

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
July 14, 2020
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

E. PRESENTATIONS

F. PUBLIC COMMENT

G. CONSENT CALENDAR

1. Minutes Adoption
2. Grant Award - Commonwealth Attorney - Virginia Domestic Violence Victim Fund - \$73,934
3. Grant Award - Commonwealth Attorney - Victim Witness Program - \$183,260
4. Grant Award - COVID-19 Urgent Need Program Community Development Block Grant - \$348,104
5. Grant Award - Virginia Homeless Solutions Program COVID-19 Emergency Shelter Operations - \$22,183
6. Grant Award - HUD CARES Act Administrative Funds - \$22,420
7. Grant Award - Mainstream Program Housing Vouchers - \$49,269
8. Grant Award - Virginia Department of Housing and Community Development - COVID-19 Virtual Training Support - \$2,000
9. Grant Award - Stormwater Local Assistance Fund Grant - Woodland Farms Phase II Stream Restoration - 132,062
10. Contract Renewal - Microsoft Enterprise Software Agreement - \$678,774.24
11. 20-14537 Annual Engineering Services
12. Conveyance of Utility Easement to JCSA
13. Resolution of Support for Smart Scale Transportation Funding Applications

H. PUBLIC HEARING(S)

1. Ordinance to amend and reordain Chapter 22, Wetlands
2. Ordinance to amend Sec. 15-41. Additional assessment for electronic summons system
3. Ordinance to Amend Chapter 1, Section 1-2 of the James City County Code
4. ORD-20-0003. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Oversized Vehicles
5. ORD-19-0005. Consideration of Amendments to the Zoning Ordinance to Address Combat Tactical Training Facilities
6. ORD-19-0007. Consideration of Warehouse, Storage, and Distribution Centers in the Mixed

Use Zoning District

7. ORD-20-0008. Proposed Ordinance and Policy Amendments to Address Code of Virginia Changes Regarding Wireless Communication Facilities
8. SUP-20-0011. 2944 Chickahominy Road Manufactured Home Replacement
9. HW-20-0001. King of Glory Lutheran Church
10. SUP-19-0012. Tiki Tree and Landscape

I. BOARD CONSIDERATION(S)

1. Contract Award - Chickahominy Riverfront Park Living Shoreline - \$1,450,049
2. Contract to Purchase Brickyard Landing Park Land
3. Delay of Consideration of Short-Term Rental Applications

J. BOARD REQUESTS AND DIRECTIVES

K. REPORTS OF THE COUNTY ADMINISTRATOR

L. CLOSED SESSION

1. Consideration of a personnel matter, the evaluation of the County Administrator and County Attorney, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia
2. 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
3. Clean County Commission Appointments
4. Williamsburg Regional Library Board Appointment
5. Economic Development Authority Appointment
6. Colonial Community Criminal Justice Board Appointment
7. Williamsburg Area Arts Commission Appointment

M. ADJOURNMENT

1. Adjourn until 4 p.m. on July 28, 2020 for the Work Session

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Minutes Adoption

ATTACHMENTS:

	Description	Type
☐	052620 Work Session	Minutes
☐	060920 Regular Meeting	Minutes
☐	062320 Work Session	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 4:31 PM

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
May 26, 2020
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 - via phone
John J. McGlennon, Roberts District
James O. Icenhour, Jr., Chairman, Jamestown District

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

Mr. Icenhour asked for a motion to allow Ms. Sadler to participate in the meeting remotely, due to an illness that prevented her attendance.

A motion to allow Ms. Sadler to participate remotely was made by Ruth Larson, the motion result was Passed.

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

Ms. Sadler acknowledged her presence on the call.

C. BOARD DISCUSSIONS

1. Briefing on Phase 2 Activities of the Engage 2045 Comprehensive Plan Update Process

Ms. Tammy Rosario, Assistant Director of Community Development, addressed the Board noting this marked the third check-in. She noted Mr. Vlad Gavrilovic, Principal with EPR, P.C., and Mr. Rich Krapf, Planning Commission Chairman, were in attendance. Ms. Rosario highlighted the work of the Community Participation Team (CPT) in gathering community feedback, draft scenarios, as well as timelines. She noted the public engagement factor in the process. Ms. Rosario further noted the 2035 Strategic Plan Goals and their correlation to the 2035 Comprehensive Plan Goals in a PowerPoint presentation. She noted five themes from the Engage 2045 were: Nature, Community Character, Affordable Housing, Economic Development, and Quality of Life. Ms. Rosario further noted the strong continuity of public input and how that information was being used to build potential scenarios. Ms. Rosario noted Mr. Gavrilovic would address the process input.

Mr. Gavrilovic addressed the Board noting the challenging times and ongoing Zoom meetings with the CPT and the Planning Commission Working Group (PCWG) on the progress and next steps in the planning process. He noted the process of taking the feedback and data and compiling it for scenario planning. Mr. Gavrilovic further noted the question was shown in the

PowerPoint presentation - What are the implications of different land use and related policy directions on the fiscal health, environmental quality, and quality of life over the next 25 years? He noted two proposed scenario themes: Trendline and Public Guidance and explained how each one fit into the goals for the County's growth. Mr. Gavrilovic further noted the continuity in what citizens were saying regarding future growth and not radical changes. He noted citizens wanted a theme of environmental protection, Community Character protection, quality of life, more affordable housing, and diversified economy. Mr. Gavrilovic noted the testing of traditional trends with a more robust implementation of what the citizens are saying and a guiding vision. He continued the presentation noting the comparison between the two proposed scenarios and the control mechanism for comparison. Mr. Gavrilovic noted the factors of economy, open and rural land, residential, commercial, mixed use, redevelopment, and transportation and the respective impacts to these factors based on the existing trend scenario and the public input scenario. He further noted the Board's input was necessary to ensure the direction and vision for the 'big picture' moving forward. Mr. Gavrilovic noted a set of performance metrics was in place to evaluate the scenarios based on the previously mentioned five factors as represented in the PowerPoint presentation. He further noted a common misconception with scenario planning process involved what people wanted in a preferred scenario did not always automatically translate into the future land use plan. Mr. Gavrilovic added it was a data guided process as opposed to data driven. He continued the PowerPoint presentation with a flowchart of the process and the timeline. Mr. Gavrilovic noted the current pandemic's impact to public engagement events and future steps to address that impact. He further noted MetroQuest, a visual interactive platform, allowed for public interaction and input. Mr. Gavrilovic noted the County had received a grant which allowed for the expansion of the MetroQuest platform. He further noted fall was the target timeline for building the future land use map. Mr. Gavrilovic welcomed the Board's input and welcomed Mr. Krapf to address the Board.

