate, lying and being in Stonehouse District, James City County, Virginia, known and designated as "35.0 Acres, +/-" on a certain plat entitled "Survey of 35 Acres +/- for Conveyance to: Jackie L. Garry M. & Steve L. Massie from: Leon Carr Avery & Maxie G. Avery", made by AES, a professional corporation, dated March 11, 1982, which plat is recorded in the Clerk's Office , Circuit Court, James City County, Virginia, in Plat Book 37, Page 24.

Parcel II: ALL THAT certain tract or parcel of land, Situate, Lying and being in Stonehouse District, James City County, Virginia, known and designated as "7.31 acres", on plat entitled "Boundary Survey of 7.31 Acres Located on the North Line of Route 30", made by AES, a professional corporation, dated December 17, 1984, and described by metes and bounds in that certain deed recorded in the Clerk's Office aforesaid in Deed Book 262, Page 455.

DESCRIPTION OF PROPERTY
HELD BY
MOUNT LAUREL, LLC, JTL STONEWILL JOINT VENTURE, LLC AND CIMARRON CAPITAL, LLC

Tract I
Tax Parcel ID No.: 0540100013

"**ENOS**" Tract, containing 149.26 acres by survey, being more particularly shown and described on a plat of survey by R. B. Cartwright, C.L.S., dated August 15, 1980, a copy of which is recorded in Plat Book 50, Page 12. Being the same property conveyed to the Chesapeake Corporation of Virginia by Elsie M. Slater, et al., by deed dated January 23, 1980, recorded in Deed Book 202, Page 752. LESS AND EXCEPT that property shown as "NEW RIGHT OF WAY" on that certain plat entitled "PLAT SHOWING RIGHT OF WAY BEING THE EXTENSION OF LAGRANGE PARKWAY AND RE-ALIGNMENT OF A PORTION OF STATE ROUTE 600", dated July 8, 2002, last revised January 16, 2003, prepared by LandMark Design Group, recorded in the Clerk's Office for the City of Williamsburg and the County of James City as Instrument Number 030010861.

Tract II
Tax Parcel ID No.: 0640100001

"**ENOS**" Tract, containing 19.34 acres by survey, being more particularly shown and described on a plat of survey by R. B. Cartwright, C.L.S., dated August 15, 1980, a copy of which is recorded in Plat Book 50, Page 12. Being the same property conveyed to the Chesapeake Corporation of Virginia by Elsie M. Slater, et al., by deed dated January 23, 1980, recorded in Deed Book 202, Page 752. LESS AND EXCEPT that property shown as "NEW RIGHT OF WAY" on that certain plat entitled "PLAT SHOWING RIGHT OF WAY BEING THE EXTENSION OF LAGRANGE PARKWAY AND RE-ALIGNMENT OF A PORTION OF STATE ROUTE 600", dated July 8, 2002, last revised January 16, 2003, prepared by LandMark Design Group, recorded in the Clerk's Office for the City of Williamsburg and the County of James City as Instrument Number 030010861.

Tract III
Tax Parcel ID No.: 1310100021

"**CLOPTON**" Tract No. 33-2015, containing 158.83 acres by survey, being more particularly shown and described on a plat of survey by R. B. Cartwright, C.L.S., dated February 20, 1981, a copy of which is recorded in Plat Book 50, Page 13. Being a portion of the property conveyed to The Chesapeake Corporation by W. F. Woodward, et al., by deed dated March 11, 1952, recorded in Deed Book 47, Page 172.

Tract IV
Tax Parcel ID No.: 1310100022

"**TANKARD**" Tract No. 33-2011 (part of), containing 80.05 acres by survey, being that portion of the Tankard Tract lying to the northeast of Interstate 64, as more particularly shown and described on a plat of survey by R. B. Cartwright, C.L.S., a copy of which is recorded in Plat Book 50, Page 14. Being a portion of the property conveyed to The Chesapeake Corporation of Virginia by R. M. Hazelwood and wife by deed dated April 7, 1949, recorded in Deed Book 42, Page 97.

DESCRIPTION OF PROPERTY
HELD BY
FAIRMONT INVESTMENT, LLC, JTL STONEWILL JOINT VENTURE, LLC AND CIMARRON CAPITAL, LLC

Tract I
Tax Parcel ID No.: 0630100003

"ASHLOCK #1" Tract No. 33-2201, containing 152 acres by survey, being more particularly shown and described on a plat of survey by R.H. Highland, C.L.S., dated April 13, 1951, a copy of which is recorded in Plat Book 50, page 7, and 43 acres, more or less, bounded on the south by land now or formerly belonging to B.F. Garrett, on the east by Grantor's Stonehouse Tract, on the North and west by a swamp (it being parcel Fourth in the next mentioned deed). Being the same property conveyed to The Chesapeake Corporation by Mattie B. Lewis, widow, by deed dated June 4, 1941, recorded in Deed Book 33, page 386.

Tract II
Tax Parcel ID No.: 0540100005

"ASHLOCK #2" Tract No. 33-2002, containing 14 acres by survey, being more particularly shown and described on a plat of survey by R. H. Highland, C.L.S., dated April 13, 1951, revised December 16, 1988, a copy of which is attached in Plat Book 50, Page 8. The property is depicted on the aforesaid plat as part of a 24.42 acre tract. This conveyance is made subject, however, to the reservation of ¼ acre of the tract for use as a burying ground as set forth in that deed next mentioned. The 14 acres being the same property conveyed to The Chesapeake Corporation of Virginia by John G. Warburton and wife by deed dated May 5, 1947, recorded in Deed Book 39, page 25.

Tract III
Tax Parcel ID No.: 0540100005

"ASHLOCK #3" Tract No. 33-2020, containing 10 acres by survey, being more particularly shown and described on a plat of survey by R. H. Highland, C.L.S., dated April 13, 1951, revised December 16, 1988, a copy of which is recorded in Plat Book 50, Page 8. The property is depicted on the aforesaid plat as part of a 24.42 acre tract. The 10 acre tract is the same property conveyed to The Chesapeake Corporation of Virginia by Andrew B. Brooks and wife by deed dated August 1, 1957, recorded in Deed Book 62, page 93.

Tract IV
Tax Parcel ID No.: 0540100004

"BATEMAN-TYLER" Tract No. 33-2013, containing 49.98 acres, as depicted on a plat of survey dated April 6, 1951, revised, stamped and signed by Charles J. Kerns, Jr., L.S., which is recorded in Plat Book 50, Page 8. LESS AND EXCEPT 1.11 acres conveyed to the Commonwealth of Virginia by deed dated

January 3, 1955. The 49.98 acre tract being the same property conveyed to The Chesapeake Corporation of Virginia by the following:

(a) Deed from Margaret Tyler, dated June 3, 1949, recorded in Deed Book 42, page 539;
(b) Deed from Evold Tyler, et al., dated June 3, 1949, recorded in Deed Book 42, page 536.

Tract V
Tax Parcel ID No.: 0540100006

"HENLEY" Tract No. 33-2014, containing 26 acres, more or less, as depicted on a plat of survey made by R.H. Highland, C.L.S., dated May 29, 1951, recorded in Plat Book 12, Page 37. Being the same property conveyed to The Chesapeake Corporation of Virginia by J. Turner Henley, et al., by deed dated June 7, 1951, recorded in Deed Book 45, page 162.

Tract VI
Tax Parcel ID No.: 0540100008

"BANKS" Tract, containing 17 acres, more or less, and being made up of two tracts containing 8-1/2 acres each, of which John Ashlock died seized. LESS AND EXCEPT the following described property:

1. 2-1/2 acres conveyed to Solomon Ashlock by deed recorded in Deed Book 23, Page 6;

2. One acre conveyed to Rebecca Walker by deed recorded in Deed Book 22, Page 382; and

3. Such of the property as may lie within the bounds of Route 600.

For a more complete description of the land conveyed reference is made to the next mentioned deed. Being the same property conveyed to The Chesapeake Corporation of Virginia by Elizabeth H. Banks, et al., by deed dated October 10, 1974, recorded in Deed Book 156, page 584.

Tract VII
Tax Parcel ID No.: 0540100007

"BOWMAN" Tract, containing 2 $^1/_2$ acres, more or less, as depicted on that plat of survey dated September 21, 1923, made by R. N. Crawford, and as more particularly described in the next mentioned deed. Being the same property conveyed to The Chesapeake Corporation of Virginia by A.H. Bowman and wife by deed dated January 10, 1974, recorded in Deed Book 149, page 724.

Tract VIII
Tax Parcel ID No.: 0540100011

"SLATER" Tract, containing 158 acres, more or less, as depicted on a plat thereof dated May 4, 1914, made by Sidney Smith, Surveyor, recorded in Plat Book 2, Page 50, including the church lot and the James Taylor Lot shown on the plat. LESS AND EXCEPT that portion of the property conveyed to the Commonwealth of Virginia for Route 600 recorded in Deed Book 53, Page 186. Being the same property conveyed to The Chesapeake Corporation of Virginia by A.D. Slater and wife by deed dated December 13, 1972, recorded in Deed Book 143, Page 425.

Tract IX
Tax Parcel ID No.: 0540100010

"WARE ASHLOCK #2" Tract, containing 1 $^1/_2$ acres, more or less, as more particularly described in the next mentioned deed. Being the same property conveyed to The Chesapeake Corporation of Virginia by D.W. Ware and wife dated September 4, 1980, recorded in Deed Book 206, page 621, and Solomon Ashlock dated December 17, 1973, recorded in Deed Book 149, page 202.

Tract X
Tax Parcel ID No.: 0540100012

"FILICHKO" Tract, containing 10.238 acres, being more particularly shown and described on a plat of survey by B.C. Littlepage, C.L.S., dated November 5, 1971, recorded in Plat Book 29, Page 6, being the same property conveyed to Chesapeake Corporation by John R. Filichko and wife by deed dated April 11, 1988, recorded in Deed Book 387, Page 143. LESS AND EXCEPT that property shown as "NEW RIGHT OF WAY" on that certain plat entitled "PLAT SHOWING RIGHT OF WAY BEING THE EXTENSION OF LAGRANGE PARKWAY AND RE-ALIGNMENT OF A PORTION OF STATE ROUTE 600", dated July 8, 2002, last revised January 16, 2003, prepared by LandMark Design Group, recorded in the Clerk's Office for the City of Williamsburg and the County of James City as Instrument Number 030010861.

DESCRIPTION OF PROPERTY
HELD BY
SIX HUNDRED NORTH, LLC, JTL STONEWILL JOINT VENTURE, LLC AND CIMARRON CAPITAL, LLC

Tract I
Tax Parcel ID No.: 0610100002

"CEDAR POINT" Tract No. 33-2023, containing 96.58 acres by survey, being more particularly shown and described on plat of survey by O.M. Chandler, C.L.S., dated October 1917, recorded in Plat Book 25, Page 22 and Plat Book 6, Page 5. LESS AND EXCEPT that portion of the property conveyed to the Commonwealth of Virginia for Route 600 recorded in Deed Book 53, Page 186. Being the same property conveyed to the party of the first part by A.D. Slater and wife by deed dated November 14, 1967, recorded in Deed Book 114, Page 193.

Tract II
Tax Parcel ID No.: 0540100009

"WARE ASHLOCK #1" Tract, containing 22 acres, more or less, in the aggregate and consisting of two tracts containing 7-1/2 acres, 4-1/2 acres and two tracts of unstated acreage, all as more particularly described in the next mentioned deed. Being the same property conveyed to The Chesapeake Corporation of Virginia by D.W. Ware and wife by deed dated September 4, 1980, recorded in Deed Book 206, page 621 and by William Arthur Ashlock, et al., by deed dated March 1, 1973, recorded in Deed Book 146, page 281.

Tract III
Tax Parcel ID No.: 0610100001

That portion of **"RICHARDSON'S MILL POND"** Tract, containing 41 acres, more or less, which lies in James City County, and is the James City Part of the 58.99 acres depicted on that plat of survey by R.H. Highland, C.L.S., dated November 8, 1951, recorded in Plat Book 16, page 18. Being a portion of the property conveyed to Chesapeake Corporation by deed from David Nelson Sutton, Jr., Executor, et al., dated July 3, 1987, recorded in Deed Book 395, page 59. Subject, however, to rights of others in and to the use and enjoyment of the millpond and rights of others to withdraw water from the millpond.

Tract IV
Tax Parcel ID No.: 0630100002

"FARINHOLT" Tract, containing 146 acres, more or less, being more particularly shown and described on plat of survey by G.L. Evans, C.L.S., dated January 19, 1934, which plat is recorded in Plat Book 50, Page 9. LESS AND EXCEPT 1.59 acres, more or less, conveyed to the Commonwealth of Virginia by deed dated January 3, 1955. Being the residue of the tract conveyed to The Chesapeake Corporation by T.H. Geddy, Jr., Special Commissioner, by deed dated August 1, 1929, recorded in Deed Book 25, Page 239.

DESCRIPTION OF PROPERTY
HELD BY
TYMAR CAPITAL, LLC, JTL STONEWILL JOINT VENTURE, LLC AND CIMARRON CAPITAL, LLC

Tract I
Tax Parcel ID No.: 0630100004

"GARRETTS" Tract No. 33-2004, containing 534.24 acres, more or less, being the same property conveyed to The Chesapeake Corporation by C. L. Woodward and wife by deed dated March 18, 1925, recorded in Deed Book 22, Page 5. The tract is comprised of five tracts containing 25 acres, 86 acres, 50 acres, 213.41 acres and 159.83 acres, all as described on the aforementioned deed.

Tract II
Tax Parcel ID No.: 0640100002

All of the right, title and interest of the Chesapeake Corporation of Virginia in and to the "**MILES BRAXTON**" Tract, containing 16 acres, more or less, as depicted on that plat of survey dated April 15, 1974, made by R. B. Cartwright, C.L.S., recorded in Deed Book 152, Page 163. Being the same property conveyed to The Chesapeake Corporation of Virginia by the following:

A. Deed from James Clarke and wife, et al., dated April 18, 1974, recorded in Deed Book 152, Page 159;
B. Deed from Carry Lee Clarke dated May 13, 1974, recorded in Deed Book 152, Page 344; and,
C. Deed from Ida Mae Braxton dated May 24, 1974, recorded in Deed Book 152, Page 581.

Tract III
Tax Parcel ID No.: 1320100027

"**WOODWARD**" Tract No. 33-2022, containing 9.75 acres by survey, being more particularly shown and described on plat of survey by R. H. Highland, C.L.S., recorded in Plat Book 22, Page 35. Being the same property conveyed to the Chesapeake Corporation of Virginia by C. L. Woodward, et al., by deed dated December 6, 1963, recorded in Deed Book 93, Page 564.

Tract IV
Tax Parcel ID No.: 1320100028

All of the right, title and interest of the Chesapeake Corporation of Virginia in and to the "**JAMES TAYLOR #2**" Tract, containing 9 ¾ acres, more or less. The tract is bounded on the north and east by the Garretts Tract (Tract I above), on the south by the Woodward Tract (Tract III above) and on the west by Route 606. Being the same property conveyed to The Chesapeake Corporation of Virginia by the following:

A. Deed from James Wallace and wife dated May 12, 1976, recorded in Deed Book 172, Page 617;
B. Deed from Horace Taylor, et al., dated March 15, 1976, recorded in Deed Book 172, Page 619;
C. Deed from Wilbert Wallace, et al., dated March 15, 1976, recorded in Deed Book 172, Page 622;
D. Deed from Forest Ashby, et al., dated March 15, 1976, recorded in Deed Book 172, Page 626;
E. Deed from Calvin Taylor, et al., dated March 1, 1976, recorded in Deed Book 172, Page 629;
F. Deed from Richard Roberts, et al., dated February 13, 1976, recorded in Deed Book 166, Page 483.

DESCRIPTION OF PROPERTY
HELD BY
STONEHOUSE CAPITAL, LLC, JTL STONEWILL JOINT VENTURE, LLC AND CIMARRON CAPITAL, LLC

Tract I
Tax Parcel ID No.: 0710100001

"**WILLIAM LEE**" Tract No. 33-2008, containing 90 acres, more or less, being the same property conveyed to The Chesapeake Corporation of Virginia by C. W. Payne, et al., by deed dated October 9, 1946, recorded in Deed Book 38, page 546 The tract is depicted on that plat made by Girard Chambers recorded in Plat Book 10, Page 35.

Tract II
Tax Parcel ID No.: 0740100020

"**W. P. RICHARDSON**" Tract No. 33-2009, containing 1,683 acres, more or less, being a portion of the property conveyed to The Chesapeake Corporation by Chesapeake Pulp & Paper Company, Incorporated by deed dated May 1, 1922, recorded in Deed Book 20, page 92. Subject, however, to that Boundary Line Agreement dated November 7, 1994 between Stonehouse Inc. and Horace G. Dean, Jr., recorded in Deed Book 720, Page 883.

Tract III
Tax Parcel ID No.: 0640100001

"**STONEHOUSE**" Tract No. 33-2010, containing 269 acres, more or less, being the same property conveyed to The Chesapeake Corporation by I. S. Waltman and wife by deed dated September 15, 1939, recorded in Deed Book 31, page 350. The property is depicted on a plat made by O. M. Chandler, Surveyor, dated October, 1917, recorded in Plat Book 6, Page 5 and Plat Book 25, Page 22.

Tract IV
Tax Parcel ID No.: 0740100021

"**GARRETT LEE**" Tract No. 33-2024, containing 239-3/4 acres, more or less, and being all of a tract of land known as "Barnett Jones" depicted on a plat of survey made by Geo. P. Coleman, Surveyor, as appears on a map recorded in Deed Book 6, Pages 226-227, except a portion thereof containing 1 acre which was conveyed to D. F. Ballard by deed dated May 4, 1944, recorded in Deed Book 42, page 462. Together with those easements of right of way conveyed to The Chesapeake Corporation of Virginia in the next mentioned deed. Being the same property conveyed to The Chesapeake Corporation of Virginia by B. F. Garrett, Jr., widower, by deed dated August 11, 1970, recorded in Deed Book 127, page 539.

Tract V
Tax Parcel ID No.: 0740100029

"**JAMES TAYLOR**" Tract, being shown as Lot 1 containing 3.0033 acres, more or less, and Lot 2 containing 1.2174 acres, more or less, on that plat of survey made by Paul C. Small, L.S., dated May 17, 1984, a copy of which is recorded in Plat Book 39, page 66. Together with and conveying by quitclaim only all the Grantor's right, title and interest in and to that certain strip of land containing 0.3355 acres, more or less, lying between the center line of Route 607 and Lots 1 and 2, designated "25' R/W

Dedication" on the aforementioned plat. Being the same property conveyed to The Chesapeake Corporation of Virginia by James H. Taylor and wife by deed dated February 9, 1974, recorded in Deed Book 150, page 229.

Tract VI
Tax Parcel ID No.: 0740100022

"**IVYDALE**" Tract No. 33-2007, containing 183.75 acres by survey, being more particularly shown and described on a plat of survey by R. B. Cartwright, C.L.S., dated December 15, 1981, a copy of which is recorded in Plat Book 50, Page 6. LESS AND EXCEPT that portion of the tract depicted on "Plat of Subdivision & Property Line Extinguishment Ivey Dell" dated 10/25/94, last revised 3/15/95, made by AES Consulting Engineers, recorded in Plat Book 61, Pages 35 - 37, leaving by estimation 58.75 acres, more or less, lying entirely on the west side of Route 607, to be conveyed by the previous deed. Being the same property conveyed to The Chesapeake Corporation by Chesapeake Pulp & Paper Company, Incorporated by deed dated May 1, 1922, recorded in Deed Book 20, page 92.

DESCRIPTION OF PROPERTY
HELD BY
COMMERCE PARK AT STONEHOUSE, LLC, JTL STONEWILL JOINT VENTURE, LLC AND CIMARRON CAPITAL, LLC

Tract I
Tax Parcel ID Nos.: 1210100047, 1210100048, and 0640100001

"**LAGRANGE**" Tract, containing (i) 223.89 acres as depicted on that plat of survey dated August 26, 1988 made by Charles J. Kerns, Jr., L.S., recorded in Plat Book 50, Page 11, as conveyed to Chesapeake Corporation by Sheldon Lumber Company, Incorporated, dated April 29, 1987, recorded in Deed Book 393, Page 285, and (ii) 4.75 acres, depicted as Parcel B on plat of survey dated 3/29/84 made by AES, recorded in Deed Book 246, page 313, as conveyed to Stonehouse Inc. by deed from Howard V. Clayton and Marion P. Clayton dated January 28, 1992, recorded Deed Book 549, Page 59. LESS AND EXCEPT the following described property:

1. 15.00 acres depicted on "Plat of Section A of Stonehouse Commerce Park at Stonehouse for Stonehouse, Inc." dated 10/10/95, made by Langley and McDonald, P.C., recorded in Plat Book 62, Pages 94-96, as conveyed to Amoco/Enron Solar by deed dated October 12, 1995, recorded in Deed Book 758, Page 721;

2. 11.1906 acres, depicted as Parcel A on "Plat of Section A of Stonehouse Commerce Park at Stonehouse for Stonehouse Inc." dated 10/10/95, made by Langley and McDonald, P.C. recorded in Plat Book 62, Pages 94-96, as conveyed to The Industrial Development Authority of James City County by deed dated September 30, 1996, recorded in Deed Book 809, Page 728;

3. 4.600 acres, depicted as Stonehouse Commerce Park, Section B, Parcel A on that plat entitled "Plat of Section B of Stonehouse Commerce Park at Stonehouse Commerce Park at Stonehouse for Stonehouse Inc." made by Langley and McDonald, P.C., dated 1/23/98, recorded in Plat Book 68, Pages 60-61, as conveyed to The Barre Company, L.L.C., by deed dated March 3, 1998, recorded as Document No. 98-4099;

4. 6.245 acres, as depicted on "Plat of Boundary Line Adjustment Stonehouse Commerce Park Between Avid Realty, L.L.C. and Stonehouse Inc" dated May 2, 2002, made by AES Consulting

Engineers, recorded in the Clerk's Office aforesaid in Plat Book 87, Page 89, of which 3.100 acres, depicted as Stonehouse Commerce Park, Section B, Parcel B on that plat entitled "Plat of Section B of Stonehouse Commerce Park at Stonehouse Commerce Park at Stonehouse for Stonehouse Inc." made by Langley and McDonald, P.C., dated 1/23/98, recorded in Plat Book 68, Pages 60-61, was conveyed to Avid Realty, L.L.C., by deed from Stonehouse Inc., dated June 23, 1998, recorded as Document No. 98-11721;

5. 74.3712 acres, depicted as "Stonehouse Commerce Park, Section C, Parcel A" on the plat entitled "Plat of Section C of Stonehouse Commerce Park at Stonehouse Commerce Park at Stonehouse for Stonehouse Inc." made by Langley and McDonald, P.C., dated 3/22/99, recorded in Plat Book 73, Pages 38-39, as conveyed to Wachovia Capital Investments, Inc., by deed from Stonehouse Inc. dated May 17, 1999, recorded as Document No. 99-11248;

6. 4.1278 acres, depicted as "Stonehouse Commerce Park, New Parcel B-1, Section C" on the plat entitled "Resubdivision Plat of Section C, Parcel B of Stonehouse Commerce Park at Stonehouse Commerce Park at Stonehouse for Stonehouse Inc." made by Landmark Design Group, dated 4/5/00, recorded in Plat Book 77, Pages 28-29, as conveyed to Friendship Partnership, LLC, by deed from Stonehouse Inc. dated April 6, 2000, recorded as document No. 00-7666;

7. Parcel A-2B containing 4151 S.F., Parcel A-2A containing 2750 S.F. and Parcel A-1A containing 2050 S.F., all as depicted on "Resubdivision Plat of Section A, Parcel A of Stonehouse Commerce Park at Stonehouse for the Industrial Development Authority of the County of James City, Virginia" made by Landmark Design Group, dated March 17, 2000, last revised June 23, 2000, recorded in Plat Book 78, Pages 4-5, and as conveyed to The Industrial Development Authority of James City County by three deeds from Stonehouse Inc. dated June 26, 2000, June 23, 2000 and June 23, 2000, recorded as Document Numbers 00-12706, 00-12707 and 00-12708, respectively;

8. All that certain lot, piece or parcel of land with all improvements thereon and appurtenances thereunto belonging, situate, lying and being in the County of James City, Virginia, known and designated as "New Parcel," consisting of 10.3± acres, more or less, as shown on that certain plat entitled, "SUBDIVISION OF THE PROPERTY OF STONEHOUSE AT WILLIAMSBURG, LLC AT STONEHOUSE COMMERCE PARK STONEHOUSE DISTRICT, JAMES CITY COUNTY, VIRGINIA, made by Landmark Design Group, dated October 24, 2003, and revised October 28, 2003, and recorded in the Clerk's Office of the Circuit Court for the County of James City, Virginia as Instrument No. 030039997, to which reference is here made;

9. All that certain lot, piece or parcel of land with all improvements thereon and appurtenances thereunto belonging, situate, lying and being in the County of James City, Virginia, known and designated as "Parcel A 24,157 S.F. .05689 AC." on that certain plat entitled, "SUBDIVISION PLAT OF PARCEL A & PARCEL B SECTION D, STONEHOUSE COMMERCE PARK BEING A PORTION OF THE PROPERTY OF COMMERCE PARK AT STONEHOUSE, LLC", made by Landmark Design Group, dated September 26, 2005, attached hereto as Exhibit A-1, and the easement rights to be conveyed therewith as noted on the aforementioned plat; and

10. All that property shown as "NEW RIGHT OF WAY" on that certain plat entitled "PLAT SHOWING RIGHT OF WAY BEING THE EXTENSION OF LAGRANGE PARKWAY AND RE-ALIGNMENT OF A PORTION OF STATE ROUTE 600", dated July 8, 2002, last revised January 16, 2003, prepared by LandMark Design Group, recorded in the Clerk's Office for the City of Williamsburg and the County of James City as Instrument Number 030010861.