Mr. Krapf addressed the Board with a summary from the PCWG's April 6, 2020, and May 6, 2020, meetings. He noted the PCWG reviewed citizen input versus existing plan goals at the April 6, 2020, meeting. He further noted the PCWG felt there was a very strong correlation between public input themes and the existing plans. Mr. Krapf noted the PCWG felt a focus on scenario planning prior to drafting language for the Comprehensive Plan framework was foremost. He further noted the group felt strongly that the wording from the public input be incorporated into the scenarios. Mr. Krapf noted the importance of this point. He further noted concern over the low number of participants, based on the County's population, in the public input process. Mr. Krapf noted additional efforts were needed to look at best practices or creative ideas that may not have been brought up in citizen comments, but were advantageous to the County. He further noted PCWG had expressed concern over two scenarios, but added that additional scenarios could potentially overlap each other with ideas. Mr. Krapf noted the citizen input to date had focused primarily on two items: 1) the current state of development in James City County, and 2) how citizens would like to see the County developed. He further noted the May 6, 2020, meeting focused on the PCWG's feedback to staff on topics it wanted addressed on a chapter by chapter basis as the Comprehensive Plan unfolded. Mr. Krapf noted this allowed staff time to address pressing and important County issues which included watershed planning as well as workforce and affordable housing and the possibility of the County having its own Housing Authority as well as the Workforce Housing Task Force recommendations. He further noted other issues included public-private partnerships as possible revenue generators and scenic overlays within the County for preservation.

Mr. Hipple asked if the Strategic Plan would drive the Comprehensive Plan or the Comprehensive Plan drive the Strategic Plan.

Mr. Gavrilovic noted Clarion had worked with the County on the development of the Strategic Plan, and in its viewpoint, the Comprehensive Plan was presented as the overarching policy

document to guide the County long-term. He further noted the Strategic Plan was more short-term, strategic action. Mr. Gavrilovic noted the two plans were in sync; however, he further noted once the Comprehensive Plan was completed, then tweaks could be made to the Strategic Plan based on the completion.

Mr. Hipple noted he saw the Strategic Plan as what the County would be doing while the Comprehensive Plan was the working plan beneath it. He further noted the details on the process under each respective plan.

Mr. Gavrilovic noted the Strategic Plan was more specific in terms of what the Board would be doing, while the Comprehensive Plan focused on a 25-year plan.

Ms. Rosario noted other plans, such as the Parks and Recreation Master Plan, were also under the Strategic Plan umbrella.

Mr. Hipple noted that was why he saw the Strategic Plan as the main piece though he recognized the Comprehensive Plan was the larger of the two plans.

Ms. Rosario noted the importance of both plans. She further noted the Comprehensive Plan was very long range, while the Strategic Plan was very specific and very focused. Ms. Rosario noted the Comprehensive Plan was very broad in some respects, almost aspirational, whereas the Strategic Plan was more nuts and bolts.

Mr. Hipple noted his viewpoint of the plans and community impact with the respective plans. He referenced the Comprehensive Plan, what are we going to look like. Mr. Hipple noted he campaigned on that point and has asked that numerous times. He further noted people used to come to James City County for its uniqueness, but added that slowly the County was becoming like other communities and that was a concern for him. Mr. Hipple noted getting feedback from older County residents and other concerns regarding development. He further noted land preservation in the Forge Road area. Mr. Hipple noted affordable workforce housing in relation to land availability. He thanked the group for its work in charting future plans for the County. Mr. Hipple strongly encouraged citizen participation and communication regarding plans for James City County.

Ms. Sadler noted the beauty and charm of Forge Road and Toano. She further noted Mr. Hipple's point of citizen involvement regarding the future plans for the County. Ms. Sadler noted the diversity within the County and meeting the needs of both the urban and agricultural areas. She expressed her appreciation to everyone involved in the planning process.

Ms. Larson noted the back and forth on the Comprehensive Plan and the Strategic Plan. She further noted a better way to communicate it as she noted the confusion among Board members and the likely confusion among citizens as well. Ms. Larson noted she hoped citizen input would continue. She further noted her appreciation of the update and the direction the County was going. Ms. Larson inquired what measures were in place to increase citizen input, particularly during these difficult times. She thanked the group for its work.

Mr. McGlennon thanked the group for its thoughtful presentation and organization of the material. He noted the Comprehensive Plan represented a broad vision for the County in 25 years, while the Strategic Plan represented the prioritization of the choices to achieve that vision. Mr. McGlennon noted the Strategic Plan would change over time as plans worked or not and other priorities were addressed. He further noted the availability of information from the 2020 Census, and the perspective on how the County looked now and 10 years ago. Mr. McGlennon noted changes in the population, smaller developments, and other factors over the years as well as the importance of trends within the community. He further noted using the polls on a wider citizen base for more public input. Mr. McGlennon noted the survey

previously used that had been mailed to citizens was a valuable resource of information from citizens. He further noted protection of rural lands, reforestation, redevelopment, and economic development in the County.

Mr. Icenhour noted citizen concern regarding the Comprehensive Plan over the years. He further noted the persistent concern regarding what citizens wanted the County to look like and the consistency of that perception. Mr. Icenhour noted citizen frustration over completion of the Plan and that it then sat on the shelf, with budgeting plans made regardless. He further noted the Strategic Plan was a crucial addition to this process. Mr. Icenhour noted the Comprehensive Plan was the long-range plan with the Strategic Plan being a shorter range, more focused process to accomplish goals. He noted the incorporation of other plans, such as the Parks and Recreation Plan. Mr. Icenhour further noted the incorporation should then drive the budgeting process as the end game. He noted subsequent citizen survey feedback would confirm if the County was heading in the right direction. Mr. Icenhour noted the importance of the watershed plans and impervious cover. He further noted making use of resources to make the process work.

Mr. Hipple noted refinement of the citizen information. He further noted another survey would capture input from citizens newer to the community.

The Board thanked Ms. Rosario, Mr. Krapf, and Mr. Gavrilovic.

2. Capital Improvement Projects Discussion

Mr. Stevens addressed the Board noting additional staff members would be in attendance. He noted they would be available to answer any questions relating specifically to Fiscal Year 2020 (FY 20) Capital Improvements Plan (CIP) projects. He further noted those projects were already funded and the money was still there. Mr. Stevens noted at the start of the COVID-19 Pandemic, there had been discussion regarding cash and finances as well any potential project delays. He further noted a color-coded chart that was provided to Board members. Mr. Stevens noted red represented projects that could be delayed with no set timeframe, yellow represented projects of merit for consideration, but no financial commitment at this time, and green represented projects either near completion or deemed necessary to complete. Mr. Stevens noted the scope of scale equated to \$5.3 million for red, \$8.4 million for yellow, and just under \$7 million for green. He further noted the Skiffes Creek proffer was basically spent and saw no value in holding that project. Mr. Stevens addressed different projects such as the Land Facilities Project and Purchase of Development Rights. He noted moving forward with the \$60,000 Courthouse Lot Gate Project, which he further noted Ms. Grace Boone, Director of General Services, could address any questions.

Ms. Larson questioned the specifics of the project.

Ms. Boone noted it would be located in the back where prisoners are brought in and that it would be an enclosed area that could then be locked.

Mr. McGlennon asked if this was a split cost with the City of Williamsburg.

Ms. Sharon Day, Director of Financial and Management Services, acknowledged yes. She noted the County had an agreement with the City.

Mr. Stevens noted the portable radio replacement project was ongoing. He further noted Chief Ryan Ashe, Fire Chief, was present if there were any questions. Mr. Stevens noted his recommendation to move forward on the replacement project.

Ms. Larson asked if this referred to upgrading or was this a new project. She inquired if this was part of the 911 upgrade.

Chief Ashe noted the portable radio replacement was for the Police and Fire Departments, as well as the Sheriff's Office. He further noted the units were purchased in the 2003-2004 timeframe and had reached the end of life expectancy on them. Chief Ashe noted the units were funded over three years.

Mr. Stevens noted the next item was Station 1 renovation with fairly low cost punch list items to move forward. He further noted the squad truck replacement was basically complete and recommended finishing it. Mr. Stevens recommended putting Fire Station 6 and addressing it on the Five-Year CIP discussion. He further noted the Settlers Market project as another project to complete. Mr. Stevens noted stormwater projects and the priorities in that area. He further noted moving forward with the Toano and Grove drainage projects and changing those to green status. He further noted moving to Building Safety and Security projects and recommended moving forward on that project. He asked the Board if there were any questions before moving on to the other areas.

Ms. Sadler asked if the Computer-Aided Dispatch (CAD) system upgrade was part of this CIP.

Mr. Stevens noted it was mostly FY 20. He further noted these were projects approved a year ago. Mr. Stevens noted some of these projects could be stopped and wanted to verify these actions with the Board.

Ms. Sadler asked if the CAD system was still in the works.

Mr. Stevens confirmed yes and added it was funded in the FY 21 budget.

Ms. Sadler thanked Mr. Stevens.

Mr. McGlennon asked for clarification on the Toano and Grove drainage projects.

Mr. Stevens confirmed both projects were yellow on the handout, but he recommended those projects become green to move forward. He noted the next category was General Services with various types of projects that arise during the year. He further noted Ms. Boone had a list of those projects, but added the intention was to present them one at a time as the work was needed. Mr. Stevens noted moving forward on several lift repairs in Fleet maintenance. He further noted roof repairs.

Discussion ensued.

Mr. Stevens continued discussion on the various projects. He noted library projects included bathrooms and carpet. He further noted school projects. Mr. Stevens noted the Navion project under Land Facilities would continue and should be represented as green on the handout. He further noted grant funding recommendation on the Brickyard Land Purchase and the timeline before the Board's approval. Mr. Stevens continued addressing the different projects including work on the Jamestown Marina and timelines.

Ms. Larson asked if dredging was included in the cost.

Mr. Stevens noted the dredging was included.

Discussion ensued on the work at the Marina.

Mr. Stevens noted moving forward on work at Chickahominy Riverfront Park. He further noted software upgrade projects for various departments. Mr. Stevens noted the Amblers House and Tourism projects.

Ms. Larson noted she did not understand the vision for the Amblers House, particularly as its floorplan was choppy and not suitable as an event venue. She further noted she wanted to see a plan for the property and its uses.

Mr. Stevens noted the preservation of the property's historical nature. He further noted the interior needed renovation. Mr. Stevens noted his understanding was for someone to invest in the interior renovation while the County preserved the exterior. He further noted the water/sewer service need for the property and continued discussion on the Amblers House. Mr. Stevens noted the Marina project under Tourism and asked for specifics from Ms. Boone.

Ms. Boone noted the project included bathrooms and other on-land renovations in the Phase 2 stage. She further noted updating the office area.

Mr. Stevens noted more discussion on the Marina project at the June work session.

Ms. Larson noted the incredible potential at the Marina. She further noted increased activity during the Phase 1 time.

Mr. Icenhour noted the color-coded handout was very helpful. He further noted the money for the projects was already allocated for FY 20, but the projects could be completed over ensuing years.

Mr. Stevens noted Ms. Day could address that point.

Mr. Icenhour noted the need for a better understanding of delays previously allocated for a specific fiscal year. He questioned how that impacted projects when they rolled to another fiscal year. He noted some projects came in under budget and excess funding from previous years was available. Mr. Icenhour asked how long that cycle could last.

Ms. Day noted the current total CIP budget was \$97 million with about \$55 million allocated to school projects, and \$40 million in County-funded projects. She further noted of that about \$40 million, \$13 million was FY 20 projects with \$28 million in FY 19 projects. Ms. Day noted some projects had funding built in over time because the funding was too much up front. She further noted setting aside funding prior to bidding since the cost is unknown. Ms. Day noted excess funds from projects were not reallocated, but went into the Fund Balance and the Capital Fund.

Mr. Icenhour asked if the handout reflected all the CIP projects for FY 20.

Mr. Stevens indicated it was meant to include all the projects.

Discussion ensued on CIP projects and school budgeting.

Mr. Stevens noted he would update the handout for the Board. He further noted the Board's input gave direction on how to proceed with projects and the budget. Mr. Stevens noted a second point addressed the proposed five-year CIP budget, which did not take into account what was recommended now not to be funded for FY 21. Mr. Stevens noted those projects were still important and he wanted the Board's input on those items for the proposed five-year CIP budget. He further noted the difficulty in funding the CIP prior to the COVID-19 situation, not necessarily for FY 21 and FY 22. Mr. Stevens noted the impact to the operating fund on the five-year outlook. He further noted reshuffling several projects and two in particular. He

noted the first was the Jamestown Beach Amblers House project for \$739,000 and the specifics of that project regarding code, sewer, and fire hydrant. Mr. Stevens further noted discussion with Chief Ashe regarding a fire alarm for the structure. He noted he was not recommending the water line work be done at this time.

Mr. Icenhour asked if this was for FY 23.

Mr. Stevens confirmed yes.

Mr. Icenhour asked for Mr. Stevens' recommendation.

Mr. Stevens recommended pushing the project out to the end of the 10-year mark or remove it. He noted if the need arose for the water line, readdress the issue then. He further noted the \$188,000 provided water and sewer services for Amblers House, while the \$739,000 provided an outside fire hydrant. Mr. Stevens noted currently there was not a need there and recommended removing it from the CIP. He further noted the second project was the \$9.6 million Fire Station 6 project. Mr. Stevens noted the call volume from the City of Williamsburg. He further noted the number of EMS calls from the City of Williamsburg were far less than the fire calls for them that the County answers.