Together with the reservation of easements set forth in the following Deeds of Conveyance: Deed Book 758 Page 721, Deed Book 809 Page 728, Document No. 980004099, Document No. 980011721, Document No. 990011248, Document No. 000007666 and Document No. 020022341.

ALSO LESS AND EXCEPT:

11. That certain lot or parcel of land located in the Stonehouse District of James City County, Virginia shown and set out as "Parcel B, 100,898 S. F., 2.3163 AC." on the plat of subdivision entitled "Subdivision Plat of Parcel A & Parcel B, Section D, Stonehouse Commerce Park Being a Portion of the Property of Commerce Park at Stonehouse, LLC", prepared by Landmark Design Group and dated February 16, 2006, consisting of three sheets, which plat of subdivision is recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City as Instrument No. 060009197.

Portions of the property being further described as follows:

Legal Description of Parcel R-1:

All that certain piece or parcel of land situate in James City County, Virginia lying east of the easterly right of way line of Stonehouse Glen and north of the northerly right of way line of Fieldstone Parkway containing 12.8822 acres being listed as tax parcel number 0540100014 by the county assessor's office and shown as parcel R-1 on sheet 6 of that certain plat titled "Subdivision Plat Showing Stonehouse Glen Sections 1&2 and Right of way of Fieldstone Parkway" prepared by Landmark Design Group, Inc. and dated 05/31/06 and recorded in the clerk's office of the Circuit of James City County Virginia as Document number 060016179 and being more particularly described as follows:

Beginning at a point on the northerly right of way line of Fieldstone Parkway at it's intersection with the westerly right of way line of State Route 600 (Six Mount Zion Road); thence following along the northerly right of way line of Fieldstone Parkway the following two courses: 1)N27°51'59"W, 11.42 feet to a point; 2) thence along a curve to the left having a radius of 975.00 feet, an arc length of 920.51 feet, a

chord bearing of N54°54'48"W and a chord length of 886.70 feet to a point at the intersection of the northerly right of way line of Fieldstone Parkway and the easterly right of way line of Stonehouse Glen; thence along the easterly right of way line of Stonehouse Glen the following 3 courses: 1) along a curve to the right having a radius of 25.84 feet, an arc length of 39.15 feet, a chord bearing of N38°33'29"W and a chord length of 35.51 feet to a point; 2) N04°50'29"E, 46.18 feet to a point; 3)along a curve to the left having a radius of 327.50 feet, an arc length of 117.50 feet, a chord bearing of N05°26'12"W and a chord length of 116.87 feet to a point; thence leaving said right of way line and following the line common with the property herein described and BMP #2 as shown on Sheet 6 of the aforementioned plat the following 6 courses: 1)S89°07'13"E, 132.25 feet to a point; 2)S34°28'26"E, 78.75 feet to a point; 3) N38°23'49"E, 223.20 feet to a point; 4)N17°15'58"W, 107.36 feet to a point; 5) S83°56'17"W, 259.91 feet to a point; 6)S54°10'49"W, 108.22 feet to a point on the easterly right of way line of Stonehouse Glen; thence following along the said right of way line the following 4 courses: 1) along a curve to the left having a radius of 327.50 feet, an arc length of 11.32 feet, a chord bearing of N40°30'46"W and a chord length of 11.32 feet to a point; 2) N41°30'10"W, 111.28 feet to a point; 3) along a curve to the right having a radius of 315.00 feet, an arc length of 234.01 feet, a chord bearing of N20°13'34"W and a chord length of 228.66 feet to a point; 4) along a curve to the right having a radius of 474.75 feet, an arc length of 193.92 feet, a chord bearing of N12°45'33"E and a chord length of 192.58 feet to a point; thence leaving said right of way line and following the line common with the property herein described and Stonehouse Glen Section 1 and 2 the following 11 courses: 1)S59°52'08"E, 180.81 feet to a point; 2) thence S80°19'22"E, 62.20 feet to a point; 3) thence S59°02'36"E, 45.43 feet to a point; 4) thence S52°58'17"E, 153.37 feet to a point; 5) thence S48°12'27"E, 126.90 feet to a point; 6)thence S47°35'14"E, 87.45 feet to a point; 7) thence S59°25'04"E, 64.24 feet to a point; 8) thence S79°26'17"E, 181.54 feet to a point; 9) thence S72°06'55"E, 117.57 feet to a point; 10) thence S63°28'41"E, 130.02 feet to a point; 11) thence S85°21'08"E, 66.99 feet to a point; thence S09°00'53"W, 807.87 feet and returning to the point of beginning.

Legal Description of Parcel R-2:

All that certain piece or parcel of land situate in James City County, Virginia listed as tax parcel number 0530100021 by the assessor's office containing 44.4 acres more or less, and shown as parcel R-2 on sheet 5 of that certain plat titled "Subdivision Plat Showing Stonehouse Glen Sections 1&2 and Right of way of Fieldstone Parkway" prepared by Landmark Design Group, Inc. and dated 05/31/06 and recorded in the Clerk's Office of the Circuit of James City County Virginia as Document number 060016179 and being more particularly described as follows:

Beginning at a point on the northerly right of way line of Fieldstone Parkway at it's intersection with the centerline of Bird Swamp; thence leaving the said right of way line in a northeasterly direction along the centerline of Bird Swamp being the line common with the property herein described and the property now or formerly of Fieldstone Investment, LLC approximately 683 feet to a point; thence continuing in a northeasterly direction along the centerline of Bird Swamp, being the line common with the property herein described and the property now or formerly of The Tradition Golf Club at Stonehouse approximately 459 feet to a point; thence following along the line common with the property herein described and Stonehouse Glen Sections 1&2 the following 23 courses: 1)S24°44'41"E, 193.25 feet to a point; 2)thence S29°25'36"E 83.19 feet to a point; 3) thence S20°46'56"E, 83.19 feet to a point; 4) thence S23°50'25"E, 44.89 feet to a point; 5) thence S44°14'36"E, 44.89 feet to a point; 6) thence S54°33'51"E, 68.88 feet to a point; 7) thence S44°41'23"E, 59.34 feet to a point; 8) thence S20°59'50"E, 89.28 feet to a point; 9) thence S09°05'20"E, 89.28 feet to a point; 10) thence S04°57'44"W, 67.71 feet to a point; 11) thence S28°55'22"E, 67.71 feet to a point; 12)thence S40°56'46"E, 411.15 feet to a point; 13) thence S50°40'20"E, 62.35 feet to a point; 14) thence S 69°39'14"E, 62.35 feet to a point; 15) thence

S77°49'07"E, 242.82 feet to a point; 16) thence S81°57'29"E, 242.82 feet to a point; 17) thence S86°07'40"E, 88.15 feet to a point: 18) thence S72°39'37"E, 191.40 feet to a point; 19) thence S 71°32'24"W, 101.66 feet to a point; 20) thence S14°45'50"E, 20.75 feet to a point; 21) thence N67°49'44"E, 200.78 feet to a point; 22) thence N58°14'25"E, 164.29 feet to a point; 23)thence N89°07'24"E, 186.67 feet to a point on the westerly right of way line of Stonehouse Glen; thence following the westerly right of way line of Stonehouse Glen the following 5 courses: 1) along a curve to the left having a radius of 365.00 feet, an arc length of 258.81 feet, a chord bearing of S21°11'23"E and a chord length of 253.42 feet to a point; 2) thence S41°30'10"E, 99.60 feet to a point; 3) thence along a curve to the right having a radius of 272.50 feet, an arc length of 220.41 feet, a chord bearing of S18°19'50"E and a chord length of 214.45 feet to a point; 4) thence S04°49'34"W, 57.84 feet to a point; 5) along a curve to the right having a radius of 25.84 feet, an arc length of 39.16 feet a chord bearing of S48°13'56"W and a chord length of 35.52 feet to a point on the northerly right of way line of Fieldstone Parkway; thence following along said right of way line the following 6 courses: 1)along a curve to the left having a radius of 975.00 feet, an arc length of 198.78 feet, a chord bearing of S85°48'11"W and a chord length of 198.44 feet to a point; 2) thence S79°57'44"W, 872.57 feet to a point; 3) thence along a curve to the right having a radius of 1036.00 feet, an arc length of 1064.98 feet, a chord bearing of N70°35'18"W, and a chord length of 1,018.71 feet to a point; 4) thence along a curve to the left having a radius of 2,608.00 feet, an arc length of 703.34 feet, a chord bearing of N48°51'53"W and chord length of 701.21 feet to a point; 5) thence N39°08'37"W, 183.44 feet to a point; 6) thence N56°35'26"W, 112.56 feet and returning to the point of beginning.

Legal Description for SH-1:

All that certain piece or parcel of land situate in James City County, Virginia containing 273.0 acres more or less, being shown as Parcel Numbers 6, 3, 2, 12, 7, 22 and a portion of Parcel Numbers 11, 18, 20 & 23 on Sheet 3 of a plat titled "ALTA/ACSM Land Title Survey of the Overall Perimeter Boundary of Tax parcels 0540100013, 1310100021, 1310100022, 0630100003, 0540100005, 0540100004, 0540100006, 0540100008, 0540100007, 0540100011, 0540100010, 0540100012, 0630100001, 0610100002, 0630100002, 0610100001, 0630100004, 0640100002, 1320100027, 1320100028, 0710100001, 0740100020, 0640100001, 0740100021, 0740100029, 0740100022, 0540100009, 0540100002, 0530100021 and 0540100014" prepared by Landmark Design Group, Inc., dated 05/07/04, revised 10/23/06 and being more particularly described as follows:

Commencing at a Point on the northerly right of way line of Interstate Highway 64 at its intersection with the centerline of Bird Swamp; thence leaving said right of way and following along the centerline of Bird Swamp in a northeasterly direction a distance of approximately 6,962 feet to a point, being the True Point of Beginning, thence from said point of beginning along the centerline of Bird Swamp being the line common with the property herein described and the properties now or formerly of Stonehouse Development Company and now or formerly of Alvis L. Golden, in a northeasterly direction a distance of approximately 1,667 feet to a point, five feet above the high water mark of Richardsons Mill Pond; thence continuing along a line five feet above the high water mark of Richardsons Mill Pond, being the line common with the property herein described and the property now or formerly of Hyatt, now or formerly of The Association at Stonehouse, Inc., now or formerly of Curl, now or formerly of Buggs, now or formerly of Ludtke, now or formerly of The Association at Stonehouse, Inc., now or formerly of Young, now or formerly of Curtis, and now or formerly of Nguyen, in a northerly direction approximately 2,932 feet; thence continuing along a line five feet above the high water mark of Richardsons Mill Pond, being the line common with the property herein described and the property now or formerly of The Association at Stonehouse, Inc. now or formerly of Schuck, now or formerly of Nelson, now or formerly of Hyatt, now or formerly of Brown, now or formerly of Phelps, now or formerly of Miran and now or formerly of Moore, in a northwesterly direction approximately 6,131 feet to a point; thence following the centerline of

Richardsons Mill Pond being the line common with the property herein described and the property now or formerly of Kinney and Johnson, Trustee, said line also being the municipal boundary line between James City County and New Kent County in a southeasterly direction a distance of approximately 3,531 feet to a point; thence continuing along the centerline of Richardsons Mill Pond in a northeasterly direction a distance of approximately 1,631 feet to a point; thence continuing along the centerline of Richardsons Mill Pond in a southeasterly direction a distance of approximately 145 feet to a point on the westerly right of way line of Six Mount Zion Road (State Route No. 600); thence following along said right of way line the following courses: along a curve to the right having a radius of 382.06 feet, a chord bearing of S49°45'46"W, a chord distance of 151.95 feet; and an arc length of 152.97 feet to a point; thence along a curve to the left having a radius of 207.33 feet a chord bearing of S15°48'28"W, a chord distance of 296.11 feet, and an arc length of 329.80 feet to a point; thence S30°01'47"E, 104.10 feet to a point; thence S35°40'48"E, 193.96 feet to a point; thence along a curve to the right having a radius of 452.46 feet, a chord bearing of S04°38'43"W, a chord distance of 447.20 feet an arc length of 467.75 feet to a point; thence S31°02'30"W, 89.02 feet to a point; thence along a curve to the left having a radius of 974.93 feet, a chord bearing of S22°14'41"W, a chord distance of 405.95 feet, and an arc length of 408.94 feet to a point; thence S10°13'41"W, 174.43 feet to a point; thence along a curve to the left having a radius of 460.74 feet, a chord bearing of; S07°45'49"E, a chord distance of 284.63 feet and an arc length of 289.36 feet to a point; thence S25°45'19"E 187.76 feet to a point; thence along a curve to the right to the right having a radius of 420.74 feet, a chord bearing of S12°09'49"E, a chord distance of 197.75 feet, and an arc length of 199.62 feet to a point; thence S01°25'41"W 388.43 feet to a point; thence along a curve to the right having a radius of 281.56 feet, a chord bearing of S18°34'12"W, a chord distance of 165.97 feet, and an arc length of 168.47 feet to a point; thence S45°43'44"W, 96.60 feet to a point; thence S44°54'41"W, 19.16 feet to a point; thence along a curve to the right having a radius of 547.96 feet, a chord bearing of S48°57'12"W, a chord distance of 77.25 feet, and an arc length of 77.31 feet to a point; thence S54°00'04"W, 97.89 feet to a point; thence S58°18'41"W, 208.93 to a point; thence along a curve to the left having a radius of 1165.92 feet a chord bearing of S54°13'11"W, a chord distance of 166.38 feet, and an arc length of 166.52 feet to a point; thence S50°07'41"W, 151.70 feet to a point; thence along a curve to the right, having a radius of 1125.92 feet, a chord bearing of S55°13'41"W, a chord distance of 200.18 feet, and an arc length of 200.44 feet to a point; thence S60°19'41"W, 72.30 feet to a point; thence S67°48'31"W, 145.01 feet to a point; thence S76°41'30"W, 244.16 feet to a point; thence along a curve to the left having a radius of 401.97 feet, a chord bearing of S68°31'40"W, a chord distance of 125.76 feet and an arc length of 126.28 feet to a point; thence S59°31'41"W, 288.32 feet; thence along a curve to the left having a radius of 306.48 feet, a chord bearing of S40°16'11"W a chord distance of 202.17 feet and an arc length of 206.03 feet to a point; thence S21°00'41"W, 491.76 feet to a point; thence along a curve to the left having a radius of 736.20 feet, a chord bearing of S16°46'11"W, a chord distance of 108.90 feet, and an arc length of 109.00 feet to a point; thence S12°31'41"W, 35.89 feet to a point; thence along a curve to the right having a radius of 298.31 feet, a chord bearing of S25°31'41"W, a chord distance of 134.21 feet, and an arc length of 135.37 feet to a point; thence S38°31'41"W, 82.59 feet; thence along a curve to the left having a radius of 258.73 feet, a chord bearing of S29°32'11"W, a chord distance of 80.87 feet, and an arc length of 81.21 feet to a point; thence S20°32'41"W, 100.83 feet to a point; thence along a curve to the left having a radius of 357.03 feet, a chord bearing of S11°40'41"W, a chord distance of 110.06 feet, and an arc length of 110.50 feet to a point; thence S02°48'41"W, 558.72 feet to a point; thence S07°25'02"W, 96.58 feet to a point; thence S15°09'06"W, 93.54 feet to a point; thence along a curve to the right having a radius of 338.10 feet, a chord bearing of S48°44'25"W, a chord distance of 259.36 feet, and an arc length of 266.19 feet to a point; thence S71°17'41"W, 62.90 feet to a point; thence along a curve to the left having a radius of 214.22 feet, a chord bearing of S61°17'41"W, a chord distance of 74.40 feet, and an arc length of 74.78 feet to a point; thence S51°17'41"W, 319.20 feet to a point; thence along a curve to the left having a radius of 280.44 feet, a chord bearing of S37°16'11"W, a chord distance of 135.93 feet, and an arc length of 137.29 feet to a point; thence S23°14'41"W, 109.29 feet to a point, thence S23°14'41"W, 483.46 feet to a point; thence along a curve to the right having a radius of 317.03 feet, chord bearing of S36°16'54"W, a chord distance of 143.03 feet, and an arc length of 144.27

feet to a point; thence N41°43'25"W, 9.79 feet to a point; thence along a curve to the right having a radius of 322.49 feet, chord bearing of S59°11'23"W, a chord distance of 122.11 feet, and an arc length of 122.85 feet to a point; thence along a curve to the right having a radius of 694.08 feet, chord bearing of S78°58'49"W, a chord distance of 152.96 feet, and an arc length of 153.27 feet to a point; thence S83°18'41"W, 38.67 feet to a point; thence along a curve to the left having a radius of 555.00 feet, chord bearing of S73°42'19"W, a chord distance of 185.23 feet, and an arc length of 186.10 feet to a point; thence leaving the westerly right of way line of Six Mount Zion Road (State Route No. 600)and following the line common with the property herein described and Stonehouse Glen Subdivision N09°00'53"E, 807.87 feet to a point; thence S85°21'08"E, 57.47 feet to a point; thence N46°18'59"E, 111.93 feet to a point; thence N17°07'33"E, 41.10 feet to a point; N17°07'33"E, 50.40 feet to a point; thence N01°04'14"E, 157.58 feet to a point; thence N07°14'05"W, 129.70 feet to a point; thence N07°02'42"W, 256.38 feet to a point; thence N07°19'11"E, 259.45 feet to a point; thence N09°15'15"W, 178.60 feet to a point; thence N25°35'02"W, 224.88 feet to a point; thence N08°58'01"W, 374.97 feet to a point; thence N13°59'43"E, 321.14 feet to a point; thence N07°10'27"W, 122.36 feet to a point; thence S21°15'02"E, 239.97 feet to a point; thence N11°30'41"E, 277.23 feet to a point; thence N01°09'13"W, 167.32 feet to a point; thence N09°48'22"W, 140.69 feet to a point; thence N02°50'55"W, 77.77 feet to a point; thence N15°53'04"W, 68.47 feet to a point; thence N24°03'24"W, 75.23 feet to a point; thence N61°16'43"W, 105.20 feet and returning to the Point of Beginning.

Legal Description for SH-2:

All that certain piece or parcel of land situate in James City County, Virginia containing 804.4 acres more or less, being shown as Parcel Numbers 5, 8, 14, 21, 16, 19 and a portion of Parcel Numbers 1, 11, 20 and 4 on Sheet 3 of a plat titled "ALTA/ACSM Land Title Survey of the Overall Perimeter Boundary of Tax parcels 0540100013, 1310100021, 1310100022, 0630100003, 0540100005, 0540100004, 0540100006, 0540100008, 0540100007, 0540100011, 0540100010, 0540100012, 0630100001, 0610100002, 0630100002, 0610100001, 0630100004, 0640100002, 1320100027, 1320100028, 0710100001, 0740100020, 0640100001, 0740100021, 0740100029, 0740100022, 0540100009, 0540100002, 0530100021 and 0540100014" prepared by Landmark Design Group, Inc., dated 05/07/04, revised 10/23/06 and being more particularly described as follows:

Beginning at a point on the northerly right of line of Interstate Highway 64 at its intersection with the easterly right of way line of State Route 600 (Six Mount Zion Road); thence following along the easterly right of way line of State Route 600 (Six Mount Zion Road) the following courses: N11°28'30"W, 352.08 feet to a point; thence S82°10'14"W, 5.94 feet to a point; thence along a curve to the right having a radius of 958.50 feet, a chord bearing of N09°28'22"E, a chord distance of 425.68 feet, and an arc length of 429.26 feet to a point; thence S85°54'49"E, 26.07 feet to a point; thence N45°48'30"E, 58.51 feet to a point; thence N69°17'48"E, 139.87 feet to a point; thence N18°04'06"E, 86.22 feet to a point; thence N35°53'30"E, 49.22 feet to a point; thence N48°20'13"E, 63.37 feet to a point; thence along a curve to the right having a radius of 495.00 feet, a chord bearing of N79°01'41"E, a chord distance of 73.94 feet and an arc length of 74.01 feet to a point; thence N83°18'41"E, 37.64 feet to a point; thence along a curve to the left having a radius of 754.08 feet, a chord bearing of N78°53'24"E, a chord distance of 166.42 feet, and an arc length of 166.76 feet to a point; thence continuing along a curve to the left having a radius of 382.49 feet, a chord bearing of N59°17'31"E, a chord distance of 146.17 feet to a point and an arc length of 147.07 feet to a point, thence N41°43'25"W, 10.21 feet to a point; thence along a curve to the left having a radius of 357.03 feet, a chord bearing of N36°13'24"E, a chord distance of 160.37 feet, and an arc length of 161.75 feet to a point; thence N23°14'41"E, 592.75 feet to a point; thenee along a curve to the right having a radius of 240.44 feet, a chord bearing of N37°16'11"E, a chord distance of 116.54 feet, and an arc length of 117.71 feet to a point; thence N51°17'41"E, 231.83 feet to a point; thence N54°34'12"E, 87.51 feet; thence along a curve to the right having a radius of 169.22 feet, a chord bearing

of N61°17'41"E, a chord distance of 58.77 feet, and an arc length of 59.07 feet to a point; thence N71°17'41"E, 44.83 to point; thence N63°09'12"E, 104.88 to a point; thence along a curve to the left having a radius of 378.10 feet, a chord bearing of N30°29'56"E, a chord distance of 351.37 feet, and an arc length of 365.42 feet to a point; thence N02°48'41"E, 612.23 feet to a point; thence along a curve to the right having a radius of 317.03 feet, a chord bearing of N11°40'41"E, a chord distance of 97.73 feet, and an arc length of 98.12 feet to a point; thence N20°32'41"E, 100.83 feet to a point; thence along a curve to the right having a radius of 218.73 feet, a chord bearing of N24°55'47"E, a chord distance of 33.45 feet, and an arc length of 33.48 feet to a point; thence N42°05'12"E, 35.09 feet to a point; thence N38°31'41"E, 82.59 feet to a point; thence N28°03'05"E, 84.54 feet to a point; thence along a curve to the left having a radius of 338.31 feet, a chord bearing of N18°24'57"E, a chord distance of 69.41 feet, and an arc length of 69.53 feet to a point; thence N12°31'41"E, 35.89 feet to a point; thence along a curve to the right having a radius of 696.20 feet, a chord bearing of N16°46'11"E, a chord distance of 102.99 feet, and an arc length of 103.08 feet to a point; thence N21°00'41"E, 491.76 feet to a point; thence along a curve to the right having a radius of 266.48 feet, a chord bearing of N40°16'11"E, a chord distance of 175.79 feet, and an arc length of 179.14 feet to a point; thence N59°31'41"E, 288.32 to a point; thence along a curve to the right having a radius of 361.97 feet, a chord bearing of N68°31'40"E, a chord distance of 113.24 feet, and an arc length of 113.71 feet to a point; thence N84°45'14"E, 98.22 feet to a point; thence N82°41'41"E, 65.75 to a point; thence along a curve to the left having a radius of 383.10 feet, a chord bearing of N71°30'41"E, a chord distance of 148.60 feet, and an arc length of 149.55 feet to a point; thence N60°19'41"E, 54.46 feet to a point; thence along a curve to the right having a radius of 20.00 feet, a chord bearing of S83°17'15"E, a chord distance of 23.73 feet, and an arc length of 25.40 feet to a point at the intersection of the easterly right of way line of State Route 600 (Six Mount Zion Road) and the southerly right of way line of Ware Creek Road (S.R. 606); thence following along the southerly right of way line of Ware Creek Road the following courses: along a curve to the right having a radius of 2646.96 feet, a chord bearing of S32°10'32"W, a chord distance of 156.86 feet, and an arc length of 156.89 feet to a point; thence along a curve to the left having a radius of 431.80 feet, a chord bearing of S19°16'21"W, a chord distance of 188.10 feet, and an arc length of 189.62 feet to a point; thence along a curve to the left having a radius of 259.94 feet, a chord bearing of S17°56'32"E, a chord distance of 160.21 feet, and an arc length of 162.86 feet to a point; thence S34°03'48"E, 103.28 feet to a point; thence along a curve to the right having a radius of 440.27 feet, a chord bearing of S19°51'22"E, a chord distance of 226.30 feet, an arc length of 228.87 feet to a point; thence along a curve to the left having a radius of 250.96 feet, a chord bearing of S22°07'13"E, a chord distance of 89.53 feet, and an arc length of 90.01 feet to a point; thence S33°19'09"E, 158.80 feet to a point; thence along a curve to the left having a radius of 495.35 feet, a chord bearing of S51°46'01"E, a chord distance of 187.51 feet, and an arc length of 188.65 feet to a point; thence along a curve to the right having a radius of 440.16 feet, a chord bearing of S45°41'17"E, a chord distance of 187.87 feet, and an arc length of 189.33 feet to a point; thence S28°44'04"E, 201.19 feet to a point; thence S19°04'27"E, 100.59 feet to a point; thence along a curve to the left having a radius of 507.98 feet, a chord bearing of S28°17'10"E, a chord distance of 101.74 feet, and an arc length of 101.91 feet to a point; thence along a curve to the right having a radius of 2835.52 feet, a chord bearing of S35°37'14"E, a chord distance of 247.34 feet, and an arc length of 247.42 feet to a point; thence along a curve to the right having a radius of 565.46 feet, a chord bearing of S23°03'39"E, a chord distance of 107.08 feet, and an arc length of 107.25 feet to a point; thence along a curve to the left having a radius of 569.63 feet, a chord bearing of S28°09'08"E, a chord distance of 162.98 feet, and an arc length of 163.54 feet to a point; thence along a curve to the left having a radius of 494.92 feet, a chord bearing of S63°53'43"E, a chord distance of 165.58 feet, and an arc length of 166.36 feet to a point; thence along a curve to the right having a radius of 420.70 feet, a chord bearing of S59°36'18"E, a chord distance of 178.42 feet, and an arc length of 179.78 feet to a point; thence along a curve to the left having a radius of 275.09 feet, a chord bearing of S59°10'48"E, a chord distance of 186.20 feet, and an arc length of 189.95 feet to a point; thence along a curve to the right having a radius of 316.22 feet, a chord bearing of S62°30'48"E, a chord distance of 110.73 feet, and an arc length of 111.30 feet to a point; thence along a curve to the left having a radius of 909.54 feet, a chord bearing of S62°18'58"E, a chord distance of