Chief Ashe addressed the Board referencing past concerns with an increase in the volume of calls in relation to areas of growth and development. He noted Fire Stations 3 and 4 were the busiest areas and bordered the City of Williamsburg. Chief Ashe detailed call transfers, gaps in the six-minute response time, and the rationale for building Fire Station 6. He noted some adjustments had been made during the COVID-19 Pandemic. Chief Ashe further noted additional personnel for the proposed Fire Station 6 could be used at Fire Stations 3 and 4. He noted additional costs to furnish a new fire station.

Mr. Stevens noted a delay on the Fire Station 6 project for six to nine years, with a push out beyond the five-year mark. He further noted a reserve engine, which could be put into the five-year plan as well. Mr. Stevens noted this project was not recommended for removal, but rather an extended timeline for it.

Mr. Hipple noted he had spoken with Chief Ashe regarding the utilization of staff at other stations without the pressure of building the new station. He further noted the project delay allowed for staff preparation.

Mr. Stevens noted the fire station project was borrowed funds, which helped the debt service side. He further noted the Amblers House project was cash funded. Mr. Stevens noted he and Ms. Day would work other projects into the five-year plan, but welcomed the Board's thoughts.

Mr. Hipple asked about the water rescue boat and the cost.

Mr. Stevens noted he and Chief Ashe had also discussed that item. He further noted Chief Ashe was working on possible regional funding.

Chief Ashe noted the County had applied for a Port Security Grant and hoped to hear by July. He further noted the Port of Virginia viewed James City County as a valuable asset between Newport News and Henrico County as it had the only staffed fire boat. Chief Ashe noted there were several volunteer groups along the route. Discussion ensued on projects and the five-year plan.

Ms. Larson asked Mr. Stevens about a revenue discussion in the future. She noted the recovery process and the initial Phase 1 reopening.

Ms. Day noted she had some revenue updates on the Meals, Lodging, and Sales Tax. She further noted the Meals Tax was anticipated to be at 40%, but was currently at 50% with the anticipation that percentage would get worse. Ms. Day noted the Lodging Tax was down 70% instead of the assumed 75% reduction. She further noted the recent Sales Tax collection for March was down 25% and the County had assumed 50% as the worst case scenario. Ms. Day noted ironically on the school side, the Sales Tax for Education was up compared to last year. She further noted that is a state-wide number so the information provided was not just based on local numbers. Ms. Day noted the County had received notification that it would receive approximately \$6.7 million in a cash funding as part of the Coronavirus Aid, Relief, and Economic Securities (CARES) program. She further noted those funds should be available within the first week of June. Ms. Day noted the importance of qualifying expenditures or the money would have to be returned by December 31, 2020. She further noted working with the school division on qualifying expenditures.

Mr. Icenhour asked if all that money would be used since expenses had to be COVID related.

Ms. Day said possibly, but she was actively engaged on phone calls about new opportunities. She noted the schools had about \$2 million just on its side. She further noted healthcare claims for employees as a possibility.

Mr. Icenhour noted squeezing every dollar out of that funding.

Mr. McGlennon questioned the \$6.7 million as half of what the County had anticipated receiving.

Mr. Stevens noted some confusion, but \$6.7 million reflected the 50% allocation.

Ms. Larson noted there was no specific language in the CARES Act that this funding had to be shared with localities. She further noted there was no specific language in the guidelines either, nor had there been mention of a second phase of funding to localities.

Ms. Day noted it was her understanding the state may keep it all.

Discussion ensued.

Mr. McGlennon noted Mr. Stevens and the School Board Superintendent had been working together. He further noted discussion on those items including the Schools anticipated budget shortfall for the upcoming fiscal year.

Ms. Larson asked if the Board had to take action on the CARES funding.

Ms. Day noted it could be part of the Board's budget adoption for FY 21. Ms. Day noted it could be reallocated back to the School division for one-time CIP related expenses or maintained in the County's fund balance. She further noted the proposal was instead of the money coming back to the County, it would be utilized for less of a reduction to the School division in the FY 21 budget. Ms. Day detailed a new line item to represent the money.

Mr. Hipple addressed cuts on the County side as well as the School division side. He noted potential money returned from the School division and what funding may come from the state. He further noted the Schools' involvement with the CARES money and getting the best and most use of it with both groups working together.

Mr. McGlennon noted the work done between the County and the School Division. He further noted the community's value of education and schools, while still educating citizens on public

safety and preparedness of Fire and other divisions for response to community needs. Mr. McGlennon noted letting the public know these are unprecedented times, but the value of education still remains important.

Discussion ensued on state funding estimates, School CIP projects, and other school-related topics.

Mr. McGlennon noted both the County Administrator and Dr. Olwen Herron, School Superintendent, were collaboratively working on budget needs. He further noted the Board of Supervisors' efforts over the years to assist the School Division with funding for quality education. Mr. McGlennon noted surrounding counties and localities taking action regarding budget deficits for their respective school divisions. He urged the public to watch as we move forward and work in good faith to accomplish the best for the community.

Mr. Icenhour requested the Board's consensus on the direction.

Ms. Sadler noted she had several comments. She further noted community concerns regarding the school system and support. Ms. Sadler stated she was in agreement with Mr. McGlennon in people trusting and focusing on what is best for the children, but also work within the budgetary means. Ms. Sadler extended her thanks to Mr. Stevens, Ms. Day, and staff for addressing budget concerns and ways to help each other. She also thanked Mr. Greg Dowell, the Stonehouse District representative on the School Board, for sharing his realistic solutions.

Mr. Icenhour summarized the Board's consensus for staff was to take the FY 20 school surplus and roll into the FY 21 budget as offset. He noted the consensus was to share the CARES money for maximum usage. Mr. Icenhour asked Mr. Stevens if he was comfortable with the Board's comments on the CIP list in terms of changes and feedback prior to the next meeting.

Mr. Stevens noted the FY 20 budget was in good shape. He further noted there was time for the five-year budget to be revised and reviewed by the Board at a date later than the next meeting.

Mr. Icenhour confirmed that point noting the Board would be adopting the FY 21 budget, but the remaining items would be addressed later. Mr. Icenhour asked if each member approved of this direction.

A motion to Endorse the recommendations that were identified by Mr. Stevens and Superintendent Herron 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

D. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon reminded people to wear their masks as a deterrent to spreading COVID-19. He noted washing hands and maintaining a safe distance from others, especially inside buildings.