193.55 feet, and an arc length of 193.92 feet to a point, S69°38'04"E, 185.49 feet to a point; thence along a curve to the right having a radius of 109.31 feet, a chord bearing of S44°44'11"E, a chord distance of 118.96 feet, and an arc length of 125.79 feet to a point; thence continuing along a curve to the right having a radius of 1492.92 feet, a chord bearing of S10°05'03"E, a chord distance of 425.73 feet, and an arc length of 427.19 feet to a point; thence along a curve to the left having a radius of 106.58 feet, a chord bearing of S39°56'58"E, a chord distance of 134.41 feet, and an arc length of 145.43 feet to a point; thence S77°22'42"E, 49.70 feet to a point; thence along a curve to the left having a radius of 313.52 feet, a chord bearing of N87°31'58"E, a chord distance of 175.14 feet, and an arc length of 177.51 feet to a point; thence along a curve to the right having a radius of 2323.01 feet, a chord bearing of N70°01'21"E, a chord distance of 420.41 feet, and an arc length of 420.98 feet to a point; thence along a curve to the right having a radius of 223.97 feet, a chord bearing of S87°06'17"E, a chord distance of 161.84 feet, and an arc length of 165.58 feet to a point; thence S66°48'37"E, 75.47 feet to a point; thence along a curve to the left having a radius of 165.17 feet, a chord bearing of S83°51'53"E, a chord distance of 125.50 feet, and an arc length of 128.73 feet to a point; thence N79°06'25"E, 295.54 feet to a point; thence along a curve to the right having a radius of 226.18 feet, a chord bearing of S85°25'27"E, a chord distance of 129.15 feet, and an arc length of 130.97 to a point; thence S66°34'58"E, 263.59 feet to a point; thence along a curve to the right having a radius of 235.26 feet, a chord bearing of S55°15'05"E, a chord distance of 117.72 feet, and an arc length of 118.98 feet to a point; thence S40°12'01"E, 306.30 feet to a point; thence along a curve to the right having a radius of 179.58 feet, a chord bearing of S28°57'11"E, a chord distance of 86.23 feet, and an arc length of 87.08 to a point; thence S15°05'11"E, 160.09 feet to a point; thence along a curve to the right having a radius of 316.91 feet, a chord bearing of S09°56'32"E, a chord distance of 84.99 feet, and an arc length of 85.24 feet to a point; thence S01°24'31"E, 138.04 feet to a point; thence along a curve to the right having a radius of 558.60 feet, a chord bearing of S01°38'54"W, a chord distance of 122.17 feet, and an arc length of 122.42 feet to a point; thence S10°42'21"W, 102.56 feet to a point; thence along a curve to the left having a radius of 317.25 feet, a chord bearing of S04°43'02"E, a chord distance of 150.23 feet, and an arc length of 151.67 feet to a point; thence S16°48'21"E, 249.52 feet to a point; thence along a curve to the left having a radius of 303.91 feet, a chord bearing of S34°01'38"E, a chord distance of 182.05 feet, and an arc length of 184.88 feet to a point; thence along a curve to the right having a radius of 444.69 feet, a chord bearing of S45°07'23"E, a chord distance of 105.29 feet, and an arc length of 105.53 feet to a point; thence along a curve to the left having a radius of 670.54 feet, a chord bearing of S49°19'43"E, a chord distance of 373.29 feet, and an arc length of 378.29 feet to a point; thence along a curve to the right having a radius of 325.00 feet a chord bearing of S40°20'56"E, a chord distance of 274.34 feet, and an arc length of 283.21 feet to a point; thence S18°43'53"E, 253.18 feet to a point; thence along a curve to the right having a radius of 206.09 feet, a chord bearing of S04°27'51"W, a chord distance of 227.37 feet, and an arc length of 240.85 feet to a point; thence along a curve to the left having a radius of 227.67 feet, a chord bearing of S02°18'48"W, a chord distance of 206.34 feet, and an arc length of 214.14 feet to a point; thence along a curve to the right having a radius of 1203.06 feet, a chord bearing of S18°21'56"E, a chord distance of 318.14 feet, and an arc length of 319.08 feet to a point; thence along a curve to the left having a radius of 1140.18 feet, a chord bearing of S32°24'22"E, a chord distance of 332.55 feet, and an arc length of 333.74 feet to a point; thence along a curve to the left having a radius of 665.13 feet, a chord bearing of S43°45'54"E, a chord distance of 188.55 feet, and an arc length of 189.19 feet to a point; thence leaving the right of way line of Ware Creek Road (S.R. 606) and following the line common with the property herein described and the property now or formerly of Nizolek the following courses: S86°36'59"W, 131.59 feet to a point; thence S87°33'40"W, 136.88 feet to a point; thence S86°23'02"W, 371.10 feet to a point; thence S07°23'11"E, 154.70 feet to a point; thence S30°15'49"W, 111.60 feet to a point; thence S20°18'11"E, 229.50 feet to a point; thence S33°21'49"W, 294.20 feet to a point; thence S54°56'49"W, 338.80 feet to a point; thence S29°50'02"W, 171.42 feet to a point; thence S24°22'36"W, 242.80 feet to a point; thence S66°41'02"W, 223.60 feet to a point; thence S30°18'59"W, 117.80 feet to a point; thence S85°09'05"W, 179.15 feet to a point; thence S01°42'28"W, 378.91 feet to a point; thence S08°00'33"W,686.30 feet to a point; thence N68°28'27"W, 301.69 feet to a point; thence S27°59'30"W, 131.55 feet to a point on the northerly right of

way line of Interstate Highway 64; thence following along the northerly right of way line of Interstate Highway 64 the following courses: N62°17'51"W, 309.79 feet to a point; thence N68°32'39"W, 8.14 feet to a point; thence N46°43'02"W, 555.07 feet to a point; thence N37°52'54"W, 152.86 feet to a point; thence N57°16'22"W, 153.03 feet to a point; thence N48°59'01"W, 852.02 feet to a point; thence N40°19'43"W, 152.65 feet to a point; thence N56°30'01"W, 252.06 feet to a point; thence N51°44'52"W, 751.68 feet to a point; thence N47°11'26"W, 252.22 feet to a point; thence N57°59'55"W, 251.80 feet to a point; thence N55°11'01"W, 1221.63 feet to a point; thence N58°34'17"W, 171.59 feet to a point; thence N57°51'21"W, 760.96 feet to a point; thence N54°41'46"W, 201.23 feet to a point; thence N65°05'51"W, 150.92 feet to a point; thence N59°56'46"W, 320.04 feet to a point; thence N59°40'00"W, 50.60 feet to a point; thence N50°37'59"W, 354.93 feet to a point; thence N43°09'32"W, 51.05 feet to a point; thence N50°29'45"W, 425.46 feet to a point; thence N62°55'39"W, 235.40 feet and returning to the Point of Beginning.

Legal Description for Sh-3:

All that certain piece or parcel of land situate in James City County, Virginia and containing 3031.43 acres more or less and being shown as Parcel Numbers 9, 17, 13, 24, 10, 27, 26, 25, 28, 29, & 30, and a portion of Parcel Numbers 1, 4, & 23 on Sheet 3 of a plat titled "ALTA/ACSM Land Title Survey of the Overall Perimeter Boundary of Tax parcels 0540100013, 1310100021, 1310100022, 0630100003, 0540100005, 0540100004, 0540100006, 0540100008, 0540100007, 0540100011, 0540100010, 0540100012, 0630100001, 0610100002, 0630100002, 0610100001, 0630100004, 0640100002, 1320100027, 1320100028, 0710100001, 0740100020, 0640100001, 0740100021, 0740100029, 0740100022, 0540100009, 0540100002, 0530100021 and 0540100014" prepared by Landmark Design Group, Inc., dated 05/07/04, revised 10/23/06 and being more particularly described as follows:

Beginning at a point on the easterly right of way line of Six Mount Zion Road (S.R. 600) at it's intersection with the centerline of Richardsons Mill Pond, being the municipal boundary line of James City County, Virginia and New Kent County, Virginia; thence following along the centerline of Richardsons Mill Pond being the line common with the property herein described and the property now or formerly of Kinney and Johnson, Trustees and the property now or formerly of Ware Creek Preserve, LLC, meandering in an easterly direction a distance of approximately 1,259 feet to a point on the centerline of Ware Creek; thence following along the centerline of Ware Creek being the line common with the property herein described and the property now or formerly of Ware Creek Preserve, LLC, and being the municipal boundary between James City County, Virginia and New Kent County, Virginia, in an easterly direction a distance of approximately 31,601 feet to a point at the mean low water mark of the York River at the mouth of Ware Creek; thence following the line common with the property herein described and the mean low water line of the westerly shoreline of York River in a southerly direction a distance of approximately 6,212 feet to a point on the said mean low water line; thence leaving the said mean low water line and following the line common with the property herein described and the property now or formerly of Martin the following courses: S54°57'18"W, 299.17 feet to a point; thence S44°57'23"W, 31.56 feet to a point; thence S36°14'58"W, 44.23 feet to a point on the westerly right line of way of Sycamore Landing Road (S.R. 607); thence leaving the said right of way and following the line common with the property herein described and the property now or formerly of Dean the following courses: S62°00'42"W, 140.68 feet to a point; thence S48°54'19"W, 190.07 feet to a point thence S61°25'14"W, 107.51 feet to a point; thence S65°32'57"W, 95.33 feet to a point; thence S35°25'06"W, 71.47 feet to a point; thence along the line common with the property herein described and the property now or formerly of Dean and the property now or formerly of Mihalcoe S18°52'19"E, 1922.30 feet to a point; thence following the line common with the property herein described and the property now or

formerly of Mihalcoe the following courses: N50°17'26"E, 201.10 feet to a point; thence N41°47'26"E, 127.00 feet to a point; thence following the line common with the property herein described and the property now or formerly of Armstrong and the property now or formerly of Lenthall S48°50'29"E, 133.05 feet to a point; thence following the line common with the property herein described and the property now or formerly of Burnette S04°35'34"W, 130.27 feet to a point; thence S40°48'57"E, 159.83 feet to a point; thence following the line of Folly Swamp being the line common with the property herein described and the property now or formerly of Cody, now or formerly of Breeden, now or formerly of Williams, now or formerly of Richards, now or formerly of Walsh, now or formerly of Heyburn, now or formerly of Bryan, now or formerly of Snow, now or formerly of Fairbanks, now or formerly of Good, now or formerly of Estes, and now or formerly of Dana in a southeasterly direction a distance of approximately 4,604 feet to a point; thence following the line common with the property herein described and the property now or formerly of Dana the following courses: N30°57'54"E, 533.46 feet to a point; thence S54°18'43"E, 99.52 feet to a point; thence following the line common with the property herein described and the property now or formerly of Mills N30°58'07"E, 450.80 feet to a point on the westerly right of way line of Sycamore Landing Road (S.R. 607); thence following along the westerly right of way line of said road the following courses: along a curve to the right having a radius of 506.30 feet, a chord bearing of S51°51'53"E, a chord distance of 86.06 feet, and an arc length of 86.16 feet to a point; thence S47°19'06"E, 99.31 feet to a point; thence along a curve to the left having a radius of 203.99 feet, a chord bearing of S51°33'54"E, a chord distance of 98.18 feet, and an arc length of 99.16 feet to a point; thence S57°08'01"E, 87.40 feet to a point; thence along a curve to the right having a radius of 267.41 feet, a chord bearing of S36°30'55"E, a chord distance of 216.36 feet, and an arc length of 222.74 feet to a point; thence along a curve to the left having a radius of 712.53 feet, a chord bearing of S25°36'32"E, a chord distance of 305.42 feet, and an arc length of 307.81 feet to a point; thence leaving the westerly right of line of Sycamore Landing Road along the line common with the property herein described and the property now or formerly of McCartney the following courses: S64°03'25"W, 416.27 to a point; thence S69°24'34"W, 42.32 feet to a point; thence S59°30'15"W, 147.79 feet to a point; thence S65°53'43"W, 172.02 feet to a point; thence S64°27'32"W, 180.33 feet to a point; thence S59°51'10"W, 56.51 feet to a point; thence S32°46'47"E, 78.30 feet to a point; thence S85°27'09"E, 142.49 feet to a point; thence S75°32'08"E, 280.67 feet to a point; thence N89°34'14"E, 94.51 feet to a point; thence S86°50'13"E, 85.02 feet to a point; thence N88°51'30"E, 109.46 feet to a point; thence S87°59'01"E, 290.30 feet to a point; thence N88°48'33"E, 136.85 feet to a point on the westerly right of way line of Sycamore Landing Road (S.R. 607); thence following along the said right of way line the following courses: along a curve to the right having a radius of 340.50 feet, a chord bearing of S21°52'00"W, a chord distance of 68.90 feet, and an arc length of 69.02 feet to a point; thence S29°47'52"W, 129.10 feet; thence along a curve to the right having a radius of 1028.05 feet, a chord bearing of S34°17'30"W, a chord distance of 125.38 feet, and an arc length of 125.46 feet to a point; thence S39°42'50"W, 87.40 feet to a point; thence along a curve to the left having a radius of 464.29 feet, a chord bearing of S17°41'20"W, a chord distance of 321.76 feet, and an arc length of 328.57 feet to a point; thence S02°12'36"W, 141.99 feet to a point; thence along a curve to the right having a radius of 911.10, a chord bearing of S08°45'04"W, a chord distance of 138.05 feet, and an arc length of 138.18 feet to a point; thence along a curve to the left having a radius of 1743.91 feet, a chord bearing of S09°52'13"W, a chord distance of 269.92 feet, and an arc length of 270.19 feet to a point; thence continuing along a curve to the left having a radius of 3918.64 feet, a chord bearing of S05°02'48"W, a chord distance of 167.87 feet, and an arc length of 167.89 feet to a point; thence N88°27'44"W, 11.04 feet to a point; thence S06°13'16"W, 149.83 feet to a point; thence S02°13'16"W, 350.71 feet to a point; thence S06°19'44"E, 81.87 feet to a point; thence leaving the westerly right of way line of Sycamore Landing Road (S.R. 607) and following along the line common with the property herein described and the property now or formerly of Scruggs the following courses: N79°12'44"W, 334.44 feet to a point; thence S22°38'42"E, 94.43 feet to a point; thence N85°46'16"W, 193.81 feet to a point; thence N79°35'28"W, 294.88 feet to a point; thence N76°04'42"W, 105.06 feet to a point; thence N68°26'42"W, 142.00 feet to a point; thence S86°07'25"W, 227.68 feet to a point; thence S14°14'47"E, 694.95 feet to a point; thence following along the line common with the property herein

described and the property now or formerly of Carter the following courses: S12°16'42"E, 232.93 feet to a point; thence S51°00'34"E, 92.84 feet to a point; thence S09°47'54"E, 213.20 feet to a point; thence S39°30'53"E, 269.21 feet to a point; thence S14°37'08"E, 60.71 feet to a point thence following along the line common with the property herein described and the property now or formerly of Lucas S71°21'06"W, 206.84 feet to a point; thence following along the line common with the property herein described and the property now or formerly of Webb the following courses: S71°21'06"W, 108.93 feet to a point; thence S58°19'42"W, 130.70 feet to a point; thence S71°28'39"W, 95.40 feet to a point; thence following along the line common with the property herein described and the property now or formerly of York River Estates, LC the following courses: S77°49'35"W, 185.12 feet to a point; thence S71°33'56"W, 430.81 feet to a point; thence S67°20'16"W, 101.15 feet to a point; thence following along the line common with the property herein described and the property now or formerly of Stonehouse Inc., S77°08'04"W, 539.19 feet to a point; thence following along the line common with the property herein described and the property now or formerly of York River Estates, LC the following courses: S68°44'21"W, 130.43 feet to a point; thence N86°23'27"W, 662.46 feet to a point; thence S33°59'52"E, 230.75 feet to a point; thence S33°59'52"E, 129.22 feet to a point; thence S36°04'42"E, 95.64 feet to a point; thence S33°25'04"E, 448.38 feet to a point; thence S34°36'12"E, 579.76 feet to a point; thence S33°21'13"E, 89.13 feet to a point; thence S30°51'23"E, 326.73 feet to a point; thence following the centerline of a stream being the line common with the property herein described and the property now or formerly of York River Estates, LC and the property now or formerly of Wenger Farms, LLC a in a westerly direction approximately 5,553 feet to a point; thence continuing along the centerline of the stream being the line common with the property herein described and the property now or formerly of Wenger Farms, LLC in a southerly direction approximately 1,395 feet to a point; thence following along the line of the property herein described and the property now or formerly of Wilson and Barlow S87°29'46"W, 875.60 feet to a point; thence following along the line of the property herein described and the property now or formerly of Wilson and Barlow and the property now or formerly of Johnson S02°01'01"E, 1003.87 feet to a point on the northerly right of way of Ware Creek Road (S.R. 606); thence following the northerly right of way line of Ware Creek Road the following courses: along a curve to the left having a radius of 476.26 feet, a chord bearing of S65°33'20"W, a chord distance of 129.53 feet, and an arc length of 129.93 feet to a point; thence S54°30'58"W, 73.06 feet to a point; thence in a curve to the right having a radius of 377.83 feet, a chord bearing of S70°48'12"W, a chord distance of 180.12 feet, and an arc length of 181.87 feet to a point; thence continuing in a curve to the right having a radius of 510.96 feet, a chord bearing of N87°03'25"W, a chord distance of 191.14 feet, and an arc length of 192.27 feet to a point; thence N73°20'59"W, 102.97 feet to a point; thence in a curve to the left having a radius of 121.90 feet, angle of 33°47'17", a chord bearing of N85°02'12"W, a chord distance of 70.85 feet, and an arc length of 71.89 feet to a point at the intersection of the northerly right of way line of Ware Creek Road with the northerly right of way line of Mount Laurel Road (S.R. 608); thence N41°46'00"W, 427.93 feet to a point; thence along a curve to the left having a radius of 558.23 feet, a chord bearing of, N44°42'48"W, a chord distance of 70.79 feet, and an arc length of 70.84 feet to a point; thence N50°19'12"W, 263.19 feet to a point; thence along a curve to the right having a radius of 743.86 feet, a chord bearing of N41°25'16"W, a chord distance of 154.75 feet, and an arc length of 155.03 feet to a point; thence along a curve to the left having a radius of 743.32 feet, a chord bearing of N40°14'34"W, a chord distance of 217.82 feet, and an arc length of 218.61 feet to a point; thence along a curve to the right having a radius of 635.13 feet,
a chord bearing of N44°03'56"W, a chord distance of 189.31 feet, and an arc length of 190.02 feet to a point; thence continuing along a curve to the right having a radius of 1110.18 feet, a chord bearing of N32°31'49"W, a chord distance of 321.74 feet, and an arc length of 322.88 feet to a point; thence in a curve to the left having a radius of 1233.06 feet, a chord bearing of N18°26'21"W, a chord distance of 322.22 feet, and an arc length of 323.14 feet to a point; thence along a curve to the right having a radius of 197.67 feet, a chord bearing of N02°03'16"E, a chord distance of 176.96 feet, and an arc length of 183.47 feet to a point; thence along a curve to the left having a radius of 236.09 feet, a chord bearing of N04°30'26"E, a chord distance of 256.10 feet, and an arc length of 270.68 feet to a point; thence N18°43'53" W, 249.72 feet to a point; thence along a curve to the left having a radius of radius of 355.00

feet, a chord bearing of N40°25'30"W, a chord distance of 298.89 feet, and an arc length of 308.51 feet to a point; thence along a curve to the right having a radius of 640.54 feet, a chord bearing of N49°16'19"W, a chord distance of 357.90 feet, and an arc length of 362.72 feet to a point; thence in a curve to the left having a radius of 474.69 feet, a chord bearing of N45°01'54"W, a chord distance of 113.64 feet, and an arc length of 113.91 to a point; thence along a curve to the right having a radius of 273.91 feet, a chord bearing of N34°00'34"W, a chord distance of 164.01 feet, and an arc length of 166.57 feet to a point; thence N16°48'21"W, 250.01 feet to a point; thence along a curve to the right having a radius of 287.25 feet, a chord bearing of N04°48'08"W, a chord distance of 135.99 feet, and an arc length of 137.30 feet to a point; thence N10°42'52"E, 102.49 feet to a point; thence along a curve to the left having a radius of 588.60 feet, a chord bearing of N01°44'32"E, a chord distance of 128.95 feet, and an arc length of 129.21 feet to a point; thence N01°24'31"W, 137.42 feet to a point; thence along a curve to the left having a radius of 346.91 feet, a chord bearing of N09°52'02"W, a chord distance of 92.57 feet, and an arc length of 92.85 feet to a point; thence N15°05'11"W, 159.43 feet to a point; thence along a curve to the left having a radius of 209.58 feet, a chord bearing of N28°51'20"W, a chord distance of 99.93 feet, and an arc length of 100.91 feet to a point; thence N40°12'01"W, 305.78 to a point; thence along a curve to the left having a radius of 265.26 feet, a chord bearing of N55°08'35"W, a chord distance of 132.05 feet, and an arc length of 133.46 feet to a point; thence N66°34'58"W, 263.36 feet to a point; thence along a curve to the left having a radius of 256.18 feet, a chord bearing of N85°19'21"W, a chord distance of 146.57 feet, and an arc length of 148.65 feet to a point; thence S79°06'25"W, 296.71 to a point; thence along a curve to the right having a radius of 135.17 feet, a chord bearing of N83°51'58"W, a chord distance of 105.13 feet; thence and an arc length of 107.98 feet to a point; thence N66°48'37"W, 76.70 feet to a point; thence along a curve to the left having a radius of 253.97 feet, a chord bearing of N87°01'32"W, a chord distance of 182.41 feet, and an arc length of 186.58 feet to a point; thence along a curve to the left having a radius of 2353.01 feet, a chord bearing of S70°01'58"W, a chord distance of 423.21 feet, and an arc length of 423.78 feet to a point; thence in a curve to the right having a radius of 283.52 feet, a chord bearing of S87°43'43"W a chord distance of 157.08 and an arc length of 159.16 feet to a point; thence N77°22'42"W, 50.47 feet to a point; thence along a curve to the right having a radius of 76.58 feet, a chord bearing of N40°00'24"W, a chord distance of 97.07 feet, and an arc length of 105.14 feet to a point; thence along a curve to the left having a radius of 1522.92 feet, a chord bearing of N10°02'54"W, a chord distance of 432.98 feet, and an arc length of 434.46 feet to a point; thence along a curve to the left having a radius of 139.31 feet, a chord bearing of N44°38'44"W, a chord distance of 148.20 feet, and an arc length of 156.26 feet to a point; thence N69°38'04"W, 183.19 feet to a point; thence along a curve to the right having a radius of 879.54, a chord bearing of N62°20'13"W, a chord distance of 185.90 feet, and an arc length of 186.25 feet to a point; thence along a curve to the left having a radius of 346.22 feet, a chord bearing of N62°44'34"W, a chord distance of 121.96 feet, and an arc length of 122.60 feet to a point; thence along a curve to the right having a radius of 245.09 feet, a chord bearing of N59°07'55" W, a chord distance of 169.25 feet, and an arc length of 172.81 feet to a point; thence along a curve to the left having a radius of 450.70 feet, a chord bearing of N59°29'42"W, a chord distance of 193.72 feet, and an arc length of 195.24 feet to a point; thence along a curve to the right having a radius of 464.92 feet, a chord bearing of N64°12'43"W, a chord distance of 151.31 feet, and an arc length of 151.99 feet to a point; thence along a curve to the right having a radius of 539.63 feet, a chord bearing of N27°55'56"W, a chord distance of 149.13 feet, and an arc length of 149.61 feet to a point; thence along a curve to the left having a radius of 595.46 feet, a chord bearing of N23°08'58"W, a chord distance of 113.37 feet, and an arc length of 113.54 feet to a point; thence along a curve to the left having a radius of 2865.52 feet, a chord bearing of N35°35'52"W, a chord distance of 250.07 feet, and an arc length of 250.14 feet to a point; thence along a curve to the right having a radius of 477.98 feet, a chord bearing of N28°16'36"W, a chord distance of 93.80 feet, and an arc length of 93.95 feet to a point; thence N19°04'27"W, 102.20 feet to a point; thence N28°44'04"W, 204.92 feet to a point; thence along a curve to the left having a radius of 470.16, a chord bearing of N45°41'23"W, a chord distance of 203.11 feet, and an arc length of 204.73 feet to a point, thence along a curve to the right having a radius of 465.35 feet, a chord bearing of N51°57'34"W, a chord distance of 175.41 feet, and an arc length of 176.46 feet to a point; thence

N33°19'09"W, 156.54 feet to a point; thence along a curve to the right having a radius of 220.96 feet, a chord bearing of N22°18'45"W, a chord distance of 76.90 feet, and an arc length of 77.30 feet to a point; thence along a curve to the left having a radius of 470.27 feet, chord bearing of N19°57'37"W, a chord distance of 239.72 feet, and an arc length of 242.39 feet to a point; thence N34°03'48"W, 103.59 feet to a point; thence along a curve to the right having a radius of 229.94 feet, a chord bearing of N18°12'57"W, a chord distance of 140.51, an arc length of 142.80 feet to a point; thence continuing along a curve to the right having a radius of 401.80 feet, a chord bearing of N19°21'43"E, a chord distance of 172.79 feet, and an arc length of 174.15 feet to a point; thence continuing along a curve to the right having a radius of 2676.96 feet, a chord bearing of N31°50'54"E, a chord distance of 188.12 feet, and an arc length of 188.16 feet to a point; thence along a curve to the left having a radius of 100.00 feet, a chord bearing of N07°41'02"E, a chord distance of 37.74 feet, and an arc length of 37.97 feet to a point at the intersection of the easterly right of way line of Ware Creek Road (S.R.606) with the easterly right of way line of Six Mount Zion Road (S.R.600); thence along the easterly right of way of Six Mount Zion Road (S.R. 600) the following courses: N60°19'41"E, 28.80 feet to a point; thence along a curve to the left having a radius of 1165.92 feet, a chord bearing of N55°13'41"E, a chord distance of 207.29 feet, and an arc length of 207.56 to a point; thence N50°07'41"E, 151.70 feet to a point; thence along a curve to the right having a radius 1125.92 feet, a chord bearing of N54°13'11"E, a chord distance of 160.67, and an arc length of 160.81 to a point; thence N58°18'41"E, 255.77 feet to a point; thence along a curve to the left having a radius of 592.96, a chord bearing of N55°39'12"E, a chord distance of 55.00 feet, and an arc length of 55.02 feet to a point; thence N50°58'29"E, 103.12 feet to a point; thence N39°50'31"E, 103.39 feet to a point; thence along a curve to the left having a radius of 321.56 feet, a chord bearing of N18°34'12"E, a chord distance of 189.55 feet, an arc length of 192.41 feet to a point; thence N01°25'41"E,388.43 feet to a point; thence along a curve to the left having a radius of 460.74 feet, a chord bearing of N12°09'49W", a chord distance of 216.55 feet, and an arc length of 218.59 feet to a point; thence N25°45'19"W, 187.76 feet to a point; thence along a curve to the right having a radius of 420.74 feet, a chord bearing of N07°45'49"W, a chord distance of 259.92 feet, and an arc length of 264.24 feet to a point; thence N10°13'41"E, 174.43 feet to a point; thence along a curve to the right, having a radius of 934.93 feet, a chord bearing of N22°14'41"E, a chord distance of 389.30 feet, and an arc length of 392.17 feet to a point; thence N40°40'51" E, 89.44 feet to a point; thence along a curve to the left having a radius of 507.46 feet, a chord bearing of N16°38'43"E, a chord distance of 307.15 feet, and an arc length of 312.05 feet to a point; thence N09°40'04"W, 105.68 to a point; thence along a curve to the left having a radius of 502.46 feet, a chord bearing of N25°07'17"W, a chord distance of 211.52 feet, and an arc length of 213.11 feet to a point; thence N37°16'19"W, 164.59 feet to a point; thence along a curve to the right having a radius of 165.98 feet, a chord bearing of N11°34'11"E, a chord distance of 249.93 feet, and an are length of 282.98 feet to a point; thence along a curve to the left having a radius of 346.54 feet, a chord bearing of N54°20'18"E, a chord distance of 181.35 feet, and an arc length of 183.49 feet and returning to the Point of Beginning.

Legal Description of a portion of the Lagrange Tract North of Interstate 64:

All that certain piece or parcel of land situate in James City County, Virginia containing 79.3 acres more or less, being a portion of the La Grange Tract listed as tax parcel number 0540100002 by the county assessor's office and lying north of Interstate 64, south of Fieldstone Parkway and west of state route number 600 and being shown as Parcel Number 18 on a plat titled "ALTA/ACSM Land Title Survey of the Overall Perimeter Boundary of Tax parcels 0540100013, 1310100021, 1310100022, 0630100003, 0540100005, 0540100004, 0540100006, 0540100008, 0540100007, 0540100011, 0540100010, 0540100012, 0630100001, 0610100002, 0630100002, 0610100001, 0630100004, 0640100002, 1320100027, 1320100028, 0710100001, 0740100020, 0640100001, 0740100021, 0740100029, 0740100022, 0540100009, 0540100002, 0530100021 and 0540100014" prepared by Landmark Design Group, Inc., dated 05/07/04, revised 10/23/06 and being more particularly described as follows:

Beginning at a point on the northerly right of way line of Interstate Highway 64 at its intersection with the westerly right of way line of State Route 600 (Six Mont Zion Road); thence along the northerly right of way line of Interstate 64 in a curve to the left having a radius of 24,705.33 feet, an arc length of 3,714.98 feet, a chord bearing of N67°35'30"W and a chord length of 3,711.48 feet to a point; thence leaving said right of way line and following along the centerline of Bird Swamp in a northerly direction approximately 1,043 feet to a point on the southerly right of way line of Fieldstone Parkway; thence following along the southerly right of way line of Fieldstone Parkway the following 7 courses: 1)S56°35'26"E, 97.18 feet to a point; 2) thence S76°49'24"E, 115.66 feet to a point; 3) thence along a curve to the right having a radius of 2,528 feet, an arc length of 681.76 feet, a chord bearing of S48°51'53"E and a chord length of 679.70 feet to a point; 4) thence along a curve to the left having a radius of 1,116 feet, an arc length of 1,147.22 feet, a chord bearing of S70°35'18"E, and a chord length of 1,097.37 feet to a point; 5) thence N79°57'44"E, 872.57 feet to a point; 6) thence along a curve to the right having a radius of 895.00 feet, an arc length of 1,127.36 feet, a chord bearing of S63°57'07"E and a chord length of 1,054.30 feet to a point; 7) thence S27°51'59"E, 14.45 feet to a point on the westerly right of way line of State Route 600 (Six Mount Zion Road); thence following the westerly right of way line of State Route 600 the following 6 courses: 1) along a curve to the left having a radius of 555.00 feet, an arc length of 280.26 feet, a chord bearing of S41°21'38"W and a chord length of 277.30 feet to a point; 2) thence N67°41'51"W, 42.86 feet to a point; 3)thence along a curve to the left having a radius of 1,069.45 feet, an arc length of 548.24 feet; a chord bearing of S07°36'59"W and a chord length of 542.25' to a point; 4)thence continuing along a curve to the left having a radius of 1,400 feet, an arc length of 147.57 feet, a chord bearing of S10°05'06"E and a chord length of 147.51 feet to a point; 5) thence S13°06'17"E, 64.49 feet to a point; 6) thence S37°50'19"W, 231.03 feet and returning to the point of beginning.

EXHIBIT A, con't

All those certain lots, pieces or parcels of real property lying, being, and situated in the Stonehouse Magisterial District of James City County, Virginia, shown as "PARCEL B" on a that certain plat entitled "BOUNDARY LINE ADJUSTMENT PLAT OF PROPERTY OWNED BY STONEHOUSE, INC. AND GOLF TRUST OF AMERICA, L.P.", dated May 5, 1997, made by Langley and McDonald, P.C., recorded in the Circuit Court Clerk's Office for the County of James City and the City of Williamsburg (the "Clerk's Office"), in Plat Book 66, at pages 89-93; and all that certain lot, piece or parcel of real property lying, being, and situated in the Stonehouse Magisterial District of James City County, Virginia, shown as "SECTION II-A" on that certain plat entitled "SUBDIVISION PLAT OF STONEHOUSE DEVELOPMENT AREA ONE, PHASE 1 SECTION I-B, SECTION II-A, SECTION III-C PARCEL B AND PARCEL C BEING A SUBDIVISION OF PROPERTIES OWNED BY STONEHOUSE LIMITED LIABILITY COMPANY AND STONEHOUSE INC.", dated November 19, 1999, revised December 9, 1999, prepared by Langley and McDonald, Inc., recorded in the Clerk's Office in Plat Book 75, at pages 93-97; LESS AND EXCEPT the following described property:

1. All that property shown as "PARCEL B-1" and "PARCEL B-2" on that certain plat entitled "SUBDIVISION PLAT OF STONEHOUSE DEVELOPMENT AREA ONE, PHASE 1 SECTION I-B, SECTION II-A, SECTION III-C PARCEL B AND PARCEL C BEING A SUBDIVISION OF PROPERTIES OWNED BY STONEHOUSE LIMITED LIABILITY COMPANY AND STONEHOUSE INC.", dated November 19, 1999, revised December 9, 1999, prepared by Langley and McDonald, Inc., recorded in the Clerk's Office in Plat Book 75, at pages 93-97;

2. All that property shown as "WELL FACILITY W-25" and "EXISTING WELL FACILITY W-26" on that certain plat entitled "SUBDIVISION & CONVEYANCE PLAT OF WELL FACILITY W-25 AND VARIABLE WIDTH UTILITY EASEMENT TO JAMES CITY SERVICE AUTHORITY FROM STONEHOUSE DEVELOPMENT CO., LLC.", dated February 11, 2002, prepared by Landmark Design Group, recorded in the Clerk's Office in Plat Book 85, at pages 72 and 73;

3. All that property shown as "WASTEWATER LIFT STATION NO. 9-1" on that certain plat entitled "SUBDIVISION AND CONVEYANCE PLAT OF WASTEWATER LIFT STATION NO. 9-1 TO JAMES CITY SERVICE AUTHORITY FROM STONEHOUSE DEVELOPMENT CO., LLC.", dated January 15, 2002, prepared by Landmark Design Group, recorded in the Clerk's Office in Plat Book 85, at page 71; and

4. Public Right of Way and all that property shown as "FIELDSTONE PARKWAY", "BMP #6", "PARCEL R-3", "PARCEL R-4", and "Parcel R-5" on that certain plat entitled "SUBDIVISION PLAT SHOWING STONEHOUSE GLEN SECTION 1 & 2 AND RIGHT OF WAY OF FIELDSTONE PARKWAY BEING A SUBDIVISION OF THE PROPERTY OF FIELDSTONE INVESTMENT, LLC AND STONEHOUSE GLEN, LLC", dated May 31, 2006, prepared by LandMark Design Group, recorded in the Clerk's Office as Instrument Number 060016179.

EXHIBIT "A", con't

All of that certain piece or parcel of land located in the Stonehouse District of James City County, being a portion of PARCEL B, Section A, Stonehouse Commerce Park, shown and set out on the plat of subdivision entitled "Plat of Section A of Stonehouse Commerce Park at Stonehouse for Stonehouse, Inc." dated 10/10/95 and made by Langley and McDonald, P.C., consisting of three sheets, which plat of subdivision is recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City in James City Plat Book 62 at pages 94-96, and depicted as a cross-hatched area labeled "Property to be conveyed to GS STONEHOUSE GREEN LAND SUB, L.L.C." on a plat prepared by AES Consulting Engineers entitled "Plat of Boundary Line Adjustment and Dedication of Various Utility Easements, 30' Access Easement and Variable Width Private Drainage Easement, Stonehouse Commerce Park, Between AVID Realty, L.L.C., La Grange Holdings LLC, and GS Stonehouse Green Land Sub LLC, dated July 28, 2006, recorded as instrument number 070032319

TOGETHER with all and singular, the buildings and improvements thereon, rights and privileges, tenements, hereditaments, easements and appurtenances unto the said land belonging or in anywise appertaining.

SUBJECT, however, to restrictions, easements and rights of way of record affecting said property.

IT BEING a portion of the property conveyed unto said Grantor from BP Solar International, Inc. a Delaware corporation by deed dated September 29, 2004, recorded October 1, 2004, in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia, as Instrument No. 040 024595.

EXHIBIT A, cont'd

Parcel I:

All that certain piece, parcel or tract of land, situate, lying and being in Stonehouse Magisterial District, James City County, Virginia, and being more particularly shown and described on that certain plat entitled "Composite Plat Showing a Portion of Parcel A, Stonehouse Development Company, L.L.C., prepared by G.T. Wilson, Jr., L.S., dated January 14, 2004 and revised March 18, 2004, a copy of which is recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City as Instrument No. 040008576, which plat was recorded with that certain Deed of Bargain and Sale from Stonehouse Development Company, LLC, a Virginia limited liability company, to 2J Investments, LLC, a Virginia limited liability company, dated March 16, 2004 and recorded March 25, 2004 in the aforesaid Clerk's Office as Instrument No. 040008576, and to which plat reference is hereby made for a more particular description of such property.

BEING the same property identified as "Parcel 3" in that certain Deed of Bargain and Sale from Stonehouse Development Company, LLC, a Virginia limited liability company, to 2J Investments, LLC, a Virginia limited liability company, dated March 16, 2004 and recorded March 25, 2004 in the aforesaid Clerk's Office as Instrument No. 040008576.

Parcel II:

All that certain lot, parcel or tract of land, lying, situate and being in Stonehouse Magisterial District, James City County, Virginia, and being more particularly shown and described as Parcel B-1 on that certain plat entitled "Plat Showing Boundary Line Adjustment & Lotline Extinguishment Being New Parcel B-1 & Lot 1, Section I-A For 2J Investments, L.L.C.," prepared by G.T. Wilson, Jr., L.S., of AES Consulting Engineers, dated February 9, 2005 and recorded March 29, 2005 in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City as Instrument No. 050007055, to which plat reference is hereby made for a more particular description of such property.

BEING a portion of the property identified as "Parcel 5" in that certain Deed of Bargain and Sale from Stonehouse Development Company, LLC, a Virginia limited liability company, to 2J Investments, LLC, a Virginia limited liability company, dated March 16, 2004 and recorded March 25, 2004 in the aforesaid Clerk's Office as Instrument No. 040008576.

Parcel III:

All that certain lot, parcel or tract of land, situate, lying and being more particularly shown and described as Parcel B-2 on that certain plat of subdivision entitled "Subdivision Plat of Stonehouse Development Area One, Phase 1, Section I-B, Section II-A, Section III-C, Parcel B and Parcel C Being a Subdivision of Properties Owned by Stonehouse Limited Liability Company and Stonehouse, Inc. prepared by Langley and MacDonald, P.C. dated November 19,

1999 revised December 9, 1999, a copy of which is of record in the Clerk's Office of the Circuit Court of the City of Williamsburg and the County of James City, Virginia in Plat Book 75 at page 93, to which reference is hereby made for a more particular description of such property.

BEING a portion of the property identified as "Parcel 5" in that certain Deed of Bargain and Sale from Stonehouse Development Company, LLC, a Virginia limited liability company, to 2J Investments, LLC, a Virginia limited liability company, dated March 16, 2004 and recorded March 25, 2004 in the aforesaid Clerk's Office as Instrument No. 040008576.

ALL OF PARCELS I, II AND III ABOVE being a portion of the property conveyed in that certain Deed of Bargain and Sale from Stonehouse Development Company, LLC, a Virginia limited liability company, to 2J Investments, LLC, a Virginia limited liability company, dated March 16, 2004 and recorded March 25, 2004 in the aforesaid Clerk's Office as Instrument No. 040008576.

EXHIBIT B

Tract XI
Tax Parcel ID No.: 0630100001

"STINNETTE" Tract, containing 4-1/6 acres, and being bounded and described as follows:

COMMENCING at the southeasterly fork between State Secondary Road 600 and State Secondary Road 606, proceeding thence in an easterly direction along the southerly side of Route 600 to the point where the line between the property here conveyed and the property now or formerly of Chesapeake Corporation strikes the said road; proceeding thence in a southeasterly direction along the line of Chesapeake Corporation 800 to 900 feet, more or less, along the bottom of a ravine; thence along the bottom of a ravine in a southwesterly direction, the line of Chesapeake Corporation, to the easterly side of Route 606; thence with Route 606 to the southeasterly fork of Route 606 and 600, the point of beginning. Being the same land conveyed to Chesapeake Corporation by deed dated February 19, 1999, from Brake & Associates, Inc., recorded as Document #99-4844. The boundaries of the property are more particularly shown on that plat of survey dated 11/15/85 made by Buchart-Horn, Inc., recorded in Plat Book 50 at page 7.

Legal Description for Massie Tract 1:

All that certain piece or parcel of land situated in James City County, Virginia containing 48.00 acres more or less, designated as Tax Parcel #1310100019 by the James City County Assessors office and being shown as Tract 1 on a plat titled SURVEY OF PROPERTIES STANDING IN THE NAME OF FIELDSTONE INVESTMENT, LLC AS DESIGNATED BY PARCEL IDENTIFICATION NUMBERS: PIN: 1310100008A & PIN: 1310100019 dated 10-9-06 and prepared by LandTech Resources, Williamsburg, VA. and being more particularly described as follows:

Beginning at the most southerly corner of Lot 10, Section 2 of the Sand Hill Subdivision, said point being marked by an iron pipe; thence from said Point Of Beginning following the line common with the property herein described and Lot 10, Lot 9 and Lot 8, Section 2 of the Sand Hill Subdivision N19°49'17"E, 441.90 feet to an iron pipe; thence following the line common with the property herein described and the property now or formerly of Kinney and Johnson, trustees N24°38'06"E, 677.11 feet to an iron rod at the southerly right of way line of Sand Hill Road; thenee following the southerly right of way line of Sand Hill Road the following courses: along a curve to the left having a radius of 159.00 feet an arc length of 58.63 feet, a chord distance of 58.30 feet, and a chord bearing of N89°29'12"E to an iron rod; thence N78°55'23"E, 104.77 feet to an iron rod at the intersection of southerly right of way line of Sand Hill Road and the south westerly right of way line of Interstate Route 64; thence following the south westerly right of way line of Interstate Route 64 the following courses: along a curve to the right having a radius of 28,497.89 feet an arc length of 2,005.99 feet, a chord distance of 2,005.57 feet, and a chord bearing of S40°58'22"E to an iron rod; thence S13°04'03"W, 62.18 feet to an iron rod; thence S59°46'58"E, 136.50 feet to an iron rod; thence along a curve to the right having a radius of 28,497.89 feet an arc length of 573.33 feet, a chord distance of 573.32 feet and a chord bearing of S38°02'47"E to an iron rod; thence leaving the south westerly right of way line of Interstate Route 64 and following the line common with the property herein described and the property now or formerly of Altizer the following courses: S32°01'54"W, 178.80 feet to an iron rod; thence S57°20'49"W, 161.50 feet to an iron T-bar; thence following the line common with the property herein described and the property now or formerly of Milton & Lee, Reilly and Jackson N56°00'33"W, 785.03 feet to an iron pipe; thence following the line common with the property herein described and the property now or formerly of Fieldstone Investment, LLC, said line being marked by painted and marked trees the following courses: N56°07'41"W, 1,326.91 feet to an iron pipe; thence S68°15'24"W, 259.77 feet to an iron T-bar; thence N86°43'56"W, 194.00 feet to a tree; thence N68°06'56"W, 179.71 feet to an iron T-bar; thence N72°18'56"W, 179.00 feet to an iron T-bar; thence N73°43'29"W, 159.47 feet to a Walnut Tree; thence following the line common with the property herein described and the property now or formerly of Mereau N66°08'23"E, 134.24 feet to a

Hickory Tree; thenee following the line common with the property herein described and the property now or formerly of Burrell the following courses: N69°17'01"E, 91.38 feet to an iron rod; thence S77°00'33"E, 236.30 feet to an iron pipe; thence following the line common with the property herein described and Lot 10, Section 2 of the Sand Hill Subdivision S84°02'51"E, 105.35 feet and returning to the point of beginning.

Legal Description for Massie Tract 2:

All that certain piece or parcel of land situated in James City County, Virginia containing 41.95 acres more or less, designated as Tax Parcel #1310100008A by the James City County Assessors office and being shown as Tract 2 on a plat titled SURVEY OF PROPERTIES STANDING IN THE NAME OF FIELDSTONE INVESTMENT, LLC AS DESIGNATED BY PARCEL IDENTIFICATION NUMBERS: PIN: 1310100008A & PIN: 1310100019 dated 10-9-06 and prepared by LandTech Resources, Williamsburg, VA. and being more particularly described as follows:

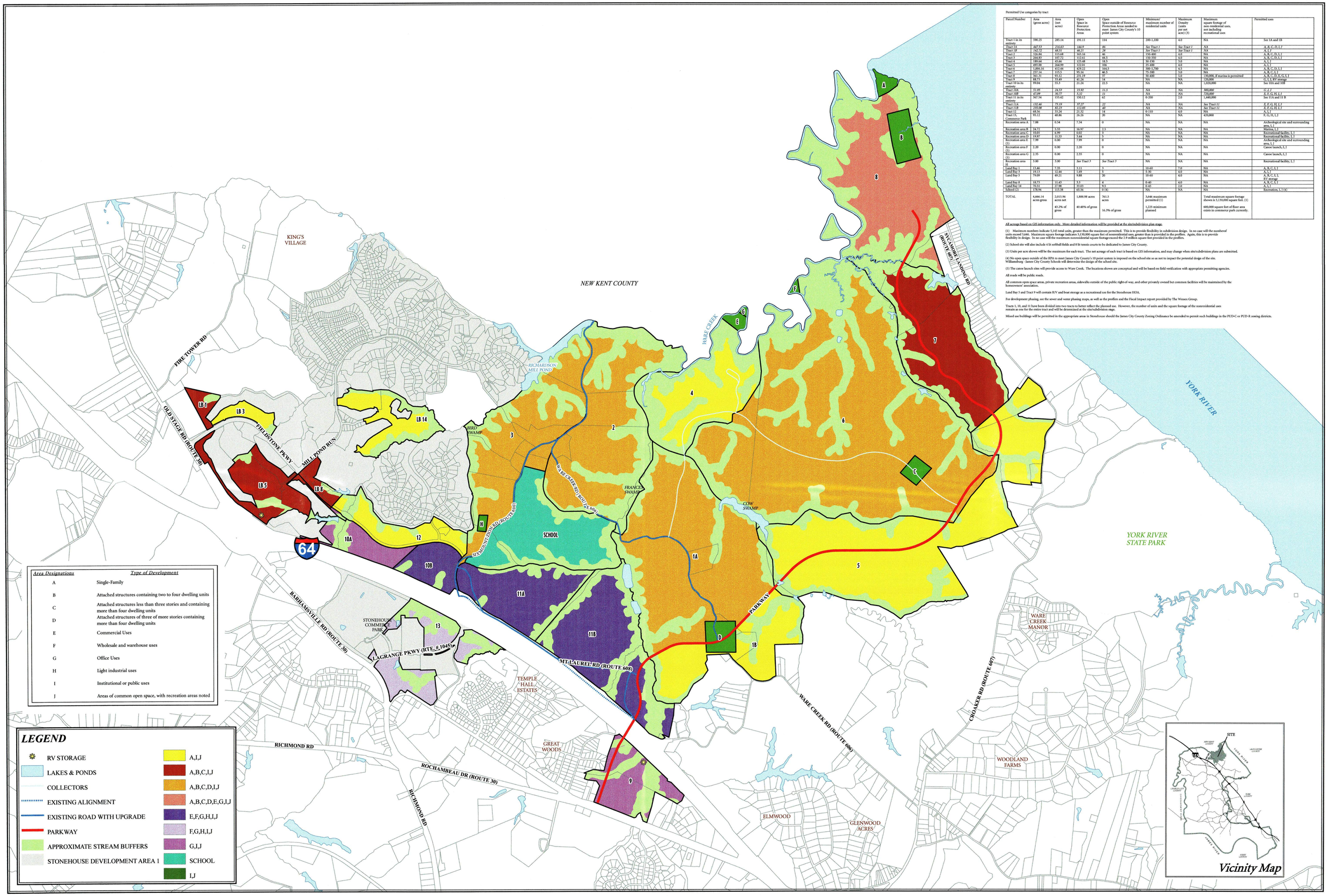
Commencing at a Point on the northerly right of way line of Rochambeau Drive at its intersection with the easterly right of way line of Sand Hill Road; thence following the northerly right of way line of Rochambeau Drive in a south easterly direction approximately 823' feet to an iron pipe at the common corner of the property herein described and the property now or formerly of Bradby, said point being The True Point Of Beginning; thence from said Point Of Beginning, leaving the northerly right of way line of Rochambeau Drive and following the line common with the property herein described and the property now or formerly of Bradby N24°34'56"E, 537.26 feet to an iron pipe; thence N22°32'19"W, 165.63 feet to an iron pipe; thence following the line common with the property herein described and the property now or formerly of Bradby, Lapham and Carroll N70°42'20"W, 394.06 feet to an iron rod; thence following the line common with the property herein described and the property now or formerly of Sligh N25°11'45"E, 184.04 feet to a Walnut tree; thence following the line common with the property herein described and the Property now or formerly of Fieldstone Investment, LLC, said line being marked by painted and marked trees the following courses: S73°43'29"E, 159.47 feet to an iron T-bar; thence S72°18'56"E, 179.00 feet to an iron T-bar; thence S68°06'56"E, 179.71 feet to tree; thence S86°43'56"E, 194.00 feet to an iron T-bar; thence N68°15'24"E, 259.77 feet to an iron pipe; thence S56°07'41"E, 1,326.91 feet to an iron pipe; thence following the line common with the property herein described and the property now or formerly of Jackson the following two courses: S18°47'32"W, 447.68 feet to an iron pipe; thence S22°59'39"W, 531.17 feet to an iron pipe; on the northerly right of way line of Rochambeau Drive thence following the northerly right of way line of Rochambeau Drive the following courses: N62°43'32"W, 141.29 feet; thence following the centerline of a stream along a tie line course of N09°03'49"W, 297.36 feet to the intersection of two streams; thence following a tie line course of S52°28'21"W, 264.72 feet to a point; thence N62°43'32"W, 1,304.46 feet and returning to the point of beginning.