Ms. Larson noted information from Governor Northam would be available on May 29 regarding masks. She further noted Governor Northam indicated failure to wear a mask would not be punishable. Ms. Larson thanked her colleagues for working together in response to the numerous emails. She also extended her thanks to Mr. Stevens for help on specific questions. Ms. Larson noted the validity of citizens' questions on where the money will come from and the importance of impacts on different aspects of the community. She further noted the

unknowns regarding tourism revenue and timeline for returning to normalcy. Ms. Larson noted people needed to be patient.

Mr. McGlennon thanked Ms. Larson for taking the lion's share of responding to the community's emails.

Mr. Hipple noted the work of the Williamsburg-James City County (WJCC) Public Schools and its teachers for the community as well as his children. He further noted the concern behind the numerous emails regarding the cuts to the school. Mr. Hipple noted the Board was working hard to get information and make decisions to keep the community moving. He further noted current times were testing everyone, but everyone was in this together.

Ms. Sadler noted she was sending a shout-out to her two favorite WJCC students, Connor and Evan, who were making adjustments during these changing times.

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

Mr. Stevens thanked the Board for its compliments. He noted the work with the School staff and other groups and that it was a good relationship.

Mr. Icenhour extended his thanks to Mr. Stevens and staff for their assistance.

E. CLOSED SESSION

None.

F. ADJOURNMENT

1. Adjourn until 5 p.m. on June 9, 2020, for the Regular Meeting

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 6:20 p.m., Mr. Icenhour adjourned the Board of Supervisors.

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
June 9, 2020
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 - via phone
John J. McGlennon, Roberts District
James O. Icenhour, Jr., Chairman, Jamestown District

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

Mr. Icenhour asked for a motion to allow Ms. Sadler to participate in the meeting remotely, due to an illness that prevented her attendance.

A motion to allow Ms. Sadler to participate remotely was made by Ruth Larson, the motion result was Passed.

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

Ms. Sadler acknowledged her presence on the call.

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Mr. Icenhour led the Board and citizens in the Pledge of Allegiance

E. PRESENTATIONS

None.

F. PUBLIC COMMENT

Mr. Icenhour noted several phone-in comments had been received.

1. Ms. Lara Barrett-Lansford, 2784 Jonas Profit Trail, addressed the Board requesting it make no cuts to the Williamsburg-James City County (WJCC) Public Schools budget. She noted this was not the time to limit resources to the schools with children in need of intervention and support in the current societal times.

2. Ms. Elisa Moore, 114 Cooley Road, a rising student at Lafayette High School, addressed the Board requesting funding continue for the School Division, particularly for art and music.

3. Ms. Caprice Munson, Mount Vernon Avenue, addressed the Board requesting no funding be removed from beneficial programs such as music, art, and reading.
4. Mr. Nathan Bradley, no address given, addressed the Board regarding the cuts to the WJCC School budget. He noted it was a massive mistake on several levels.
5. Mr. Steve Delaney, 12 Landing Circle, addressed the Board regarding the budget cuts to the School Division. He noted the trying times, but encouraged the Board to be creative and limit school cuts.
6. Mr. Glenn Piasecki, 3631 Lavender Lane, addressed the Board and expressed his strong opposition to school budget cuts.
7. Mr. Jordan Staley, 4743 Revolutionary Way, addressed the Board regarding School funding. He noted the need for a specific school funding source. He further noted fully funded education was paramount and acting for the good of the children and their future.
8. Ms. Dawn Estrin, 18460 New Kent Highway, addressed the Board. She noted she was a WJCC school teacher and the changes in education due to the current environment. She further noted the community's reputation for its quality of education and the commitment to maintain it.

G. CONSENT CALENDAR

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. Icenhour noted if there were no items to be pulled, he sought a motion for Approval.

1. Minutes Adoption

The Minutes Approved for Adoption included the following meetings:

- May 5, 2020 Budget Work Session
- May 12, 2020 Regular Meeting

2. Acceptance of Funds - Virginia Forfeited Asset Sharing Program - \$4,745
3. Grant Award - Virginia Housing Development Authority COVID-19 Emergency Funding Support: Department of Housing and Urban Development Housing Counseling Network - \$40,000
4. Grant Award - Fiscal Year 2020 Coronavirus Emergency Supplemental Funding - \$34,507
5. Dedication of the Streets in the Westport Ford's Colony Subdivision
6. Revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual
7. Olde Towne Medical and Dental Center - Addition of Full-Time Dentist/Dental Coordinator

8. Application for Community Development Block Grant COVID-19 Urgent Need Funding - \$348,104
9. COVID-19 Urgent Need Funding - Community Development Block Grant Application - Adoption of Section 504 Grievance Procedure
10. COVID-19 Urgent Need Funding - Community Development Block Grant Application - Adoption of Section 3 Business and Employment Plan
11. COVID-19 Urgent Need Funding - Community Development Block Grant Application - Adoption of Fair Housing Certification

H. PUBLIC HEARING(S)

Mr. Icenhour noted Mr. Rich Krapf, Planning Commission representative, was in attendance. Mr. Icenhour noted all five Special Use Permit (SUP) cases dealt with tourist homes or the rental of rooms. He further noted Mr. Krapf would present the Planning Commission's summary for all five cases after which the Board could discuss additional points or ask questions.

1. Case No. SUP-20-0007. 805 Arlington Island Road Tourist Home

A motion to Approve was made by Ruth Larson, the motion result was Passed.

AYES: 4 NAYS: 0 ABSTAIN: 1 ABSENT: 0

Ayes: Icenhour Jr, Larson, McGlennon, Sadler

Abstain: Hipple

Mr. Hipple noted he was the property owner and as such he removed himself from the Board, stepped off the dais, and abstained from voting as he was the applicant for the SUP.

Mr. Tom Leininger, Planner, addressed the Board regarding the SUP. He noted the application detailed the short-term rental of a two-bedroom residential home as a tourist home. Mr. Leininger noted at the May 6, 2020 Planning Commission meeting, the Commission voted 4-3 to recommend approval of the application to the Board. He further noted staff recommended the Board approve the application subject to the proposed conditions. Mr. Leininger noted he and the applicant were available for questions.

Mr. Icenhour asked if any Board members had questions.

Mr. McGlennon asked for clarification on the number of rooms. He noted the home had three bedrooms, but questioned that only two rooms would be rental in relation to the septic system.

Mr. Leininger confirmed the septic system, according to the Virginia Department of Health (VDH), was only approved for two bedrooms. He noted for the third bedroom to become rental, the applicant must comply with the VDH requirements on the system.

Mr. Icenhour welcomed Mr. Krapf to the podium.