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 18 Mar. 08
at 9:35 AM/PM. The taxes imposed by Virginia Code
Section 58.1-801, 58.1-802 & 58.1-814 have been paid.

STATE TAX	LOCAL TAX	ADDITIONAL TAX
—	—	—
$	$	$

TESTE: BETSY B. WOOLRIDGE, CLERK

BY: Betsy B. Woolridge Clerk



Area Designations	Type of Development
A	Single-Family
B	Attached structures containing two to four dwelling units
C	Attached structures less than three stories and containing more than four dwelling units
D	Attached structures of three of more stories containing more than four dwelling units
E	Commercial Uses
F	Wholesale and warehouse uses
G	Office Uses
H	Light industrial uses
I	Institutional or public uses
J	Areas of common open space, with recreation areas noted

LEGEND

- RV STORAGE
- LAKES & PONDS
- COLLECTORS
- EXISTING ALIGNMENT
- EXISTING ROAD WITH UPGRADE
- PARKWAY
- APPROXIMATE STREAM BUFFERS
- STONEHOUSE DEVELOPMENT AREA 1

- A,I,J
- A,B,C,I,J
- A,B,C,D,I,J
- A,B,C,D,E,G,I,J
- E,F,G,H,I,J
- F,G,H,I,J
- G,I,J
- SCHOOL
- I,J

0 1,000 2,000 3,000 4,000 Feet

Permitted Use categories by tract

Parcel Number	Area (gross acres)	Area (net acres)	Open Space in Resource Protection Areas	Open Space outside of Resource Protection Areas needed to meet James City County's 10 point system	Minimum/ maximum number of residential units	Maximum Density (units per net acre) (3)	Maximum square footage of non-residential uses, not including recreational uses	Permitted uses
Tract 1 in its entirety	590.25	285.14	191.11	114	200-1,100	4.0	NA	See 1A and 1B
Tract 1A	*447.53*	*216.63*	*144.9*	*86*	*See Tract 1*	*See Tract 1*	*NA*	*A, B, C, D, I, J*
Tract 1B	*142.72*	*68.51*	*46.21*	*28*	*See Tract 1*	*See Tract 1*	*NA*	*A, I, J*
Tract 2	326.84	115.68	165.16	46	150-400	4.0	NA	A, B, C, D, I, J
Tract 3	264.83	107.72	112.61	44.5	150-350	4.0	NA	A, B, C, D, I, J
Tract 4	189.64	45.66	135.48	18.5	50-150	3.0	NA	A, I, J
Tract 5	493.00	264.99	122.01	106	25-400	4.0	NA	A, I, J
Tract 6	1,009.18	412.84	429.22	164.5	500-1,700	4.5	NA	A, B, C, D, I, J
Tract 7	257.14	115.5	95.14	46.5	75-300	3.0	NA	A, B, C, I, J
Tract 8	361.31	93.12	231.19	37	50-400	5.0	130,000, if marina is permitted	A, B, C, D, E, G, I, J
Tract 9	88.73	33.49	41.24	14	NA	NA	120,000	G, I, J, RV storage
Tract 10 in its entirety	99.04	35.5	21.24	22.5	NA	NA	1,020,000	See 10A and 10B
Tract 10A	*51.49*	*24.53*	*15.92*	*11.3*	*NA*	*NA*	*800,000*	*G, I, J*
Tract 10B	*47.09*	*30.77*	*5.32*	*11*	*NA*	*NA*	*720,000*	*E, F, G, H, I, J*
Tract 11 in its entirety	367.54	155.42	150.12	62	0-200	2.0	3,440,000	See 11A and 11 B
Tract 11A	*132.46*	*73.19*	*37.27*	*22*	*NA*	*NA*	*See Tract 11*	*E, F, G, H, I, J*
Tract 11B	*235.08*	*82.23*	*112.85*	*40*	*NA*	*NA*	*See Tract 11*	*E, F, G, H, I, J*
Tract 12	68.56	33.24	21.32	14	0-110	4.0	NA	A, I, J
Tract 13, Commerce Park	95.12	48.86	26.26	20	NA	NA	420,000	F, G, H, I, J
Recreation area A	7.88	0.54	7.34	0	NA	NA	NA	Archeological site and surrounding area, I, J
Recreation area B	24.72	5.55	16.97	2.5	NA	NA	NA	Marina, I, J
Recreation area C	10.01	6.99	0.02	3	NA	NA	NA	Recreational facility, I, J
Recreation area D	19.97	11.33	5.64	5	NA	NA	NA	Recreational facility, I, J
Recreation area E (5)	7.99	0.00	7.99	0	NA	NA	NA	Archeological site and surrounding area, I, J
Recreation area F (5)	2.20	0.00	2.20	0	NA	NA	NA	Canoe launch, I, J
Recreation area G (5)	2.35	0.00	2.35	0	NA	NA	NA	Canoe launch, I, J
Recreation area H	3.00	3.00	*See Tract 3*	*See Tract 3*	NA	NA	NA	Recreational facility, I, J
Land Bay 1	13.46	7.35	3.11	3	10-60	7.0	NA	A, I, C, I, J
Land Bay 3	19.13	12.44	1.69	5	5-30	4.0	NA	A, I, J
Land Bay 5	79.09	49.21	9.88	20	10-60	4.0	NA	A, B, C, I, J, RV storage
Land Bay 8	18.75	11.45	3.3	4	0-40	4.0	NA	A, B, C, I, J
Land Bay 14	70.53	27.98	33.03	9.5	0-45	2.0	NA	A, I, J
School (1)	178.94	113.38	65.56	0 (4)	NA	NA	NA	Recreation, I, J (4)
TOTAL	4,666.14 acres gross	2,015.96 acres net 43.2% of gross	1,888.98 acres 40.48% of gross	761.5 acres 16.3% of gross	3,646 maximum permitted (1) 1,225 minimum planned		Total maximum square footage shown is 3,130,000 square feet. (1) 600,000 square feet of floor area exists in commerce park currently.	

<u>All acreage based on GIS information only. More detailed information will be provided at the site/subdivision plan stage.</u>

(1) Maximum numbers indicate 5,145 total units, greater than the maximum permitted. This is to provide flexibility in subdivision design. In no case will the numberof units exceed 3,646. Maximum square footage indicates 3,130,000 square feet of nonresidential uses, greater than is provided in the proffers. Again, this is to provide flexibility in design. In no case will the maximum nonresidential square footage exceed the 2.9 million square feet provided in the proffers.

(2) School site will also include 4 lit softball fields and 8 lit tennis courts to be dedicated to James City County.

(3) Units per acre shown will be the maximum for each tract. The net acreage of each tract is based on GIS information, and may change when site/subdivision plans are submitted.

(4) No open space outside of the RPA to meet James City County's 10 point system is imposed on the school site so as not to impact the potential design of the site. Williamsburg - James City County Schools will determine the design of the school site.

(5) The canoe launch sites will provide access to Ware Creek. The locations shown are conceptual and will be based on field verification with appropriate permitting agencies.

All roads will be public roads.

All common open space areas, private recreation areas, sidewalks outside of the public right-of-way, and other privately owned but common facilities will be maintained by the homeowners' association.

Land Bay 5 and Tract 9 will contain RV and boat storage as a recreational use for the Stonehouse HOA.

For development phasing, see the sewer and water phasing maps, as well as the proffers and the Fiscal Impact report provided by The Wessex Group.

Tracts 1, 10, and 11 have been divided into two tracts to better reflect the planned use. However, the number of units and the square footage of the nonresidential uses remain as one for the entire tract and will be determined at the site/subdivision stage.

Mixed use buildings will be permitted in the appropriate areas in Stonehouse should the James City County Zoning Ordinance be amended to permit such buildings in the PUD-C or PUD-R zoning districts.

STONEHOUSE MASTER PLAN
GS STONEHOUSE GREEN LAND SUB LLC

SELLS | design studio
A DIVISION OF CHAS. H. SELLS, INC.

Unapproved Minutes of the October 2, 2019
Planning Commission Regular Meeting

Z-18-0002/Z-19-0010/MP-18-0002 Stonehouse Rezoning and Proffer and Master Plan Amendment

Ms. Ellen Cook, Principal Planner, stated that on behalf of the current development group within the Stonehouse Planned Unit Development, Mr. Tim Trant has submitted applications to achieve several legislative actions.

Ms. Cook stated that first, a rezoning application has been submitted to rezone approximately 2,659 acres of land from Planned Unit Development (PUD) to A-1, General Agricultural. Ms. Cook stated that the new A-1 area would consist of two sub-areas, shown on the Master Plan as the Stonehouse Preserve and the Riverfront Preserve. Ms. Cook further stated that the application seeks to allow some flexibility in future use of this area, while also putting in place parameters through two restricted use easements that would be granted to the County. Ms. Cook stated that through the easements and the master plan, up to four residential units would be allowed in the Riverfront Preserve, and up to 15 residential units and a maximum of 130,000 square feet of commercial uses would be allowed in the Stonehouse Preserve.

Ms. Cook stated that with regard to utilities, this property is currently inside the PSA and development of 19 lots would require extension of public utilities; however, should the PSA status change in the future, the requirement for a central water system might be triggered. Ms. Cook stated that the applicant has proceeded with submitting a central water system waiver request concurrent with this rezoning, which if approved, would allow the future lots to be served by individual private wells. Ms. Cook stated that in addition, the parcels would be served by individual on-site sewage disposal systems.

Ms. Cook stated that the second set of legislative actions are changes to the 2008 Master Plan and Proffers that are comprehensive in nature, substantially revising both.

Ms. Cook stated that proposed changes to the Master Plan include:

- A change in the zoning designation of approximately 735 acres from PUD-Commercial, with proffers, to PUD-Residential, with Proffers.
- A reduction in both the proposed overall residential unit number and the amount of commercial square footage as compared with the 2008 Master Plan, reflective of the reduction in the size of the PUD overall. The new master plan would allow for up to 2,392 residential units and up to 740,000 square feet of non-residential within the PUD.

- Areas planned for commercial, office and industrial uses along Fieldstone Parkway and Mount Laurel Road north of I-64 would now be used primarily for residential units, with the commercial component concentrated in the planned Preservation Square focal point in Tract 10B. The school site would be relocated from an internal area along Six Mount Zion Road to Tract 9 which fronts on Rochambeau Road. The road network shown on the master plan will be revised to eliminate the major new roadway that would have would have started at Rochambeau Drive, crossed over I-64, and served as the major access road for the eastern and northern portions of Stonehouse.

Ms. Cook stated that with the downzoning to A-1 and the concurrent significant reduction in development potential, a number of the proffered transportation improvements that were originally envisioned to serve this area are now proposed to be eliminated, including the new internal parkway, and a set of improvements planned to Rochambeau Drive, Croaker Road and the Croaker/I-64 interchange. Ms. Cook further stated

that the applicant has submitted an updated traffic study to demonstrate that adequate levels of service can be maintained under this scenario, and VDOT and the County's traffic consultant, Kimley Horn and Associates have concurred with the proposed changes.

Ms. Cook stated that the improvements that continue to be proffered are generally located at the existing development entrance/exit points, the Route 30/I-64 interchange, and the internal roadway intersections.

Ms. Cook stated that the applicant has also continued to commit to exploring disconnection of Ware Creek Road west of its intersection with Mt. Laurel Road, internal to the land owned by Stonehouse, or putting in place other measures to discourage Stonehouse traffic from using this rural roadway.

Ms. Cook stated that for the area proposed to be zoned A-1, access to/from this area would be directly onto Sycamore Landing and Croaker Road or Ware Creek Road. Ms. Cook stated that the updated traffic study submitted by the applicant indicates that compared to the estimated existing volumes on Croaker Road in 2017, the proposed development is anticipated to increase the volume by only 3% and that the impact on this section of Croaker Road is anticipated to be minimal. Ms. Cook stated that no improvements have been proposed in the restricted use easements or Proffers.

Ms. Cook stated that with regard to public schools, as already noted, the applicant proposes a different school site, to accommodate one school, in Tract 9. Ms. Cook stated that the past use of this proposed site has led to the applicant proffering to adhere to a detailed procedure that would allow for the site to be conveyed to the County without any unusual site development, foundation, or environmental requirements. Ms. Cook stated that should the site conditions determined during this procedure indicate that the site is not suitable for a school, then the applicant has proffered to provide cash-in-lieu. Ms. Cook stated that he proposed Proffers also include a per-unit and a lump sum cash contribution for the schools. Ms. Cook stated that overall, the proposed Proffers would equate to either one prepared and graded school site and up to approximately $6.95 million dollars or with the cash-in-lieu scenario, no physical school sites and up to approximately $7.79 million dollars.

Ms. Cook stated that moving from public impacts to the Comprehensive Plan, the main portion of Stonehouse is designated as Low Density Residential (LDR) and Mixed Use, with a very small portion of Tract 9 designated Rural Lands. Ms. Cook stated that the overall density remains within the recommended range for LDR. Ms. Cook stated that with regard to the Mixed Use area, the further development of the Stonehouse Commerce Park and the commercial Preservation Square area are most consistent with the Mixed Use description language, as are many of the commitments in the Proffers to certain design, environmental protection and access standards. Ms. Cook stated that the residential development shifted into Tract 11 does replace planned industrial and commercial uses which is less consistent with the description. Ms. Cook stated that staff finds the proposed amended Master Plan to be consistent with the LDR Land Use Designation, and generally consistent with the Mixed Use Land Use Designation.

Ms. Cook stated that the approximately 2,659 acres proposed to be rezoned from PUD to A-1 is designated LDR. Ms. Cook stated that overall, this proposal achieves certain goals consistent with the Comprehensive Plan and with certain LDR development standards, and reduces the demand for and impact on public services and facilities. Ms. Cook stated that as a downzoning from PUD to A-1, the proposed density is significantly less than that recommended by LDR.

Ms. Cook stated that staff recommends that the Planning Commission recommend approval of the PUD Proffer and Master Plan Amendments, and acceptance of the voluntary proffers.

Ms. Cook stated that staff recommends that the Planning Commission recommend approval of the PUD to A-1 rezoning, and acceptance of the restricted use easements.

Mr. Haldeman called for disclosures from the Commission.

Mr. Krapf stated that he had a telephone conversation with Mr. Trant.

Mr. Polster stated that he discussed the application with Mr. Trant.

Ms. Dowdy stated that she spoke with Mr. Trant.

Ms. Leverenz stated that she spoke with Mr. Trant.

Mr. Haldeman stated that he, also, spoke with Mr. Trant.

Mr. O'Connor stated that he spoke with Mr. Trant.

Mr. Haldeman opened the Public Hearing.

Mr. Tim Trant, Kaufman and Canoles, PC, 4801 Courthouse Street, representing the applicant, made a presentation to the Commission

Mr. Krapf inquired about the restrictive easements for the Stonehouse Preserve.

Mr. Trant stated that two separate easements have been created since there are two distinct Preserve areas, each with different restrictions. Mr. Trant further stated that for the Stonehouse Preserve, an easement has been proposed that would limit the uses that could occur on the property to those allowed in the A-1 district, and further restricted by intensity. Mr. Trant stated that the limitations included no more than 15 homes, no more than 130,000 square-feet of A-1 businesses, silviculture and agriculture in accordance with a best management plan. Mr. Trant further stated that any end user of the property would be bound by the terms of that easement. Mr. Trant stated that it would be a private property right that would convey to the County in connection with the rezoning and would be binding on all successive property owners.

Mr. Krapf stated that he appreciated the clarification. Mr. Krapf further stated that this answered his next question regarding the applicability of the easement to future property owners should the State change its plan to augment the Ware Creek Wildlife preserve with the Stonehouse Preserve property.

Ms. Leverenz inquired if the easement applied to the State. Ms. Leverenz stated that her understanding is that the State is exempt from zoning regulations.

Mr. Trant stated that the State would still be bound by private property rights such as an easement. Mr. Trant further stated that is a contract, which would be binding on any successor in title including the State.

Ms. Leverenz inquired if future homes would be prohibited from applying for wells.

Mr. Trant inquired if this was for the Planned Unit Development (PUD) property or for the A-1 property.

Ms. Leverenz stated that this is where she is seeking clarification. Ms. Leverenz stated that her understanding is that in the A-1 property it would be possible to apply for a well. Ms. Leverenz inquired if the well could also be used for irrigation.

Mr. Trant stated that for the residences within the PUD, the applicant has proffered water conservation measures and made a commitment to entering into water conservation agreements with the James City Service Authority (JCSA). Mr. Trant stated that there are agreements currently in place that cover water

conservation for Stonehouse; however, he was not certain whether those agreements prohibited irrigation wells.

Mr. Max Hlavin stated that there is a water conservation agreement in place for Stonehouse, which has been amended several times. Mr. Hlavin stated that the agreement covers both commercial and residential components of the development. Mr. Hlavin further stated that the most recent iteration does prohibit irrigation for residential uses within the Stonehouse PUD.

Ms. Leverenz inquired if waivers would be possible for non-residential uses on A-1 parcels.

Mr. Trant stated that the applicant, staff and JCSA are discussing the conditions for a well waiver or a central water system waiver that would allow for private wells. Mr. Trant further stated that it would be infeasible to have the homes and businesses on a central water system in the Stonehouse and Riverfront Preserves. Mr. Trant further stated that private wells will be the only option. Mr. Trant stated that there is a general agreement allowing private wells for residential uses and A-1 business uses. Mr. Trant stated that JCSA is generally satisfied with the overall reduction in water demand associated with the down zoning; however, leaving the parameters of the water use unaddressed is of concern. Mr. Trant stated that a tentative agreement has been reached on capping the water usage for the A-1 business uses to an average of 50,000 gallons per day.

Ms. Leverenz inquired if the cap applies to both the business use and any irrigation.

Mr. Trant confirmed.

Ms. Leverenz inquired if the cap is individual or cumulative.

Mr. Trant stated that it is cumulative, covering all businesses. Mr. Trant stated that it has been proposed that the developer allocate the water rights at the time of sale.

Ms. Leverenz inquired if the limitations would still apply if the State purchased the property.

Mr. Holt stated that the well waiver is a function of the Subdivision Ordinance and, therefore, would likely not apply unless it were incorporated in the easement.

Mr. Hlavin stated that the central well waiver is a condition on a major subdivision. Mr. Hlavin further stated that it would depend on what the State's use would be. Mr. Hlavin stated that if the property is used for a public use, then the central well waiver would not require any limitation. Mr. Hlavin further stated that if the property were sold to someone else, then the limitations would be in place.

Mr. Hlavin stated that to amend a prior response, for non-residential uses in the PUD, there is no irrigation and there are a number of limitations on residential irrigation in the PUD; however, it is allowed with square-footage and gallon per minute limitations.

Ms. Leverenz inquired about how the community association will work. Ms. Leverenz stated that her concern is about access to the community amenities and who will pay for them.

Mr. Trant stated that there are three primary community associations within Stonehouse. Mr. Trant stated that the Millpond Owners Association is the master Home Owners' Association (HOA) for the first phase of Stonehouse and areas surrounding the golf course. Mr. Trant further stated that there is a second separate and distinct HOA for the remainder of Stonehouse, the Stonehouse Owners' Foundation, which includes Stonehouse Glen, Land Bay 5, and the residual PUD areas. Mr. Trant stated that it would not serve the two

Preserve parcels. Mr. Trant further stated that there may be a number of sub-associations to serve individual neighborhoods; however they will fall under the master association which will control all the community amenities. Mr. Trant stated that the third community association serves the Business Park.

Ms. Leverenz inquired if the property owners in the Millpond Owners' Association would have access to the amenities that will be constructed under this application.

Mr. Trant stated that they would not have access or be responsible for the associated costs.

Mr. O'Connor inquired about the average market value of homes in Stonehouse Glen.

Mr. Trant stated that he does not have that information.

Mr. O'Connor stated that the question is related to the reduction in the number of homes to comply with the Housing Opportunities Policy. Mr. O'Connor noted that putting affordable housing in a PUD is not always successful and is not always affordable long-term.

Mr. O'Connor inquired about the reasoning behind the change in proffers eliminating the property for the public safety facility and one school site.

Mr. Trant stated that the proposed proffer includes a lump sum cash payment for school facilities and provides an alternate site for a school. Mr. Trant stated that this was due to land planning and the reduction of homes. Mr. Trant stated that the new location is more accessible to the entire district that it will serve and is located in proximity to the existing elementary school.

Mr. O'Connor inquired about the 130,000 square-foot commercial area.

Mr. Trant stated that the 130,000 square-foot commercial areas was limited to the Stonehouse preserve and further limited those business uses permitted in the A-1 Zoning District. Mr. Trant clarified that this limitation would be for the structures only and not apply to open land.

Mr. O'Conner inquired about the access to Stonehouse Preserve.

Mr. Trant stated that silviculture currently occurs on surrounding properties and that the access would remain the same.

Mr. O'Connor stated that the question stems from comments from constituents about the width of Croaker Road and Sycamore Landing Road.

Mr. Trant stated that the preferred option to access the Stonehouse Preserve is via a dirt access road that intersects with Sycamore Landing Road. Mr. Trant stated that other options include access from Ware Creek Road or finding access across parcels.

Mr. O'Connor inquired about the Covenants Committee.

Mr. Holt stated that the language may have been in regard to how the central well waiver would be administered.

Mr. Ben Arney, 3501 Splitwood Road, representing the Mill Pond Owners Association addressed the Commission in support of the application.

Mr. Richard Costello, 10020 Sycamore Landing Road, addressed the Commission regarding traffic concerns related to Croaker Road and Sycamore Landing Road.

Mr. Art Michel, 9420 Ottoway Court, addressed the Commission in support of the application.

Mr. Scott Mallory, 10210 Sycamore Landing Road, addressed the Commission regarding traffic concerns related to Sycamore Landing Road.

Mr. James Miller, 10031 Sycamore Landing Road, addressed the Commission regarding traffic concerns related to Sycamore Landing Road.

Ms. Nancy Vaughn, 10124 Sycamore Landing Road, addressed the Commission regarding traffic concerns related to Sycamore Landing Road.

Mr. John Davidson, 10016 Sycamore Landing Road, addressed the Commission regarding traffic concerns related to Croaker Road and Sycamore Landing Road.

Ms. Kelly Fulton, 9888 Sycamore Landing Road, addressed the Commission regarding traffic concerns related to Croaker Road and Sycamore Landing Road.

Mr. Mark Rinaldi, 10022 Sycamore Landing Road, addressed the Commission regarding traffic concerns related to Sycamore Landing Road.

As no one further wished to speak, Mr. Haldeman closed the Public Hearing.

Mr. Haldeman opened the floor for discussion by the Commission.

Mr. Krapf inquired whether the state would require an SUP for those commercial uses that are special permitted if the entire 23,000 acres is included in the easement.

Mr. Hlavin stated that if the State is using the land for commercial uses, it is subject to zoning regulations in addition to the stipulations in the easement. Mr. Hlavin further stated that it is when the state uses property for a public purpose that it is exempt from zoning regulations.

Ms. Leverenz inquired if access via Sycamore landing Road was part of the previous Master Plan.

Mr. Trant stated that the existing proffers state that there shall be no road connection from the property directly onto Croaker Road. Mr. Trant further stated that there is no prohibition on access to Sycamore Landing Road.

Mr. O'Connor noted that the reference to the Covenants Committee is found in the draft document regarding the management of the Well Waiver. Mr. O'Connor inquired what the role of the Covenants Committee would be and how members would be appointed.

Mr. Holt stated that the language referencing the Covenants Committee is old language and is not included in the active working document.

Mr. Trant stated that the applicant would prefer not to establish a Covenants Committee and to have the Covenants binding and running with the land so that they are enforceable by the County.

Mr. O'Connor inquired whether public funds were used to put in infrastructure.

Mr. Trant stated that it is the applicant's understanding is that the majority, if not all, of infrastructure has been done with private funds. Mr. Trant further stated that he cannot guarantee that no public funds have been used; however, it would be an insignificant amount. Mr. Trant stated that whatever investment is in place, all capacity will be used, even if the property is rezoned.

Ms. Leverenz inquired if the applicant would be willing to consider an alternate option for the access to Stonehouse Preserve.

Ms. Dowdy inquired if the applicant has already considered alternatives.

Mr. Trant stated that the applicant has looked at many alternatives; however, the property is constrained by topography and wetlands and there is no reasonable alternative.

Ms. Leverenz inquired if there would be a way to impose restrictions on the amount of traffic.

Mr. Trant stated that the applicant is not willing to risk the economic viability of the project; especially since the downzoning represents a substantial economic concession. Mr. Trant stated that, for better understanding, for the 130,000 square-feet of commercial buildings, there are only a few by-right uses: farmers markets limited to 2,500 square-feet or less, commercial greenhouses, home occupations, horse and pony farms, riding stables, house museums, nurseries, rest homes for fewer than 15 adults, limited farm brewery, and wineries with an accessory building for the sale of wine, but not other commercial uses, among others. Mr. Trant further stated that the types of uses that would generate traffic concerns would requires an SUP. Mr. Trant noted that there are a number of safety nets built into the Zoning Ordinance to address the types of concerns that have been noted.

Mr. Krapf stated that he feels comfortable that the SUP process would mitigate some of the issues. Mr. Krapf stated that the condition of the roads is a separate issue. Mr. Krapf further stated that the residents might wish to approach their Board of Supervisors Representative regarding potential improvements. Mr. Krapf stated that the issues he had to balance are the beneficial impacts on the County of fewer residential units and the impact on traffic if several commercial uses were developed at the same time. Mr. Krapf stated that the benefits of the proposal outweigh the concerns in light of the safety net provided through the Zoning Ordinance. Mr. Krapf stated that he also concurs with the use of the easement to ensure that the State will conform to the Zoning Ordinance. Mr. Krapf stated that he would support the application.

Mr. O'Connor inquired if the State has the ability to condemn the easement if they wish to put in a use that the County does not support.

Mr. Hlavin stated that it is theoretically possible; however, it would likely be easier to simply apply for the SUP or a change in the easement.

Mr. O'Connor inquired if the applicant wishes for the State to acquire both parcels.

Mr. Trant stated that it is only the Stonehouse Preserve.

Mr. O'Connor stated that he is typically supportive of a developer's right to amend proffers and amend the Master Plan to adapt to changing market conditions. Mr. O'Connor stated that there are a lot of unknowns in this application. Mr. O'Connor stated that he is disappointed that the County will only receive one school site and no public safety site. Mr. O'Connor stated that removing the housing units could put growth pressure on the wrong areas of the County, when Stonehouse is well situated with access to the interstate. Mr. O'Connor stated that he will not support the application.

Mr. Polster stated that this application provides some unique benefits. Mr. Polster stated that the reduction in housing units removes pressure from water use, infrastructure and the schools. Mr. Polster further stated that the application promotes better land conservation by seeking a single buyer for the Stonehouse Preserve. Mr. Polster stated that the parcel has been recognized as a high core area and is part of the vision for preserving Virginia.

Ms. Leverenz asked Mr. Polster if that by selling the property to the State or a conservation agency, the homes and the commercial uses would not be developed.

Mr. Polster confirmed. Mr. Polster noted that the key is the adjacent Ware Creek Reserve which would be extended by the addition of this parcel.
Ms. Leverenz noted that the State approached the applicant about the parcel which has been the impetus for the application.

Mr. O'Connor noted that there is still no contract between the applicant and the State.

Mr. Polster made a motion to approve the application with a recommendation that the Board of Supervisors endorse the applicant's suggestion of a single buyer for the Stonehouse Preserve parcel through a conservation easement of property under the Commonwealth of Virginia or a conservation agency.

On a roll call vote, the Commission voted to recommend approval of Z-18-0002/Z-19-0010/MP-18-0002 Stonehouse Rezoning and Proffer and Master Plan Amendment, with a recommendation that the Board of Supervisors endorse the applicant's suggestion of a single buyer for the Stonehouse Reserve parcel through a conservation easement of property under the Commonwealth of Virginia or a conservation agency. (4-2)

PETITION SUBMITTED TO THE JAMES CITY COUNTY PLANNING COMMISSION

In the Matter of Stonehouse 2018 Rezoning, Master Plan Amendments and Restrictive Use Easements for Stonehouse Preserve and Riverfront Preserve

October 3, 2019

Since the first rezoning of Stonehouse, no access from Stonehouse lands has been permitted anywhere on Route 607 (known both as Croaker Road and Sycamore Landing Road) for good reason. Route 607 north of Woodland Road is a substandard road, with narrow lanes (8' in many areas, being the same width as school buses, heavy trucks and many horse trailers), no road paint, blind curves, no shoulders and already dangerous recreational boat trailering traffic (many boat trailers are 8' wide) to and from the York River State Park Croaker Landing public boat ramp. Families living along Route 607, and those whose neighborhoods gain their access from it, deserve special protections to restrict the daily and weekend traffic that may be generated by the current Stonehouse proposal.

We, the undersigned, generally support the changes proposed by the Owners of Stonehouse that would create the Stonehouse Preserve and Riverfront Preserve. We support residential development of the scope proposed (19 homes) across both preserves and we support permitting that level of residential development to access Sycamore Landing Road and Croaker Road.

The Riverfront Preserve easement language must be absolutely clear that only residential uses and structures may be permitted thereon and enjoy access to Sycamore Landing Road or Croaker Road. No potential Commonwealth of Virginia uses or structures may be permitted on the Riverfront Preserve unless such uses are accessed through the lands of Stonehouse to Six Mount Zion Road, La Grange Parkway and/or Fieldstone Parkway.

The Stonehouse Preserve easement language must be absolutely clear that only residential uses may access Sycamore Landing Road or Croaker Road – no commercial uses or structures, and no potential Commonwealth of Virginia uses or structures may be permitted on the Stonehouse Preserve unless such uses are accessed through the lands of Stonehouse to Six Mount Zion Road, La Grange Parkway and/or Fieldstone Parkway.

PETITION SUBMITTED TO THE JAMES CITY COUNTY PLANNING COMMISSION

In the Matter of Stonehouse 2018 Rezoning, Master Plan Amendments and Restrictive Use Easements for Stonehouse Preserve and Riverfront Preserve

October 3, 2019

Steven Pakit	Alan Barb
Robert Meeker	Jenifer Watson Babb
Kristal Meeker	
Roxane Pakit	Richard A Costello
William Hancock	
Sherry Hancock	James B. Humphrey
	KW Goodwin
	Jo Brooks
Hannah Fulton	Janet Whiteside
Sheila Yeatts	
Bonnie Yeatts	
Kathy A. Emanuel	
Nancy C. Baughan	James E. Bryan
B.L. Baughan Jr.	
	Nancy Jones
John B Brilson Jr	
Tamra Davidson	
Thomas C. Murphy	Carson S. B. Murphy

PETITION SUBMITTED TO THE JAMES CITY COUNTY PLANNING COMMISSION

In the Matter of Stonehouse 2018 Rezoning, Master Plan Amendments and Restrictive Use Easements for Stonehouse Preserve and Riverfront Preserve

October 3, 2019

Kathryn M. Ainsworth	KATHRYN M. AINSWORTH
Maria E Saez	Maria E Saez
Jessica Saez	Jessica Saez
Marissa Saez	Marissa Saez
Kenneth R. Newman	KENNETH R. NEWMAN
Duane Scott Dwenger	DUANE SCOTT DWENGER
C Brunaldi	
James Miller	
Elizabeth Miller	
Mary Anne Angley	
Nina Costello	

PAGE NO.

PREPARED BY

DATE

ACTION NOTES

PLANNING NOTES

Samuel M. Cupp
10213 Sycamore Landing Road
Williamsburg Va. 23188-1259
757-566-3220

Laura M Smith
10209 Sycamore Landing Road
Williamsburg VA 23188
757-784-2022

EXECUTIVE®

SCHOOL BUS
93-915L

THE ASSOCIATION AT STONEHOUSE, INC.

October 1, 2019

James City County Board of Supervisors
James City County Planning Commission
James City County Community Development
101 Mounts Bay Road, Building A
Williamsburg, VA 23185

RE: Stonehouse Master Plan Amendment
Z-19-0010, Z-18-0002, Z-18-0002

Dear Sir/Madam:

Our Association has made careful review of the above-referenced applications, and I write to express our Associations' unconditional support for the proposal. Our Board has been briefed by the owners of the residual, undeveloped areas of the Stonehouse PUD in their development planning, and we were pleased to learn of their plans to (1) down zone approximately 2,700 acres of the PUD to A-1 with a restricted use easement, (2) reduce the total number of units planned within the PUD by approximately 1,100 units, and (3) eliminate the intense commercial and light industrial uses from the areas north of I-64. Accordingly, we ask that you approve the proposal.

Thank you for your consideration of this very important issue.

Very truly yours,

C. Ben Arney
Board President
The Association at Stonehouse, Inc.

cc: Jody Lane
Susan B. Tarley, Tarley Robinson, PLC
Timothy O. Trant II, Kaufman & Canoles, P.C.

9701 MILL POND RUN TOANO, VA 23168 (757) 566-0128 PHONE (757) 566-1198 FAX

Ellen Cook

From: Ellen Cook
Sent: Wednesday, October 02, 2019 9:15 AM
To: PlanComm
Cc: Paul Holt
Subject: Stonehouse cases: citizen comment

Commissioners,

Please find below comments that staff has received from a citizen – these were in the form of two emails (the order is noted at the top of each).

Second Email
Dear Ellen,

1) With what you have explained, I would ask that your forward it to Commission members & let them read it before the meeting. I am not sure about coming up there tomorrow night after Mr. Trant's comments about me at the Toano Fire Station last summer. He thinks I am some sort of evil person or something.

2) I understand what you are saying when you are telling me the current application meets or exceeds the guidelines in terms of number of playgrounds, courts, etc.

3) In spite of #2 above, the Commission must decide HOW they want a developer to conduct business in James City County. How much deception (when a home is sold) will be allowed? We were told the EXACT "things" that appeared in the proffers being used in 2006 by the Ryan Homes sales people: a) Huge marina b) 18 tennis courts c) 5 swimming pools d) several clubhouses e) some "indoor" facilities...indoor tennis courts, an indoor basketball court, etc. This "thing" of allowing developers to completely overhaul plans is fine and I think sometimes needed. But, allowing sales associates to QUOTE amazing recreational amenities IF THEY CAN BE CHANGED AT A LATER DATE, is STILL an extremely dishonest way of conducting business. How much deception at the point of sales will be permitted? The Commission may need to TOTALLY overhaul this "proffer thing".

4) Even with #2 above, even with the developer meeting requirements, Ellen, there are some very ethical questions that I think James City County officials need to ask themselves.

Yes, please let the Commission members read what I sent you yesterday ahead of the meeting. And, if they want to read the 4 points also, that would be fine as well.

Sincerely,
Bob Byrd

First Email
Dear Ellen,

Thanks so much for your e-mail. Julia Leverenz (spelling?) did in fact phone me this evening & we had a very good conversation.

Ellen, as far as anything that I would like to have officially conveyed, these thoughts would be it:

1) We totally understand out here that when you go from 3400 more projected homes, down to 2300 more, certainly we will need less in terms of recreational amenities.

2) The question becomes, "How much less?" Some of what the developer wants to do seems reasonable, other parts of their changed plans seem a bit aggressive and seem like severe "cuts" from original promises:

a) The current developer wants to go from a promise of a huge marina to ZERO marina, not even a primitive ramp to launch
small boats or kayaks (on Ware Creek) for example.

b) Remember: this development's proffers started out with 18 tennis courts. We have 2 now. Is it REALLY proper to cut the new total to ZERO additional courts (with 2300 new housing units coming)?

c) The original proffers promised 5 swimming pools, one Junior Olympic where we could host summer swim meets. We have 1 pool now (cannot host meets) and the developer wants to build 1 more total, without a stipulation of the size of the new pool. Remember that original promise in the original proffer: 5 pools total, one Junior Olympic-sized.

My point: Can't there be some compromise here? Many of us were sold homes with promises of amazing amenities. Some things to think about:

1) Obviously, we do NOT want a ridiculously high HOA fee and OBVIOUSLY 16 additional tennis courts and 4 more swimming pools with a huge marina would cause that. We know: the original proffers were a "pipe dream" & should NEVER have been published and certainly not used on folks to sell houses. My gosh, the original proffers had an indoor basketball court included!

2) The developer has actually mentioned some good ideas (like a basketball court, which is badly needed), But, some of the severe "cuts" seem so unreasonable.....to do things like promise this huge marina and go to ZERO.....what kind of ethics are those? Remember: these "recreational amenities" have been used on folks to sell homes out here.

Not only do the above thoughts need to be considered; if we are seriously going to build 2300 more housing units, certainly, land for high school out here needs to be in any future plans. If you read EVERYTHING I have state above and THIS sentence, that is plenty.

Thanks,
Bob Byrd
Stonehouse Glen

AGENDA ITEM NO. I.1.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: 2020 Legislative Agenda

ATTACHMENTS:

	Description	Type
	memo	Cover Memo
	Legislative Agenda	Exhibit
	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	10/25/2019 - 7:43 AM
Publication Management	Daniel, Martha	Approved	10/25/2019 - 8:21 AM
Legal Review	Kinsman, Adam	Approved	10/28/2019 - 8:37 AM
Board Secretary	Fellows, Teresa	Approved	10/28/2019 - 8:45 AM
Board Secretary	Purse, Jason	Approved	11/5/2019 - 9:14 AM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 9:56 AM

M E M O R A N D U M

DATE: November 12, 2019

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: 2020 Legislative Program

Attached for your consideration is a resolution approving James City County's 2020 Legislative Program. Also attached is the 2020 Legislative Program.

I recommend adoption of the attached resolution.

ARK/md
JCC2020LegislPrg-mem

Attachment

JAMES CITY COUNTY
2020 LEGISLATIVE PROGRAM

Part I. Legislation Introduced on Behalf of the County

1-1 DISTRIBUTION OF ONLINE SALES TAX BY PHYSICAL ADDRESS

The County requests that the General Assembly require online retailers to distribute sales tax by physical address vs. ZIP codes to ensure that each locality receives the proper amount.

1-2 AMEND SECTION 9.1-101 OF THE VIRGINIA CODE TO INCLUDE SPECIAL CONSERVATORS OF THE PEACE EMPLOYED BY A LOCALITY IN THE DEFINITION OF "CRIMINAL JUSTICE AGENCY."

The County requests that the General Assembly amend Section 9.1-101 of the Virginia Code to include Special Conservators of the Peace who are employed by a locality in the definition of "Criminal Justice Agency." This change would allow James City County Park Rangers to access the Virginia Criminal Information Network ("VCIN").

1-3 AMEND THE VIRGINIA CODE TO ALLOW LOCALITIES TO PROHIBIT E-CIGARETTE STORES FROM LOCATING WITHIN 1000 FEET OF A PUBLIC SCHOOL.

The recent deaths associated with the unknown health effects of e-cigarettes and "vaping" have proven that these products may be deadly. Research has proven that the e-cigarette flavoring is intended to appeal to youth and that youth "vaping" is increasing. Legislation allowing localities to prohibit e-cigarette stores from locating near public schools will help remove this temptation.

1-4 AMEND SECTION 58.1-3720 ET SEQ. OF THE VIRGINIA CODE TO ALLOW THE IMPOSITION OF LICENSE TAX ON AMUSEMENT MACHINES THAT TAKE PAYMENT IN FORMS OTHER THAN COINS.

Section 58.1-3720 et seq. of the Virginia Code allows localities to impose license tax on "coin operated" amusement machines. Many, if not all, such amusement machines only accept paper money or electronic forms of payment. These sections should be updated to include alternative forms of payment.

1-5 AMEND THE VIRGINIA CODE TO REQUIRE THAT ABSENTEE VOTES BE REPORTED BY PRECINCT WHEN THERE ARE MORE THAN 25 SUCH VOTES CAST IN THAT PRECINCT.

DRAFT

JAMES CITY COUNTY
2020 LEGISLATIVE PROGRAM

Part II. Position/Legislation Supported by the County

2-1 AIRPORT ROAD – RICHMOND ROAD INTERSECTION IMPROVEMENTS

The County encourages the General Assembly to provide funding to the Virginia Department of Transportation specifically for improvements to the Airport Road – Richmond Road intersection.

2-2 IMPACT FEES

The County encourages the General Assembly to revise existing impact fee laws to encourage the use of statutorily-calculated impact fees in lieu of cash proffers.

2-3 PRIMARY DATE

The County supports changing the primary date from the second to the third Tuesday in June.

2-4 NONPARTISAN REDISTRICTING.

James City County supports nonpartisan redistricting at the state and local levels.

2-5 LEGISLATIVE PROGRAMS OF VML/VACO/VIRGINIA COALITION OF HIGH GROWTH COMMUNITIES

James City County supports the legislative agendas of the Virginia Municipal League, the Virginia Association of Counties, and the Virginia Coalition of High Growth Communities.

2-6 STATE FUNDING

James City County requests that the state adequately fund for local road improvements, tourism, substance abuse and mental health treatment, public education, stormwater local assistance funds ("SLAF" funding), and public libraries.

DRAFT

R E S O L U T I O N

2020 LEGISLATIVE PROGRAM

WHEREAS, James City County has developed a Legislative Program for the consideration of the 2020 session of the General Assembly which outlines certain legislative policies which the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its Legislative Program and believes that it is in the best interests of the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the County's 2020 Legislative Program and commends it to the County's representatives in the General Assembly for action.

BE IT FURTHER RESOLVED that a copy of the County's 2020 Legislative Program be forwarded to the County's elected representatives to the General Assembly.

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

JCC2020LegislPrg-res

AGENDA ITEM NO. I.2.

ITEM SUMMARY

DATE: 11/12/2019

TO: JCC Board of Supervisors

FROM: Patrick O. Teague, Human Resource Director

SUBJECT: Revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual

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ATTACHMENTS:

	Description	Type
	Chapter 12 Cover Memo	Cover Memo
	Chapter 5 Cover Resolution	Resolution
	Chapter 5 Revised Policy	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Human Resources	Teague, Patrick	Approved	10/23/2019 - 11:07 AM
Publication Management	Daniel, Martha	Approved	10/23/2019 - 11:13 AM
Legal Review	Kinsman, Adam	Approved	10/25/2019 - 7:30 AM
Board Secretary	Fellows, Teresa	Approved	10/28/2019 - 8:50 AM
Board Secretary	Purse, Jason	Approved	11/5/2019 - 9:18 AM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 9:59 AM

M E M O R A N D U M

DATE: November 12, 2019

TO: The Board of Supervisors

FROM: Patrick O. Teague, Director of Human Resources

SUBJECT: Revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual

---

Benefits are an important component in attracting and retaining staff in a competitive employment market.

Staff proposes revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual to:

1. Revise the current benefit threshold from 780 annual hours worked to 1,040 annual hours worked.
2. Grandfather those positions currently earning benefits at 780 annual hours worked threshold.
3. Revise Section 5.5 Family Medical Leave Act to reflect current County procedures.
4. Update general policy language to reflect current procedures and practices.

A copy of the proposed changes is attached.

Staff recommends approval of the proposed changes.

POT/md
JCCCh5Revis2019-mem

Attachments:
1. Copy of Proposed Changes to Chapter 5
2. Resolution

R E S O L U T I O N

REVISIONS TO CHAPTER 5 OF THE JAMES CITY COUNTY

PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, the James City County Personnel Policies and Procedures Manual is an important document that guides decisions; and

WHEREAS, it is the practice of the County to revise and update policies to reflect changes and improvements; and

WHEREAS, benefits are an important tool in attracting and retaining staff; and

WHEREAS, staff recommends revisions to Chapter 5 of the Personnel Policies and Procedures Manual to update the current benefit threshold of 780 annual work hours to 1,040 annual hours, in addition to updating the Family Medical Leave Act policy to reflect County practice.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that revisions to the Personnel Policies and Procedures Manual listed above and set forth in the staff memorandum are adopted, effective December 1, 2019.

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

JCCCh5Revis2019-res

CHAPTER 5

EMPLOYEE BENEFITS

Section 5.1 Policy - General
Section 5.2 Eligibility - General
Section 5.3 Holidays
Section 5.4 Leave
Section 5.5 Family and Medical Leave Act (FMLA)
Section 5.6 Health Related Benefits
Section 5.7 Retirement, Disability, and Life Insurance
Section 5.8 Workers' Compensation (Policy) (Procedures)
Section 5.9 Tax-Related Benefits
~~Section 5.10 Credit Union~~
Section 5.10~~1~~ Employer Assisted Home Ownership Program
Section 5.11~~2~~ Optional, Employee-Paid Benefits

Chapter 5
Employee Benefits

Section 5.1 Policy - General

It is the policy of James City County to provide employee benefits that complement the County's values and strategic direction, that help meet certain needs of County employees and their families, and that help the County to attract and retain quality employees. The County strives to offer high quality benefits, at a reasonable cost to both employees and the County, which prove valuable and useful to employees.

Given the range of benefits and eligibility requirements, the County will communicate the availability of these benefits to eligible individuals and will provide assistance in understanding and using them.

Section 5.2 Eligibility - General

Position Type	Benefit Eligibility
Full-time regular and limited-term positions	All benefits available; VRS Plan 1, 2, or Hybrid eligibility depending on VRS service criteria; leave plan eligibility depending on VRS Plan 1, 2 or Hybrid;
Part-time regular and limited-term positions	Benefits available where specifically indicated in the policy; eligibility is dependent on date of hire into the part-time position and authorized annual hours
Temporary positions, on call positions, former employees, and retirees	Benefits available where specifically indicated in the policy
Other positions	Benefits eligibility varies by organization; contact the Human Resource Department.
Affordable Care Act Benefits Eligible	Eligible for group health insurance coverage in compliance with the shared responsibility provision of section 4980H of the Internal Revenue Code, enacted by the Patient Protection and Affordable Care Act

Section 5.3 Holidays

The County observes the following eleven designated holidays:

New Year's Day	January 1
Martin Luther King Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veterans' Day	November 11
Thanksgiving Day	4th Thursday in November

Day After Thanksgiving	Friday following Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25

The Board of Supervisors may declare any other day an additional holiday.

A. Eligibility for and Calculation of Holidays. Employees in full-time and part-time regular and limited-term positions are eligible for paid holidays or compensatory leave as listed in the eligibility charts below.

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IF an employee is in a Full-Time Position (2,080 or more Annual Authorized Hours)	
AND the employee participates in VRS Plan 1 or 2	THEN paid holidays or compensatory leave is based on the employee's monthly sick leave accrual rate (see Section 5.4.B.9.)
AND the employee participates in the VRS Hybrid Plan	THEN paid holidays or compensatory leave is 8 hrs.

IF an employee is in a Part-Time Regular or Limited-Term Position (fewer than 2,080 Annual Authorized Hours		
AND the employee was hired into a part-time regular or limited-term position before 1/1/2014	AND authorized to work fewer than 2,080 hrs.	THEN the employee's paid holidays or compensatory leave is based on the employee's monthly sick leave accrual rate (see Section 5.4.B.9.)
AND the employee was hired into a part-time regular or limited-term position on or after 1/1/2014	AND authorized to work 1,040-2,079 hrs.	THEN the employee's paid holidays and compensatory leave is 6 hrs.
AND the employee was hired into a part-time regular or limited-term position on or after 1/1/2014 *but before 12/1/2019*	AND authorized to work 780-1,039 hrs.	THEN the employee's paid holidays and compensatory leave is 3 hrs.

AND the employee was hired into a part-time regular or limited-term position on or after 1/1/2014	AND authorized to work fewer than 780 hrs.	THEN the employee is not eligible for paid holidays or compensatory leave
AND the employee was hired into a part-time regular or limited-term position on or after 12/1/2019	*AND authorized to work fewer than 1,040 hrs.*	*THEN the employee is not eligible for paid holidays or compensatory leave*

B. Observance of Holidays

1. If a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday; if a holiday falls on a Sunday, the following Monday shall be observed as the holiday. County operations which are open on holidays shall observe the actual holiday for purposes of holiday pay.

2. If an observed holiday falls on a day an employee is not otherwise scheduled to work, the employee shall earn compensatory leave for the observed holiday for the number of holiday hours listed in the eligibility chart above. In cases where this would present a hardship because of work load, the department director may authorize payment in lieu of the compensatory leave if the budget permits.

3. An employee who is on approved leave with pay during a period in which a holiday falls, shall not be charged leave for the observed holiday for the number of holiday hours listed in the eligibility chart above.

4. An employee who is on military leave with pay during a period in which a holiday falls shall not receive any additional pay or compensatory leave for the holiday.

5. An employee forfeits eligibility to be compensated for the holidays observed by the County unless the employee works the last scheduled work day before the holiday and the first scheduled work day after the holiday or is on approved leave with pay.

C. Working on Holidays

1. If an employee is required to work on an observed holiday, he shall receive holiday pay as outlined in Chapter 4, Section 4.15.

2. Certain employees who are called to work on a County-observed holiday on which they are not scheduled to work may be eligible for premium pay as outlined in Chapter 4, Section 4.17.