Mr. Krapf thanked the Board for its flexibility and noted the five cases were short-term rentals, with four of the five being split votes in the Planning Commission. He further noted the fifth case was a universal denial by the Commission. Mr. Krapf noted the reasons for the split votes was consistent among the four cases and a summary for all the cases would be beneficial. He further noted Planning Commissioners' concern on split votes regarding short-

term rentals, though defined and authorized in County Ordinances, it was felt more study on the issue was needed as well as recommendations from the study. Mr. Krapf noted the study would be beneficial, particularly as the Comprehensive Plan review process began. He further noted one concern was a lack of firm evaluation criteria. Mr. Krapf noted a better definition of key elements to review the metrics for short- and long-term rentals. He further noted the lack of a sunset clause was a consistent point in these rentals. Mr. Krapf noted time limitations and the Board of Zoning Appeals jurisdiction, but added SUPs convey with the property forever. He further noted concern that some short-term rentals were at variance with several Comprehensive Plan goals of affordable housing, enforcement of SUP conditions, and location (too close to railroad tracks or too deep within existing neighborhood). Mr. Krapf noted all-in-all that the Planning Commissioners felt there was more work to be done on short-term rentals. He further noted the aforementioned factors contributed to the split votes on the SUP cases before the Board.

Ms. Larson noted those were valid and important points for consideration. She thanked Mr. Krapf.

Mr. Icenhour asked Mr. Paul Holt, Director of Community Development, if the time period for short-term rentals was six months. He questioned the classification between short-term and long-term rentals.

Mr. Holt noted a transient stay was under 30 days.

Mr. Icenhour asked if a rental was for two or three months or longer was it considered like a one-year lease or long-term rental.

Mr. Holt confirmed yes, that it is the transient occupancy that makes the definition and distinction.

Mr. Icenhour thanked Mr. Holt for the information.

Mr. Icenhour opened the Public Hearing. He noted there were no registered speakers.

Mr. McGlennon asked Mr. Hipple about the number of bedrooms and the septic system.

1. Mr. Michael Hipple, 821 Arlington Island Road, addressed the Board noting when he purchased the property it had three bedrooms. He noted during the process, VDH notified him that the septic system, installed in the 1960s, was a two-bedroom system. Mr. Hipple further noted Septic Specialists analyzed the system. He detailed the septic tank capacity and the line capacity for supporting the three-bedroom house. Mr. Hipple noted he would add additional lines to better support the three-bedroom home, and that process was currently in the permit stage. He further noted until the permit was granted, the SUP was only for two bedrooms. He noted he had to meet state approval and guidelines, then County, before he could proceed with the third bedroom.

Mr. McGlennon asked if the application before the Board approved two bedrooms until VDH then approved the quality of the septic system.

Mr. Hipple confirmed yes, adding at that point he would put the additional septic lines in to support the third bedroom. He noted contact with the septic contractor and the timeline for installation and inspection. Mr. Hipple noted this property on the water would not work as a workforce development property, but he acknowledged the Planning Commission's thoughts on rentals for workforce development.

Mr. McGlennon noted Mr. Krapf had reported on all the applications, but inquired if the

public hearing was for all the applications.

Mr. Icenhour noted no, that all the Public Hearings were independent, but Mr. Krapf was available for additional questions if needed.

As there were no additional comments, Mr. Icenhour closed the Public Hearing and looked to the Board for discussion.

2. Case No. SUP-20-0001. 2898 Lake Powell Road Tourist Home

A motion to Deny was made by John McGlennon, the motion result was Failed.

AYES: 2 NAYS: 3 ABSTAIN: 0 ABSENT: 0

Ayes: Larson, McGlennon

Nays: Hipple, Icenhour Jr, Sadler

A motion to Approve the SUP was made by Michael Hipple, the motion result was Passed.

AYES: 3 NAYS: 2 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Sadler

Nays: Larson, McGlennon

Mr. Leininger addressed the Board detailing the application including number of bedrooms, zoning district criteria, and other factors. He noted at the March 4, 2020 Planning Commission meeting, the application had been approved 5-2 and recommended for approval by the Board of Supervisors. He further noted staff recommended the Board approve the application subject to the proposed conditions.

Mr. McGlennon noted the question about a property management firm handling the rental as the property owner lived out-of-state. He further noted the applicant's answer had been he frequented the area enough and would take care of the property. Mr. McGlennon expressed concern over that point and cited property maintenance. He noted establishment of clear guidelines as these types of applications were increasing. Mr. McGlennon referenced the mention in the Planning Commission minutes that the applicant lived out-of-state.

Mr. Krapf noted that had been a concern, but further noted that the homeowner was not required to reside at the property under the category's criteria. Mr. Krapf noted there was no indication that a property management firm had to be involved and that was another point in reviewing the short-term rental criteria.

Mr. McGlennon noted in the other cases, there was reference to a local contact regarding the property.

Mr. Krapf confirmed yes, adding the homeowners lived nearby or had an agent to represent the homeowners.

Mr. McGlennon thanked Mr. Krapf for the information.

Mr. Hipple asked Mr. Krapf if that property was rented on a yearly lease, would a property management company be required or could the homeowner rent the property for just a year.

Mr. Krapf noted the property could be rented by the owner himself. He further noted a yearly rental was more appealing to the Planning Commission as it offered a continuity of tenant as opposed to a turnaround every 30 days. Mr. Krapf noted it generally proved less wear and tear to the property.

Discussion ensued on yard maintenance, tourism home regulations versus rental home regulations, and criteria for both categories.

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

3. Case No. SUP-20-0005. 230 Peach Street Tourist Home

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. Leininger addressed the Board detailing the application including number of bedrooms, zoning district criteria, and other factors. He noted at the May 6, 2020 Planning Commission meeting, the application had been approved 4-3 and recommended for approval by the Board of Supervisors. He further noted staff recommended the Board approve the application subject to the proposed conditions. Mr. Leininger noted he and the applicant were available for any questions.

Mr. McGlennon noted this application also involved a ruling from VDH on the septic system.

Mr. Leininger noted the house currently had three bedrooms with an unfinished fourth bedroom. He noted the septic system only supported the three bedroom. Mr. Leininger noted upon completion of the fourth bedroom, the septic system would need improvement.

Mr. Icenhour opened the Public Hearing.

1. Mr. Gary Campbell, 234 Peach Street, addressed the Board and introduced his wife, Ms. Jennifer Campbell. He noted they were in attendance on behalf of his parents, Mr. Armond and Ms. Linda Campbell of 230 Peach Street, regarding the application.

Ms. Larson asked if Mr. Campbell's parents would be moving from their home.

Mr. Campbell responded no, noting this was their primary residence. He noted they had vacation property in the Outer Banks, but this would be an intermittent rental property with a timeline of 2021 for rentals.

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

4. Case No. SUP-19-0030. 124 B Cooley Road Rental of Rooms

A motion to Deny was made by Ruth Larson, the motion result was Passed.

AYES: 3 NAYS: 2 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Larson, McGlennon

Nays: Icenhour Jr, Sadler

Mr. Thomas Wysong, Senior Planner, addressed the Board detailing the application including the number of bedrooms, zoning district criteria, and other factors. He noted staff found several favorable factors for the application which included an on-site caretaker and the presence of adequate off-street parking. Mr. Wysong noted there were several unmitigated issues of concern. He noted those issues included this use was on a local road rather than an arterial or collector road per the Comprehensive Plan standards; the location of the existing parcel as fully integral to the existing neighborhood; and the property size and its potential

impact to adjacent properties. He noted due to the unmitigated issues, staff was unable to recommend approval of the application. Mr. Wysong noted at the February 5, 2020 Planning Commission meeting, the application was unanimously denied. Mr. Wysong noted he and the applicant were available for any questions.

Mr. Icenhour asked the Board if it had questions for staff or Mr. Krapf. As there were none, Mr. Icenhour opened the Public Hearing.

1. Mr. Gilbert Demari, 124 B Cooley Road, addressed the Board and introduced his wife, Ms. Eileen Demari. He noted the application was for the rental of one room. He detailed the plans for the property, including parking, as well as support letters from his neighbors. Mr. Demari noted the arterial or collector road point as his property was six houses from the corner of either type of road.

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

Ms. Sadler asked about the letters from Mr. Demari's neighbors. She noted she did not have them.

Ms. Larson noted the Board had received the letters from the Deputy Clerk to the Board prior to the meeting.

Ms. Sadler asked if the letters were from neighbors who were not opposed to the rental.

Ms. Larson responded yes that the letters were from the five neighbors.

Discussion ensued on the property, its cul-de-sac, and neighbors.

Ms. Sadler thanked Mr. Demari.

Mr. Hipple noted there were issues with rentals within neighborhoods, but further noted the support of the surrounding neighbors for the rental application. He noted the pros and cons of the application.

Mr. McGlennon asked staff for clarification on the policy regarding notification to applicants regarding arterial or collector roads.

Mr. Wysong noted the ideal situation involved the submission of a conceptual plan and a property review which listed items for staff review. He further noted since no conceptual plan was submitted, the material went into the SUP review process with the application.

Mr. McGlennon noted some form of guidance for applicants at the beginning of the process which detailed conditions to be met. He further noted making that point part of the broader discussion going forward.

Mr. Hipple noted prior to an applicant spending money to get to this point, a list would be helpful that offered guidance to the applicant on potential areas where rentals would not occur. He further noted then it was at the applicant's discretion to continue pursuing the SUP and bringing it before the Board for review.

Mr. McGlennon inquired if a conceptual plan was required prior to the SUP application in this case.

Mr. Wysong noted it was not a requirement, but typically a recommendation on any legislative case received. He further noted after receipt of the conceptual plan, staff's full comment list

was then available to the applicant.

Mr. McGlennon noted a closer look at affordable housing and short-term rentals was needed.

5. Case No. SUP-20-0002. 3374 Ironbound Road Tourist Home

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. Thomas Wysong addressed the Board detailing the application including number of bedrooms, zoning district criteria, and other factors including location, parking, and appearance. He noted staff's conditions on the application included restrictions on commercial signage and lighting, and any future expansion of this use would require an SUP amendment. Mr. Wysong noted at the March 4, 2020 Planning Commission meeting, this application was approved 5-2. He noted staff recommended the Board approve this application with the noted conditions. Mr. Wysong noted he and the applicant were available to answer any questions.

Mr. McGlennon noted the application referenced the availability of a fifth bedroom several times. He asked what the Board was being asked to approve in this application. Mr. McGlennon noted a four-bedroom home with a maximum of eight guests, but questioned how the Board and staff would know if that was how the property was being operated.

Mr. Wysong noted the application was for five bedrooms. He further noted staff's review was based on County records which listed the property with four bedrooms.

Mr. McGlennon asked how that point was enforced.

Mr. Wysong noted that was a good question. He further noted the assumption was that was the intent of the property's use, but if a complaint were received then follow-up would be warranted.

Mr. Holt addressed the Board noting several things would take place if the Board approved this case. He further noted when the applicant goes to the Commissioner of the Revenue's Office to obtain a business license and necessary paperwork, those details are then forwarded to Zoning to match up with the approved resolution. Mr. Holt noted a continuation of the details follows through the process and can be reviewed based on complaints.

Mr. Krapf noted the Planning Commission's comments referenced the Ironbound Road location as less obtrusive, as well as concerns regarding the additional bedroom. He further noted there were no guarantees on the room's use other than the integrity of the applicant.

Mr. Icenhour asked Mr. Holt if the property had ever been used as office space or always as residential.

Mr. Holt noted it had been residential, but the applicant was available.

Mr. Icenhour opened the Public Hearing.

1. Ms. Jeanette Brady, 2501 Manion Drive, noted the original house had been torn down and replaced with a new modular home. She further noted it had always been residential. Ms. Brady gave additional details on the property.

Mr. Icenhour noted his question addressed several buildings in the back.

Ms. Brady confirmed yes that they had built a multi-bay garage there.

Mr. Icenhour thanked her for the clarification.

Mr. McGlennon asked Ms. Brady if her intention was to allow rental on only the four bedrooms.

Ms. Brady confirmed yes.

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

6. Case No. AFD-19-0003. Barnes Swamp AFD Addition, 811 and 917 Stewarts Road

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. Thomas Wysong addressed the Board with the application's details concerning zoning district criteria, Primary Service Area, and other factors. He noted staff found the proposal compatible with the State Code, Comprehensive Plan, Zoning Ordinance, and surrounding development. He noted at the January 23, 2020 Agricultural and Forestal District Advisory Committee meeting, this application was unanimously approved. Mr. Wysong further noted at the March 4, 2020, meeting Planning Commission unanimously approved the application. Staff recommended the Board approve this application subject to the proposed conditions. Mr. Wysong noted he was available to answer any questions.

Mr. Krapf noted this application generated no discussion at the Planning Commission meeting. He noted the unanimous approval on the application as a valuable land preservation tool within the County.

Mr. Icenhour opened the Public Hearing.

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

Mr. McGlennon noted his endorsement of this application, but added he hoped for a term longer than four years when such renewals arose. He further noted the commitment of the landowners and the desire to increase the time period.

7. Ordinance to Amend and Reordain Chapter 1, General Provisions, Sec. 1-13(b), Courthouse maintenance; court security and jail processing fees

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 citing 2020 General Assembly legislation that amended the Virginia Code to allow localities to increase the current \$10 fee charged in any criminal or traffic case when the defendant is found guilty to \$20. He noted the \$20 goes toward funding for courthouse security personnel. Mr. Kinsman noted the money went directly to the Sheriff's Office and would be effective July 1, 2020. He further noted a typographical error in the County Code so the word statue had been changed to statute. Mr. Kinsman recommended adoption of the Ordinance.