Section 5.4 Leave

A. General

1. Policy Statement - James City County recognizes the importance of balancing the productivity needs of the County with the needs of County employees and their families by providing employees with time away from work. It is the policy of the County to provide employees with continued income and benefits during certain approved absences of specified durations.

2. Eligibility - Employees in part-time regular and limited-term positions are eligible for leave on a pro-rated basis with the exception of those hired on or after January 1, 2014, into positions with fewer than 780 annual authorized hours *and those hired on or after December 1, 2019, into positions with fewer than 1,040 annual authorized hours.*

3. Definitions

a. Day

Full or Part Time	Characteristics	Annual Authorized Hours	Day
Full-Time	VRS Plan 1 or 2 Member	2,080 or more	Monthly sick leave accrual rate
Full-Time	VRS Hybrid Plan Member	2,080	8 hours
Part-Time	Hired before 1/1/2014	Fewer than 2,080	Monthly sick leave accrual rate
Part-Time	Hired on or after 1/1/2014	1,040-2,079	6 hours
Part-Time	Hired on or after 1/1/2014 *but before 12/1/2019*	780-1,039	3 hours
Part-Time	Hired on or after 1/1/2014 *but before 12/1/2019*	Fewer than 780	None; ineligible
Part-Time	*Hired on or after 12/1/2019*	*Fewer than 1,040*	*None; ineligible*

b. Immediate Family - The immediate family is defined as: spouse, parent, son, daughter, brother, sister, grandparents, grandchildren, step-children, step-parents, guardian, spouse's parent *and grandparents*, and any persons residing in the same household as the employee.

c. Week - A week is defined as the annual authorized hours of the employee's position divided by 52.

B. Types of Leave

The County offers the following types of leave. An overview of eligibility, purpose and guidelines is listed below.

1.

Type	Annual Leave
Eligibility	Employees in full-time regular and limited-term positions who are members of VRS Plan 1 or 2, and employees in part-time regular and limited-term positions who were hired into those positions before January 1, 2014
Purpose	Any purpose
Guidelines	Accrual Annual leave shall be accrued in accordance with the chart below:

Monthly Accrual Rate In Hours			
Annual Authorized Hours	<5 years of service	5<15 years of service	>15 years of service
< 261	1	1.5	2
261-520	2	3.0	4
521-780	3	4.5	6
781-1,040	4	6.0	8
1,041-1,300	5	7.5	10
1,301-1,560	6	9.0	12
1,561-1,820	7	10.5	14
1,821-2,080	8	12.0	16
2,081-2,340	9	13.5	18
2,341-2,600	10	15.0	20
2,601-2,860	11	16.5	22
>2,860	12	18.0	24

The maximum amount of leave that an employee may accumulate is the amount of leave the employee can earn in

	a two-year period. The employee's leave balance must be within the maximum accumulation amount on July 1 of each year or the excess shall be forfeited. <u>Payment for Accumulated Leave Upon Separation from Employment</u>: Employees shall receive the monetary equivalent of their annual leave balance up to the annual maximum accumulation. If two weeks' notice is not given by an employee, the equivalent of one day shall be deducted from the leave payments for each day that the employee failed to give notice of termination up to a two-week maximum. Exceptions may be made by the department director.

2.

Type	Paid Time Off (PTO)
Eligibility	Employees in full-time regular and limited-term positions who are members of the VRS Hybrid Plan, and employees in part-time regular and limited-term position of ~~780~~ *1,040* or more annual authorized hours who were hired into the part-time position on or after January 1, 2014.
Purpose	May be used by an employee to provide paid absences for any purpose including illness and supplementing short-term disability payments.

Guidelines

Accrual

PTO shall be accrued in accordance with the chart below:

PTO Monthly Accrual Rate in Hours

Annual Authorized Hours	**<5 Years of Service**	**5-10 Years of Service**	**10-15 Years of Service**	**15+ Years of Service**
<780	Ineligible; no PTO accrued	Ineligible; no PTO accrued	Ineligible; no PTO accrued	Ineligible; no PTO accrued
780-1,039 *If hired before 12/1/2019*	3.0	3.5	4.0	4.5
1,040-2,079	6.0	7.0	8.0	9.0
2,080	12.0	14.0	16.0	18.0
<1,040 If hired after 12/1/2019	*Ineligible; no PTO accrued*	*Ineligible; no PTO accrued*	*Ineligible; no PTO accrued*	*Ineligible; no PTO accrued*

Employees do not accrue leave while on short-term or long-term disability.

The maximum amount of PTO that an employee may accumulate is the amount of leave the employee can earn in a one-year period.

The employee's PTO leave balance must be within the maximum accumulation amount on July 1 of each year or the excess shall be forfeited.

Use

a. Scheduled Absences - PTO should be scheduled in advance for time off for vacations, personal leave appointments or other reasons. It is subject to supervisor approval, department staffing needs and established department procedures.
b. Unscheduled Absences - While sometimes unavoidable, unscheduled absences can adversely affect the operations of the department. The supervisor

	may request the employee provide documentation in accordance with department policy or County procedures or regulations. c. Supplement to Short-Term Disability Payments - Accrued PTO may be used by full-time employees wishing to increase STD payments up to 100% or full pay. Payment for Accumulated Leave Upon Separation from Employment Employees shall receive the monetary equivalent of their PTO balance up to the annual maximum accumulation. If two weeks' notice is not given by an employee, the equivalent of one day shall be deducted from the leave payments for each day that the employee failed to give notice of termination up to a two-week maximum. Exceptions may be made by the department director.

3.

Type	Sick Leave
Eligibility	Employees in full-time regular and limited-term positions who are members of VRS Plan 1 or 2, and employees in part-time regular and limited-term positions who were hired in to those positions before January 1, 2014.
Purpose	May be used by an employee to provide paid absences for health-related reasons as outlined below. Accumulated sick leave provides continued income for employees during periods of disability.

Guidelines	Sick leave provides paid absences for the following reasons: a. A personal illness, injury, and/or disability not incurred in the line of duty, which incapacitates the employee from being able to perform assigned duties; b. Appointments for examination and/or treatment related to health when approved in advance by the department director and when such appointments cannot reasonably be scheduled during nonwork hours. c. An illness or appointment for examination and/or treatment related to the health of an immediate family member requiring the attendance of the employee and approved by the department director, not to exceed twelve (12) days per fiscal year. A day is defined in Section 5.4.A.3.a. Use of additional sick leave in excess of the permitted allowance may be approved if recommended by the department director and approved by the Human Resource Director. <u>Accrual</u> a. Sick leave shall be accrued in accordance with the chart below: b. There is no limit to the amount of sick leave an employee may accrue.

Annual Authorized Hours	Monthly Accrual Rate In Hours
<261	1
261-520	2
521-780	3
781-1,040*	4
1,041-1,300	5
1,301-1,560	6
1,561-1,820	7
1,821-2,080	8
2,081-2,340	9
2,341-2,600	10
2,601-2,860	11
>2,860	12

	<u>Payment for Accumulated Leave Upon Separation from Employment</u> Employees with two (2) years or more of continuous service with the County shall be compensated for their sick leave balance at the rate of one hour's pay for every four hours of accrued sick leave or the maximum amount listed below, whichever is less. If two weeks' notice is not given by the employee, or if the employee is discharged for disciplinary reasons, sick leave payments shall be forfeited. Exceptions may be made by the department director. Years of Service — Maximum Payment 2-14 — $1,000 15-24 — $2,500 25 or more — $5,000 <u>Sick Leave Bank</u> Employees may elect to pool accumulated sick leave into a sick leave bank for the purpose of providing participating employees additional leave for extended illness or injury. Such a bank shall be supported by employees and shall cease to exist should there be insufficient employee interest.

4.

Type	Funeral Leave
Eligibility	All employees in full-time and part-time regular and limited-term positions except those hired on or after 1/1/2014 into part-time and limited-term positions which have annual authorized hours fewer than 780 *and those hired on or after December 1, 2019 which have annual authorized hours fewer than 1,040*.
Purpose	May be used by an employee to provide paid absences upon the death of a member of an employee's immediate family.
Guidelines	<u>Amount of Leave</u> Funeral leave, if requested by the employee, shall be granted by the supervisor for up to three (3) days as defined in Section 5.4.A.3.a. per death of an employee's immediate family member. Exceptions may be granted by the department director.

5.

Type	Leave Without Pay
Eligibility	All employees in full-time and part-time regular and limited-term positions who are eligible to accrue leave. See Section 5.4.A.2.
Purpose	May be used by an employee to provide unpaid absences for a variety of reasons outlined below including any mutually agreeable reason.
Guidelines	An employee shall be on leave without pay under the following circumstances: a. Approved absence for which the employee has insufficient accrued leave, or for which the employee elects, with the concurrence of the department director, not to use accrued leave; b. Absences authorized as a condition of employment; c. Unapproved absence from the job during a scheduled work period; d. Suspension without pay as defined in Section 7.5.C; or e. Furlough, or required unpaid time off for a defined group of employees, directed by the County Administrator due to fiscal constraints. <u>Impact on Other Benefits and Conditions of Employment</u> a. PTO or sick and annual leave shall not be earned for any pay period during which an employee takes leave without pay that is not approved prior to use or which exceeds one full work day. b. An employee's first performance increase after returning to work shall be pro-rated for each period of thirty (30) consecutive calendar days the employee is on leave without pay. *Exceptions to proration are made for qualified FMLA absences*. c. The County shall pay its share of County health and life insurance premiums during approved leave without pay unless otherwise provided in writing to the employee. d. Should an employee fail to return to work by the date the employee agreed to in writing, the County Administrator may declare the employee to have terminated voluntarily as of the expected return to work date, except where the employee requires additional time off under the Family and Medical Leave Act, Section 5.5, or is on short-term disability. An employee who accepts employment elsewhere while on leave without pay, unless approved, shall be

	considered to have terminated employment with the County without notice as of the original date the leave was begun.

6.

Type	Military Leave
Eligibility	All employees in full-time and part-time regular and limited-term positions who are eligible to accrue leave. See Section 5.4.A.2.
Purpose	May be used by an employee who is a member of one of the covered military, security, or recovery organizations listed below to provide paid absences for the reasons and duration outlined below:
Guidelines	<u>Legal Basis</u> James City County is committed to ensuring that our Personnel Policies are in compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) Title 38 and as amended by Title 42. Certain activated employees in organizations other than the uniformed service are intermittent federal employees and are considered members of the uniformed service for purposes of USERRA. <u>Covered Organizations and Qualifying Reasons</u>

Covered Organizations	**Qualifying Reason**
The organized reserve forces of any of the armed services of: The United States National Guard Naval Militia	Annual active duty for training. Called to active duty. Called forth by the Governor during a disaster. Other reasons covered by USERRA.
Members of the Department of Homeland Security/Federal Emergency Management Agency's (FEMA) Disaster Medical System, to include: Disaster Medical Assistance Team (DMAT) Disaster Mortuary Operational Response Team (DMORT) Other groups as required by law	Federal deployment and/or training during regularly scheduled work hours.

Amount of Leave

Up to 15 days during each federal fiscal year, which is October 1 through September 30, for qualifying reasons. *Weekend drills are not a qualifying reason.*

Duration of Leave and Associated Pay and Benefits

Length of Absence	**Salary and Benefits**
Up to 15 days per federal fiscal year	Full pay and all benefits and benefit accruals continue.
More than 15 days in a federal fiscal year	Employee coordinates with department director to use other applicable leave or leave without pay.

Special Circumstances

Employees who are members of the force listed above and are involuntarily called to federally funded military active duty shall receive the following:

a. A Military Pay Differential in the amount of the difference between the employee's military base pay plus basic allowances for housing and subsistence, and the employee's regular County base pay. If the employee's military pay plus allowance exceeds the County pay, no differential shall be paid.

Employee Responsibility

a. The employee must submit a copy of the valid written orders when requesting military leave and a copy of the release from active duty upon return.
b. The employee cannot accept other employment while on military leave without the prior approval of the department director.

Return to Work

a. The employee may use up to five years of cumulative service and still retain reemployment rights as provided by USERRA.
b. The position that the employee is eligible to return to after active duty service depends on the length of that service as provided by USERRA.

	c. The employee's terms of employment are controlled by the Personnel Policies and Procedures Manual and applicable USERRA provisions. d. If the employee does not return to work after deactivation as prescribed by law, the County Administrator may declare the employee to have terminated voluntarily as of the expected return to work date. <u>Urban Search and Rescue</u> Members of the Department of Homeland Security/FEMA's Urban Search and Rescue Team (US&R) are not considered intermittent federal employees or members of the uniformed services under USERRA. These employees when activated will be paid according to the Mutual Aid Agreement Memorandum of Understanding concerning US&R team membership and FEMA reimbursement policies in effect at the time of activation.

7.

Type	Volunteer and School Leave
Eligibility	Employees in full-time and part-time regular and limited-term positions except those hired on or after 1/1/2014 into part-time regular and limited-term positions which have fewer than 780 annual authorized hours. *Part-time regular employees hired after December 1, 2019 who work a minimum of 1,040 annual hours.*
Purpose	School Leave may be used by an employee to provide paid absences to perform volunteer work in a school, to meet with a teacher or administrator concerning the employee's children, step-children, or children over whom the employee has custody, or to attend a school function in which such a child is participating. School leave may be used for these purposes in a public or private elementary, middle, or high school, or a licensed preschool or daycare center. Volunteer Leave may be used by an employee to provide paid absences to perform volunteer work as part of an organized service project through a recognized nonprofit or governmental organization.
Guidelines	Employees in full-time regular and limited-term positions may take up to eight (8) hours of School Leave per fiscal year and up to eight (8) hours of Volunteer Leave per fiscal year.

	Employees in part-time regular and limited-term positions may take up to one day as defined in Section 5.4.A.3.a.

8.

Type	Short-Term Disability (STD)
Eligibility	Employees in full-time regular and limited-term positions who are VRS Hybrid Plan members.
Purpose	May be used by an employee to provide paid absences for illnesses or injuries including Workers' Compensation meeting the criteria set forth in the Code of Virginia.
Guidelines	Details of coverage are available from the Human Resource Department.

Section 5.5 Family and Medical Leave Act (FMLA)

A. Policy Statement - James City County policy complies with the Family and Medical Leave Act (FMLA) of 1993 (as revised January 16, 2009). The function of this policy is to provide employees with a general description of their FMLA rights. This policy summarizes the key provisions of the Act; employees should refer to the Act itself or contact Human Resources if more specific detail is needed. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. Under this policy, James City County will grant up to 12 weeks of time away from work (or up to a total of 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness incurred in the line of duty while on active duty) during a 12-month period to eligible employees. The leave taken under FMLA may be paid, unpaid or a combination of paid and unpaid leaves, depending on the circumstances of the leave and in accordance with Sections 5.4 and 5.5. A request for determination of eligible leave under FMLA may be initiated by the employee, the supervisor, or the Human Resource Department in accordance with their respective responsibilities outlined in Sections 5.5.F, 5.5.G, and 5.5.H.

B. Eligibility - To qualify for FMLA under this policy, the employee must meet all of the following conditions:

1. The employee must have worked for the County for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive.
2. The employee must have worked at least 1,250 hours during the 12-month period immediately before the date the leave is requested to begin. Hours actually worked will be counted in determining the 1,250 hours; paid or unpaid time off will not be counted.

C. Definitions

1. Day - See Section 5.4.A.3.a.

2. Fiscal Year - July 1 through June 30.
3. In loco parentis - Acting as a temporary guardian of a child.
4. Next of Kin - The closest blood relative of the injured or recovering service member.
5. Parent - The biological, adoptive, step, or foster parent or other person who stands "in loco parentis" to the employee.
6. Qualifying Exigency - One of the following:
   a. short-notice deployment,
   b. military events and activities,
   c. child care and school activities,
   d. financial and legal arrangements,
   e. counseling,
   f. rest and recuperation,
   g. post-deployment activities and
   h. additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.
7. Serious Health Condition - An illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. The "continuing treatment" test for a serious health condition under the regulations may be met through:
   a. a period of incapacity of more than three consecutive, full calendar days plus treatment by a health care provider twice, or once with a continuing regimen of treatment,
   b. any period of incapacity related to pregnancy or prenatal care,
   c. any period of incapacity or treatment for a chronic serious health condition,
   d. a period of incapacity for permanent or long-term conditions for which treatment may not be effective, or
   e. any period of incapacity to receive multiple treatments (including recovery from those treatments) for restorative surgery, or for a condition which would likely result in an incapacity of more than three consecutive, full calendar days absent medical treatment.
8. Son or Daughter - A biological or adopted child or foster child, a step-child, a legal ward, or a child of a person standing "in loco parentis" who is under 18 years of age. FMLA leave may apply to a son or daughter defined in this section who is over 18 if either of the following two situations apply:
   a. The child is incapable of self-care because of mental or physical disability.
   b. Leave is requested and approved for a qualifying exigency.
9. Spouse - A husband or wife.

10. 12-month period -
    a. For military caregiver leave, the 12-month period begins on the first day that leave is taken and ends 12 months later.
    b. For determining the 1,250-hour eligibility provision, the 12-month period begins 12 months prior to the start of the FMLA leave.
11. Week - The annual authorized hours of the employee's position divided by 52.

D. Reasons for FMLA Absences - To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

1. To care for a spouse, child or parent with a serious health condition.
2. The serious health condition of the employee.
3. The birth of a child and in order to care for that child.
4. The placement of a child for adoption or foster care and to care for the newly placed child.
5. Qualifying exigency leave for an employee whose spouse, son, daughter or parent is a member of the National Guard or Reserves when the covered military member either has been notified of an impending call or order to active military duty or who is already on active duty in support of a contingency operation. The leave may begin as soon as the individual receives the call-up notice.
6. Military caregiver leave (also known as covered service member leave) to care for a spouse, son, daughter, parent or next of kin who is a covered service member with a serious illness or injury incurred in the line of duty while on active duty.

E. Amount of Allowable FMLA Leave

1. *Allows* ~~a~~An eligible employees ~~may take up~~ *to take leave from work for up to* ~~a total of~~ 12 *work* weeks *of paid, unpaid or a combination of paid and unpaid leaves* ~~*of* for the FMLA *leave* reasons specified in Sections 5.5.D.1, 5.5.D.2 and 5.5.D.5~~ during a fiscal year. Each time an employee takes leave that qualifies under FMLA, the County will compute the amount of leave the employee has taken under this policy during the fiscal year and subtract it from the 12 weeks of available leave. The balance remaining is the amount of FMLA leave the employee *may* take until the end of that fiscal year.
2. An eligible employee may take up to 12 weeks *paid, unpaid, or a combination of paid and unpaid leave* for the *birth of a child or the placement of a child for adoption or foster care, to care for a spouse, child or parent with a serious health condition, or where the employee suffers from a serious health condition. FMLA leave to bond with a child must be taken within one year of the child's birth or placement and must be taken as a continuous block of leave.*

3. An eligible employee may take up to 26 weeks ~~for the FMLA reason~~ *of military caregiver* ~~specified in Section 5.5.D.6 of this policy during~~ *leave during* a single 12-month period ~~which begins~~ *beginning* ~~on~~ the first day the eligible employee takes ~~military caregiver~~ leave, and ends 12 months after that date. During this single 12-month period, the employee may also take leave for a different eligible FMLA-related event, but the employee is entitled to a combined total of 26 workweeks of military caregiver leave and leave for any other FMLA-qualifying reason in this single 12-month period. Under this policy, up to a total of 26 weeks of military caregiver leave *is available* to care for a covered service member with a serious injury or illness incurred in the line of duty while on active duty during ~~a 12-month period~~ *the* ~~calendar~~ *fiscal year* ~~to eligible employees~~.
4. If a husband and wife both work for the County and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, the husband and wife may take a combined total of 12 weeks of *FMLA* leave during the fiscal year. If a husband and wife both work for the County and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may take a combined total of 26 weeks of *FMLA* leave during a 12-month period.
5. An employee who uses accrued paid leave to cover some or all of the FMLA leave must take it in accordance with County policy as defined in Section 5.4.F of this policy.
6. If paid leave is used, such time will also be counted concurrently toward the 12 weeks granted under FMLA. Disability leave for the birth of a child and for an employee's *own* serious health *condition*, will be designated as FMLA.

~~6.~~*7. Worker's Compensation injuries or illnesses will be designated as FMLA* ~~and will run concurrently with FMLA~~ *after 6 months of date of injury.*

~~7.~~*8. Employees in VRS Plan 1 or Plan 2 will be given an additional 14 weeks upon the completion of the original FMLA designation. This will provide employees the same benefit as those covered under the VRS Hybrid plan for short-term disability.*

F. Employee Responsibilities - An eligible employee requesting time off for ~~one of the reasons listed in section 5.5.D~~ *eligible FMLA reasons must comply with their department's usual and customary notice and procedural requirements for requesting leave. When an employee does not comply with James City County's usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed, denied, or rescheduled.*

1. *An employee requests FMLA paperwork from Human Resources an*d informs *supervisor the purpose for leave. Notice should be provided 30* days in advance if leave is foreseeable. When advance notice is not possible, the employee must provide notice *within 5 working days of event* or as soon as practicable and must comply with the Department's absence notification procedures;
2. *An employee must* ~~W~~*w*ork with the supervisor to identify the type of County leave(s) which will be taken during the absence; *and*
3. Provide medical certification within 15 calendar days of the request for leave if the situation necessitating the absence and anticipated duration of leave if foreseeable. Medical certification will be provided using the appropriate Department of Labor form obtainable from Human Resources or the DOL web site;
4. *An employee must* ~~A~~*a*dvise the*ir* supervisor *and the* Human Resource Department if leave is to be taken intermittently, or on a reduced work schedule basis;
5. *An employee should c*~~C~~*ontact Human Resources* to make benefit payments if necessary;
6. *Employees should* ~~K~~*k*eep the*ir* supervisor *and the* Human Resources informed of the status of the absence, including any change in the circumstances for which the leave is being taken, and the employee's anticipated return to work;
7. *Prior* to *returning to* work, *an employee must* provide *to the Human Resource Department* a fitness for duty certification from *their* ~~a~~ physician if the leave was taken for the employee's own serious health condition. *Human Resources will notify supervisor of the return to work date and if the employee has any restrictions.*

G. <u>Supervisor Responsibility</u> - If an employee requests leave for *an*~~d~~ *eligible FMLA event* ~~one of the purposes listed in Section 5.5.D of this policy~~, or when an employee has been absent for more than *five (5)* consecutive workdays for reasons which may make the employee eligible ~~under~~ *for* FMLA, the supervisor *must* inform Human Resources of the absence so that Human Resources may inform the employee in writing, of their rights and responsibilities under FMLA.

1. The Supervisor must inform Human Resources of any contact with the employee regarding the extension of FMLA leave or if the employee has been released to return to work sooner than expected.

2. The Supervisor must not allow the employee to return to work until Return to Work Form has been provided to Human Resources.

H. <u>Human Resource Responsibilities:</u>

1. Post and provide general notice to all employees of their FMLA rights and responsibilities;

2. Upon learning of the employee's absence, notify the employee within five (5) workdays that the leave may qualify for and be designated as leave under FMLA;
3. Review the employee-submitted documentation to determine if the employee's absence qualifies under FMLA;
4. If the absence does not qualify for FMLA, confirm that in writing to the employee including the reason(s) the employee is not eligible;
5. If the absence does qualify for FMLA:
    a. Confirm the employee's eligibility for FMLA in writing including ending date of leave;
    b. Maintain group health benefits as if the employee continued to work instead of taking leave;
    c. Notify the employee concerning the status of benefits while on leave; and
    d. ~~Designate and track the absence under FMLA.~~ Notify the employee's supervisor of the qualified FMLA absence so tracking of leave may begin.
    e. Upon completion of an employee's absence under FMLA:
6. *Notify supervisor of return to work date any restriction upon receipt.*
    a. Ensure the employee is returned to the same or equivalent position based upon the FMLA provisions; and
    b. Track the employee's remaining available time and the remaining eligible time period.

I. Recertification/Second Opinion - James City County may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employee or the County receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the County may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with the FMLA absence. The County may provide the employee's health care provider with the employee's attendance records and ask if the need for leave is consistent with the employee's serious health condition. If the County has reason to doubt the validity of the medical certification, the County, at its own expense, may require the employee to obtain a second opinion and, if the employee's health care provider's certification and the second opinion certification conflict, a third opinion certification.

J. Additional Information - Employees seeking more detailed information may contact the Human Resource department or consult the Family and Medical Leave Act itself and/or the appropriate areas of the Department of Labor web site.

Section 5.6 Health Related Benefits

A. Policy Statement - James City County recognizes the importance of the physical and mental health of employees and their dependents to the employees' quality of life and productivity at work. It is the policy of James City County to provide employees with assistance to care for their physical and mental health.

B. Health Insurance

1. Group Health Insurance Plan - The County shall provide at least one group health insurance option.

2. Eligibility and Cost

a. Employees in full-time regular and limited-term positions and employees identified as eligible under the Affordable Care Act, their spouses, and dependent children are eligible for group health insurance coverage. The County shall pay at least a portion of the cost of the group health insurance coverage for active employees.

b. Retirees, at least 50 years of age, who have worked for the County for at least 15 years or who have worked for the County fewer than 15 years but have retired because of a Line of Duty Act injury, are eligible to continue group health insurance for themselves and their dependents until they are eligible for Medicare, if they elect to participate prior to leaving County employment. The County bears none of the cost for this coverage; however, the retiree may be eligible for a VRS Retiree Health Insurance Credit. See Sections 5.7.B.2.b and 5.7.C.3.

c. Employees who are terminating employment or reducing their hours to part-time may elect to continue the group insurance coverage for themselves and their dependents at that time. This option is available only for as long as the employee or eligible family member is not covered by another group plan and only for designated periods of time. The County bears none of the cost of this coverage and an administrative charge is added to the premium.

3. Medicare - Both the County and the employee contribute to the Medicare account of employees in full-time and part-time regular, limited-term, temporary, and on-call positions as required by law. All questions regarding Medicare coverage should be directed to the Social Security Administration.

C. Employee Assistance Program - The County shall offer a program to provide confidential counseling and referral services.

1. Eligibility - Employees in full-time and part-time regular and limited-term positions, their spouses, and dependent children are eligible for counseling and referral services.

2. Cost - The County shall bear the cost of short-term counseling and referral services. The Employee Assistance service provider shall refer the employee and dependents to an affordable community resource, including coordination with the employee's health insurance plan, for longer-term counseling.

D. Fitness Program - The County shall assist employees in accessing at least one fitness center and in obtaining educational materials on wellness.

Section 5.7 Retirement, Disability and Life Insurance

A. Policy Statement - James City County recognizes the importance of income after retirement and in the event of disability, and the financial needs of surviving family members in the event of death. It is the policy of the County to assist employees in meeting these needs through financial contributions to retirement and insurance plans or by providing group plans in which employees may choose to participate at their own expense.

B. Retirement - James City County believes that an employee is best served by having retirement income from more than one source. It is the policy of the County to contribute towards Social Security (FICA) and the Virginia Retirement System (VRS), on behalf of the employee. The County also provides an IRS Section 457 Deferred Compensation Plan to which the employee may choose to contribute. The County may match a portion of those contributions as outlined in Section 5.7.B.3.b.

1. Social Security (FICA) - Both the County and the employee contribute to the social security account of employees in full-time and part-time regular, limited-term, temporary, and on-call positions as required by law. All questions, including those regarding estimated retirement income, account balances, and the like, should be directed to the local Social Security Administration Office.

2. VRS Service Retirement

a. The County's retirement plan is administered by the Virginia Retirement System (VRS). VRS Plans 1 and 2 are defined benefit plans qualified under the Internal Revenue Service Code. The VRS Hybrid Plan has both a defined benefit and defined contribution

component. The VRS is governed by the Code of Virginia, and changes to the law can be made by an act of the General Assembly. Some items are optional to local governments.

The VRS outlines the factors used to determine the defined benefit retirement benefit such as whether the employee is in Plan 1, 2, or the Hybrid Plan, age, average final compensation, and years of VRS service.

b. Generally, a credit of up to a maximum of $45 per month is available to employees who retire with at least 15 years of VRS service to help defray the cost of health insurance premiums. The amount of the credit varies based on factors such as the number of years of VRS service. This reimbursement for health insurance premiums is included in the VRS retirement payment and is non-taxable. (Effective 7-1-2006)

3. Deferred Compensation

a. The County sponsors a deferred compensation plan and a *Roth IRA* to allow County employees to save a portion of their salary for retirement purposes. The plan is voluntary and is administered in accordance with appropriate Federal and State laws. Employees in full-time and part-time regular and limited-term positions are eligible to participate.

b. The County may match 50 percent of the employee contribution in *the deferred compensation plan* up to a maximum County contribution established by the Board of Supervisors in the budget. The maximum match for part-time employees will be half that of full-time employees. Employees who have at least two years of County service will be vested for purposes of the match funds. (Effective 7-1-2006)

c. Employees age 45 or older with 15 years or more of service on July 1, 2006, may be eligible for an additional match upon retirement if they have contributed continuously to deferred compensation from July 1, 2006, and if they contribute at least some of their final leave payments to their deferred compensation account. (Effective 7-1-2006)

d. The County provides a Roth plan to allow County employees to save a portion of their salary for retirement purposes. The plan is voluntary and is administered in accordance with appropriate Federal and State laws. Employees in full-time and part-time regular and limited-term positions are eligible to participate.

C. Disability

1. VRS Plan 1 and 2 Members - The VRS provides an employee with disability retirement if the employee becomes mentally or physically unable to perform the employee's present duties, the disability is likely to be permanent, and the employee is under age 65. Employees are eligible from the first day of employment, provided the disability did not exist at the time of employment, and regardless of whether the cause of the disability is work-related or is compensable under Workers' Compensation.

2. VRS Hybrid Plan Members - are eligible for Long-Term Disability (LTD) coverage in accordance with the provisions implemented under the Code of Virginia. If benefits are approved by the LTD insurance carrier, benefits may continue until service retirement age.

3. Health Insurance Credit - Generally, a credit of $45 per month is available to employees who retire on disability regardless of the years of VRS service to help defray the cost of health insurance premiums. This reimbursement for health insurance premiums is included in the VRS retirement payment and is non-taxable. (Effective 7-1-2006)

D. Life Insurance

1. VRS Standard Life Insurance - Provides payment to an employee's designated beneficiary in the event of the employee's death or to the employee in the event of his dismemberment. A medical examination is not required in order to be covered by this insurance. The County pays the full cost of the coverage. The insurance continues at a reduced amount for employees who retire and receive VRS payments and may be converted to an individual policy by employees who are terminating employment.

2. VRS Optional Life Insurance - Employees may, at their own expense, purchase additional life insurance for themselves as well as coverage for their spouses and dependent children through a VRS-sponsored program. A medical examination is not required for some levels of coverage.

Section 5.8 Workers' Compensation

A. Policy Statement

When an employee experiences an employment-related injury or illness as defined in the Workers' Compensation Act of the Code of Virginia, the County provides medical reimbursement, lost wage payments, and fixed awards as outlined in the Code of Virginia. The County also provides a salary supplement

to help offset the difference between the lost wage payment and the employee's normal net pay, after taxes. Employees do not accrue leave while on Workers' Compensation. Where the injury or illness is outside the scope of the Code, employees are encouraged to contact the Human Resource Department to determine what other benefits may apply.

B. Eligibility

Employees in full-time and part-time regular, limited-term, temporary, and on-call positions are eligible for Workers' Compensation benefits.

Section 5.9 Tax-Related Benefits

A. Policy Statement - James City County recognizes the value of paying certain expenses outlined in IRS Code Section 125 with pretax dollars. It is the policy of the County to offer such opportunities where there are a sufficient number of interested employees.

B. Pretax Health Insurance Premiums - Also called Premium Conversion, allows employees who pay a portion of their County-sponsored group health insurance plan premiums to pay them before taxes. Employees are automatically enrolled unless they waive participation.

C. Reimbursement Accounts - Also called Flexible Spending Accounts, allow eligible employees in full-time and part-time regular and limited-term positions who enroll in the program to pay for eligible health care or dependent care expenses with pretax dollars on a reimbursable basis.

~~Section 5.10 Credit Union~~

~~Employees in full-time and part-time regular, limited-term, temporary, and on-call positions and members of their families are eligible to join any credit union with which James City County is affiliated and receive the membership benefits available.~~

Section 5.10~~1~~ Employer Assisted Home Ownership Program

A. Policy Statement - James City County recognizes the value of having employees live in the community they serve when possible economically and considering family circumstances. It is the policy of the County to assist employees who meet eligibility requirements to purchase a home in the community.

B. Legal Basis - County Code Section 2-15.2 authorizes the County program in accordance with Code of Virginia Section 15.2-958.2.

C. Benefits - eligible employees may receive matching funds up to the maximum allowed by the Program if they purchase a primary residence in James City County or the City of Williamsburg and they meet all program terms and conditions.

D. Repayment of Matching Funds - In accordance with the terms of the Program, employees are required to repay some or all of the funds received if they do not remain in County employment and live in the residence for an amount of time specified in the program terms and conditions.

Section 5.1~~2~~1 Optional, Employee Paid Benefits

From time to time the County may offer optional benefits that it deems of value to employees, and which are 100 percent employee paid.

AGENDA ITEM NO. I.3.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Doug Powell, JCSA General Manager; Max Hlavin, Deputy County Attorney

SUBJECT: 3877 Strawberry Plains Road: City of Williamsburg Water Service Approval

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ATTACHMENTS:

	Description	Type
	Memo	Cover Memo
	Resolution	Resolution
	City of Williamsburg Letter	Backup Material
	Parcel Map	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	10/29/2019 - 2:13 PM
Publication Management	Burcham, Nan	Approved	10/29/2019 - 2:18 PM
Legal Review	Kinsman, Adam	Approved	10/29/2019 - 3:25 PM
Board Secretary	Fellows, Teresa	Approved	10/30/2019 - 9:07 AM
Board Secretary	Purse, Jason	Approved	11/5/2019 - 9:15 AM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 9:56 AM

M E M O R A N D U M

DATE: November 12, 2019

TO: The Board of Supervisors

FROM: M. Douglas Powell, General Manager, James City Service Authority

SUBJECT: Consideration of a Request for the City of Williamsburg to Provide Water Service for Property Located at 3877 Strawberry Plains Road

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The owner of the parcel located at 3877 Strawberry Plains Road has submitted plans to subdivide the parcel into seven lots. Due to the narrow width of the easement in the area and other engineering constraints, it is difficult for the James City Service Authority (JCSA) to extend water service to the parcel. The parcel is served by JCSA sewer.

The City of Williamsburg has public utilities across the street from the parcel, and can more easily serve the parcel. The City has agreed to serve the parcel pending the approval of the Board of Supervisors.

Staff recommends approval of the resolution authorizing the City of Williamsburg to extend public water service to 3877 Strawberry Plains Road and any lots subdivided therefrom.

MDP/md
WtrServ-StrwbyPl-mem

Attachment

R E S O L U T I O N

CONSIDERATION OF A REQUEST FOR THE CITY OF WILLIAMSBURG TO PROVIDE

WATER SERVICE FOR PROPERTY LOCATED AT 3877 STRAWBERRY PLAINS ROAD

WHEREAS, the Board of Supervisors of James City County, by Ordinance, requires the extension of public water and sewer to all subdivisions where such utilities are available; and

WHEREAS, the owner of a property within James City County located at 3877 Strawberry Plains Road, further identified as James City County Tax Map Parcel ID No. 3840500004 (the "Property"), proposes to subdivide the Property and connect to the City of Williamsburg's public water supply; and

WHEREAS, Section 15.2-2143 of the Code of Virginia, 1950, as amended, requires any locality proposing to construct, provide, or operate a water supply system located outside its boundaries to obtain the consent of the locality in which the system is to be located; and

WHEREAS, the City of Williamsburg, through its Director of Public Works, requested the consent of the County to extend the City of Williamsburg's water supply system to serve the Property; and

WHEREAS, engineering constraints limit the ability of the James City Service Authority ("JCSA") to efficiently provide water service to the Property and the JCSA supports the request by the property owner and the City of Williamsburg.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the City of Williamsburg to construct, provide, or operate a water supply system within James City County for the purposes of extending public water service to 3877 Strawberry Plains Road and any lots subdivided therefrom.

_____
James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

WtrServ-StrwbyPl-res

CITY OF WILLIAMSBURG
Public Works & Utilities Department

September 30, 2019

Mr. Doug Powell, General Manager
James City Service Authority
119 Tewning Road
Williamsburg, VA 23188

Dear Mr. ~~Powell~~, Doug:

This letter is in response to your inquiry into whether the City is willing to provide water service to the proposed 7 lot subdivision at 3877 Strawberry Plains Road. The City has a waterline along Strawberry Plains Road at the property in question and is willing to provide water service.

Should the Board of Supervisors give their consent for the City to provide water service, we will be glad to work with the developer on the details of the connections to the proposed subdivision. Please have them work with Aaron Small, City Engineer, on those details.

We look forward to working with you and the County on this project.

Yours truly,

Dan

Daniel G. Clayton, III
Director of Public Works

cc: Aaron Small, City Engineer

401 Lafayette Street, Williamsburg, Virginia 23185-3617 / (757) 220-6140 / Fax (757) 259-3798 / publicworks@williamsburgva.gov

3877 Strawberry Plains Road

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W E
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This drawing is neither a legally recorded map nor a survey and is not intended to be be such. JCSA is not responsible for its accuracy or how current it may be.

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Feet

AGENDA ITEM NO. I.4.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisors

FROM: Sharon B. Day, Director, Financial and Management Services

SUBJECT: Fiscal Year 2019 School Year-End Spending Plan Appropriation - $1,697,787

ATTACHMENTS:

	Description	Type
	MEMORANDUM	Cover Memo
	RESOLUTION	Resolution
	BACKUP MATERIAL	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Financial Management	Day, Sharon	Approved	11/5/2019 - 1:44 PM
Publication Management	Daniel, Martha	Approved	11/5/2019 - 1:50 PM
Legal Review	Kinsman, Adam	Approved	11/5/2019 - 2:31 PM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 2:31 PM
Board Secretary	Purse, Jason	Approved	11/5/2019 - 3:00 PM
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 3:06 PM

M E M O R A N D U M

DATE: November 12, 2019

TO: The Board of Supervisors

FROM: Sharon B. Day, Director, Financial and Management Services

SUBJECT: Fiscal Year 2019 School Year-End Spending Plan Appropriation - $1,697,787

At a meeting on September 17, 2019, the Williamsburg-James City County School (WJCC) Board adopted a spending plan for the Fiscal Year (FY) 2019 year-end funds totaling $1,876,630. These funds represent underspending for the fiscal year that ended on June 30, 2019. The School Division estimates that the total year-end surplus is $2,541,743. The remaining $665,113 would be returned to the funding localities.

The City/County School Contract, most recently revised in April 2017, includes the following provision:

Based on Section 22.1-100 of the Code of Virginia, local school funds unexpended in any year shall become part of the appropriated funds of the City and County for the School Board for the following year. However, based on a spending plan submitted by the School Board, unexpended local funds at year-end may be appropriated by the City and County for school purposes beyond those previously funded.

The County share of the total local funding for FY 2019 was 90.47% and, as a result, $2,299,515 would be returned to the County. The planned FY 2021 Capital Improvements Budget includes $600,000 of anticipated surplus. The spending plan adopted by WJCC includes the following County funds of $1,697,787:

Threat Vulnerability Assessment	$ 27,141
Security Cameras	364,594
School Bus Replacement	398,068
Driver's Education Vehicle Replacement	49,424
Bus Garage HVAC	257,840
Classroom Wireless Projection	447,826
Elementary Literacy Resources	152,894
	$1,697,787

Attached is additional documentation provided by the School Division regarding the request. The attached resolution, if adopted, approves the School Board's requested spending plan and appropriates the funding in the County's Capital Budget in order to keep the FY 2020 operational base at the original County approved amount.

SBD/md
SchYrEndSpend2019-mem

Attachments

R E S O L U T I O N

FISCAL YEAR 2019 SCHOOL YEAR-END SPENDING PLAN APPROPRIATION - $1,697,787

WHEREAS, the Williamsburg-James City County School Board (WJCC) adopted a spending plan for the Fiscal Year (FY) 2019 year-end funds totaling $1,876,630 with the County share representing $1,697,787; and

WHEREAS, the Board of Supervisors must approve a spending plan for these unspent local funds under the terms and conditions of the City/County School Contract.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the FY 2020 Capital Projects Fund for the following purposes:

Revenue:

Fund Balance	$1,697,787

Expenditures:

Threat Vulnerability Assessment	$ 27,141
Security Cameras	364,594
School Bus Replacement	398,068
Driver's Education Vehicle Replacement	49,424
Bus Garage HVAC	257,840
Classroom Wireless Projection	447,826
Elementary Literacy Resources	152,894
	$1,697,787

James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES AYE	NAY	ABSTAIN
HIPPLE	____	____	____
LARSON	____	____	____
SADLER	____	____	____
MCGLENNON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

SchYrEndSpend2019-res

Commitment to Responsible Fiscal Practices

The Leadership of Williamsburg-James City County Schools is committed to sound fiscal management and upholding our responsibility to be good stewards of the taxpayers' money. The school division must strike a balance between meeting the instructional needs of students and sound spending practices. In doing so, the division mustn't operate with a deficit. As one might expect, financially conservative budgeting should thus result in a surplus at the end of a fiscal year.

By State Code Section 22.1-100, WJCC Schools cannot carry over funds from one fiscal year to the next. The contract by which WJCC Schools operates requires the approval of a year-end spending plan by both city and county governing bodies. Any non-allocated funds must be returned to those governing bodies.

Year-end Remaining Funds Estimate

The FY2019 year-end remaining funds estimate is just over $2.5 million. The amount is made up of revenue in excess of the budget appropriation ($381,044) and expenditures that were less ($2,160,698) than the appropriated amount. Much of the savings is attributable to remaining balances in budget line items that are sensitive to external variables. The price of electrical services, vehicle fuel, and heating fuel are impacted by weather and political/economic factors. Due to the changing variables, these line items are challenging to forecast, and the budget must allow for unpredictable fluctuations.

Description		Amount	% of Total	% of Budget
Revenue in Excess of Appropriation	$	381,044	15.0%	0.3%
Expenditures Less than Appropriation		2,160,698	85.0%	1.6%
Total funds available for Spending Plan Request	**$**	**2,541,743**	**100%**	**1.84%**

The amount of $665,113 is being returned to James City County and the City of Williamsburg for future Capital Improvement Plan projects; therefore, the actual 2019 fiscal year surplus is $1,495,585 or **1.09%** of the division's total operating budget.

Fuel & Utilities

WJCC conducts a 3-year analysis each budget cycle to evaluate fuel and utility trends. With the volatility of the oil market, this analysis provides baseline information, but it is still an estimate. In FY2019, there was $285,874 in savings from fuel and utilities.

Attrition

Attrition occurs annually with the natural employment cycle of most organizations. Often, when WJCC employees retire or resign, a new employee will be hired with a lower total cost to the division. This natural transition occurs each year across the division in all job titles and cost centers. As with fuel costs, attrition savings can vary widely, especially when outside forces impact employees (e.g., recession, health care costs, cost of living, etc.)

In fiscal year 2019, $1,139,218 in attrition savings was realized, which includes savings from unfilled positions. For fiscal year 2020, estimated attrition savings of $1.1 million was utilized to balance the division's Operating Budget.

Year-End Spending Plan

WJCC School's administration proposes a spending plan that includes the replacement of buses, replacement of driver's education vehicles, the purchase of safety and maintenance-related items, and classroom instructional needs.

Safety – Threat Vulnerability Assessment

A primary objective for school officials is to purposefully sustain safe, secure, and healthy learning environments for all students. Thus, school officials need assessment tools to properly prepare and mitigate hazardous situations. A Vulnerability Assessment is an ongoing process through which school districts and campuses identify and evaluate potential risks, and areas of weakness, capable of adversely impacting the campus or school system. Vulnerability assessment tools may vary from one school site to another, depending on variables such as location, environment, size, structure, and even student population and school culture. As a result of varying characteristics, assessments must be customized to fit the physical environment, culture, and resources of each educational facility.

The estimated cost is $30,000.

Safety – Security Cameras

Several updates to the division's security camera infrastructure have been made over the years. Some of the upgrades include a centralized digital control and archive function, as well as the planned migration from an older analog camera technology (developed in the 1950's) to Internet Protocol (IP) cameras. To date, the division has nearly 600 IP cameras in place; however, 426 analog cameras are still in use. Replacing additional analog cameras with IP cameras provides the following benefits:

- Higher picture quality - IP cameras have higher resolution and increased frame rates;
- More detailed information - IP cameras are more than twice the resolution of analog cameras which provides more detail and better recognition of people, license plates and events, etc.;
- Enhanced Intelligence and analytics – IP cameras can detect and notify based on criteria such as tampering, loitering, directional detection, defocus detection, fog detection, virtual line cross, enter/exit, (dis) appear, face detection, motion detection, people counting and heat-mapping; and
- Improved management/servicing – IP cameras have remote management for troubleshooting by IT staff providing faster repairs, lower costs for service calls

This proposal would allow the division to make a significant impact in updating our security by providing a much-needed upgrade to our surveillance capabilities and allowing 80% of our cameras throughout the division to be IP based.

The estimated cost is $403,000.

Maintenance/Safety - School Buses - Replacement

In 2019, WJCC Schools updated the bus replacement plan to a smooth replacement plan of 10 buses per year. The plan includes a proposed number of replacements buses each fiscal year, the age of the buses to be replaced and estimated future costs for each bus (including a 3% annual rate of inflation). The FY20 budget includes funds for the replacement of two buses. The purchase of four replacement buses is requested to stay current with the bus replacement plan. Currently, WJCC Schools has 22 buses with over 250,000 miles and 27 buses with between 200,000 and 250,000 miles. Replaced buses are used as spares, are sold at auction, or are used for parts.

		Age Based					Mileage Based		
Fiscal Year	**Estimated Bus Cost $ (3% Infl.)**	**Smooth Plan**	**Age>15 Years**	**Actual number of buses replaced**	**Estimated Future Cost for Smoothing Plan**		**Mileage Between 150k & 200k**	**Mileage Between 200k & 250k**	**Mileage >250k**
FY2019	109,758	10	12	14	$ 1,097,580		28	27	22
FY2020	113,051	10	12		1,130,507				
FY2021	116,442	10	8		1,164,423				
FY2022	119,936	10	21		1,199,355				
FY2023	123,534	10	0		1,235,336				
FY2024	127,240	10	6		1,272,396				
FY2025	131,057	10	26		1,310,568				
FY2026	134,988	10	4		1,349,885				
FY2027	139,038	10	12		1,390,382				
FY2028	143,209	10	5		1,432,093				
FY2029	147,506	10	8		1,475,056				
FY2030	151,931	10	4		1,519,307				
FY2031	156,489	10	12		1,564,887				
FY2032	161,183	10	13		1,611,833				
FY2033	166,019	10	5		1,660,188				
FY2034	170,999	10	12		1,709,994				
Total		**160**	**160**	**14**	$ 22,123,790		**28**	**27**	**22**

The estimated cost is $440,000

Maintenance/Safety – Driver's Education Vehicle Replacement

We have six driver's education vehicles, two per high school. Of these six, there are three with over 125,000 miles that range in age from 12 to 14 years. It is becoming increasingly difficult to maintain these vehicles as the manufacturer has stopped stocking most of the parts, and there are limited aftermarket parts available.

The estimated cost is $54,630.

Safety – Bus Garage HVAC

Installing an HVAC unit in the mechanic bus bay at the Department of Operations is a work environment/safety-related request. The average temperature from 2016-2018 (three years) in Williamsburg from June to July of each year is 87.5. The temperature in the bus garage is an average of 10-15 degrees higher. Once humidity levels are factored in, the heat index is routinely above 100 degrees. The school division put several measures in place to help address working conditions in the bus garage:

- Authorized employees to begin their workday as early as 3 a.m. which allows them to depart the bus garage before the extreme heat of the day.
- Purchased Breezers that blow a mist on staff while they are working; this has not proven to be effective.
- Allowed staff to take as many breaks as they need to stay cool and hydrated

Despite these measures, the work environment at the bus garage continues to impact the division's ability to operate efficiently. Adding HVAC will increase productivity and ensure a healthier and safer work environment for staff.

The estimated cost is $285,000.

Instruction – Classroom Wireless projection

The classroom instructional technology infrastructure, which includes ceiling-mounted projectors, speakers, and a teacher control panel, is the current standard in each of the division's classrooms. This standard has been maintained; however, it has not seen a significant upgrade since the installation 12 years ago. Technology standards have changed over the years, such as the VGA video connection that is no longer widely supported since HDMI took its place. This project will retrofit every classroom in the division with current industry-standard wireless capabilities for projection and control of the classroom presentation. Instructionally, the upgrade will facilitate best practices such as small group instruction, and increased student engagement as the teacher would be able to control the presentation from anywhere in the classroom.

The estimated cost is $495,000.

Instruction – Elementary Literacy Resources

Leveled books are an integral part of small group instruction because they allow students to practice learned reading skills in authentic reading situations. This recommendation is for purchasing leveled books to support small group reading instruction in grades 3-5. Each grade-level kit consists of 1,200 sequenced, high quality, leveled texts in a variety of genres and teacher cards to support small group instruction. This purchasing recommendation reflects the schools' preference for either Literacy Footprints or Fountas and Pinnell, which are both on the WJCC Schools approved vendor list.

The estimated cost is $169,000.

AGENDA ITEM NO. L.1.

ITEM SUMMARY

DATE:	11/12/2019
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, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia and pertaining to the Economic Development Authority

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ATTACHMENTS:

	Description	Type
🗋	Memorandum	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 9:58 AM

M E M O R A N D U M

DATE: November 12, 2019

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Appointment - Economic Development Authority

The Economic Development Authority currently has a vacancy created by the resignation of Mr. Jeffrey Scott.

All current applications on file have been included for reference.

The Authority respectfully requests that the Board appoint a new member to fill the vacancy. The appointment would be effective immediately and would expire on August 1, 2023.

TJF/nb
EDA-appt-mem

Attachments:
1. Applications on file

AGENDA ITEM NO. M.1.

ITEM SUMMARY

DATE: 11/12/2019

TO: The Board of Supervisor

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Adjourn until 4 p.m. on November 26, 2019 for the Work Session

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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	11/5/2019 - 3:33 PM