Mr. Icenhour opened the Public Hearing.

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

8. An Ordinance to Readopt an Emergency Ordinance to Suspend Tax Payment Penalty and to Waive Convenience Fees

A motion to Appoint Individuals to Boards and Commissions 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 noting at its May 5, 2020 meeting, the Board adopted an Emergency Ordinance to suspend certain tax payment penalties and to waive convenience fees. He noted there was no advertised Public Hearing prior to the adoption. Mr. Kinsman noted State Code required adoption following a Public Hearing at this meeting. He recommended adoption of the resolution.

Mr. Icenhour opened the Public Hearing.

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

I. BOARD CONSIDERATION(S)

1. Grant Award - Coronavirus Aid, Relief, and Economic Security Relief Funds - \$6,676,337

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. Stevens addressed the Board noting the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 provided funding to address the COVID-19 pandemic. He further noted the Coronavirus Relief Fund (CRF) was a primary component of the CARES Act in assisting local governments, among other groups. Mr. Stevens noted the allocation of CRF funds was based on the locality's population in proportion to the statewide total population. He further noted the County's allocation was \$6,676,337. Mr. Stevens noted the funds may be used for qualifying expenses of local governments. He further noted the requirements of the CRF funding included: covering costs for necessary expenditures incurred due to the public health emergency; were not accounted for in the budget most recently approved as of March 27, 2020 for the State or government; and were incurred during the period that begins March 1, 2020, and ends December 30, 2020. Mr. Stevens noted the funding should not be used to make up for revenue shortfalls nor for ongoing services and/or base operations. He further noted any funds not expended or expended on necessary expenditures on or before December 30, 2020, must be returned by that day. He further noted any CRF funds expended in any manner that does not adhere to official federal guidance shall be returned within 30 days of a finding that the expenditure is disallowed. Mr. Stevens noted the recommendation that the Board adopt the attached resolution to accept these emergency funds and appropriate the use of these funds in the administration and operation of the County during the COVID crisis.

2. An Ordinance to Amend and Reordain the Code of James City County by Amending Appendix A - Fee Schedule for Development Related Permits to Increase Certain Fees to Defray the Costs Incurred by the County and for Additional Resources to Administrate Each Program

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. Holt addressed the Board noting as part of the Fiscal Year (FY) 2021-2022 budget process, staff was proposing several Ordinance amendments to the County Code. He further noted these changes included format changes for clarity, increased fees to offset rising costs, and new fees for resources to proactively administer and manage the development surety process among others. Mr. Holt noted the Public Hearing for this item was held on April 14, 2020, and no changes had been made since then. He further noted staff recommended approval, and if approved, the changes would be effective January 1, 2021.

Mr. Hipple asked about the date of January 1 as opposed to the County calendar year of July 1.

Mr. Holt noted there was a six-month deferral period.

Mr. Hipple asked if that was for education and such.

Mr. Holt noted it aligned with the larger budget piece.

Mr. Hipple thanked Mr. Holt.

Ms. Larson opened the Board of Directors meeting for the budget presentation.

Mr. Powell noted since both the Board of Supervisors and the Board of Directors were in session, Mr. Stevens would present the FY 2021-2022 County budget.

3. Fiscal Year 2021-2022 Budget Adoption and Resolution of Appropriation

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. Stevens expressed his pleasure in presenting the FY 2021 budget totaling \$238.2 million for all James City County funds and the James City Service Authority. He noted the General Fund was the County's primary operating fund, which for FY 2021, its budget was \$196.2 million. Mr. Stevens noted this was \$15.6 million or 7.4% below FY 2020. He further noted no tax rate change was recommended for the FY 2021 budget. Mr. Stevens referenced a resolution to appropriate the FY 2021 budget in the Board's package which reflected changes the Board made to the proposed budget at budget meetings and work sessions. He noted the majority of the changes were related to the COVID-19 economic impact which were anticipated to result in revenue shortfalls. Mr. Stevens further noted the shortfall correlated to expenditure reductions. He noted an attached errata sheet detailed those changes and recommended Board approval to adopt the resolution to appropriate funding for FY 2021 for James City County. Mr. Stevens noted Mr. Powell would address the budget summary for the James City Service Authority.

Mr. Powell presented the budget summary.

Mr. Icenhour noted the Board of Supervisors meeting resumed following the adjournment of the Board of Directors meeting. He further noted a motion to support the budget resolution was needed.

Mr. McGlennon noted the challenging times in terms of fiscal impact to the locality as well as the uncertainty of the impact itself. He referenced that the budget may come before the Board at a later date and hopefully revenues will be better than anticipated. Mr. McGlennon noted the great work done by the fiscal staff and departments and noted the work of both Ms. Sharon Day, Director of Financial and Management Services, and Mr. Stevens. He noted the community response to educational needs, the hold on teacher salary increases, and deferral of several Capital Improvements Program projects. Mr. McGlennon noted the largest portion of the cuts to the schools would not impact its operational budget. He further noted the approximately \$2.3 million additional funding to help close the gap between where we were to where we are. Mr. McGlennon noted in response to citizen concern about programs that the Board appropriates funding to the schools, but the School Division determines which programs receive that funding. He further noted if citizens had concerns over particular programs, they should address them to the School Board. Mr. McGlennon noted the difficulty the Board faced when making cuts and the impact on vital programs throughout the County. He further noted he was hopeful that more could be done with the budget, but cited the purchase of electronic devices through the CARES Act funding. Mr. McGlennon noted the use of that funding to assist the schools with safety and health aspects. He extended his appreciation to Ms. Sandra Caballero, Executive Director, Centro Hispano de Ayuda y Apoyo, for assistance in translating a Board memorandum for distribution to households with Spanish as the primary spoken language. He noted the challenges of the fiscal crisis before the Board, but added he was optimistic.

Ms. Larson noted her frustration regarding schools reopening in the fall and the steps to accomplish that point. She asked Mr. Stevens for more information at the next meeting after his discussions with school leaders. Ms. Larson noted on the Reopening of Schools Task Force that no appropriating body member was present, but rather political appointees. She further noted no commitment from the state on the second part of the CARES Act in terms of allocation to localities. Ms. Larson noted the associated costs to implement the guidelines and cited one child per seat on school buses as an example. She further noted concern about the pot of money available. Ms. Larson noted local activity in stores and the opportunity to look at the numbers to see the revenue impact. She further noted both the lodging revenue as well as the sales tax impact with businesses closed. Ms. Larson noted her passion for education, the impact of the economic times, and difficult decisions. She further noted a future revenue discussion that addressed a long-range view as a result of the current situation. Ms. Larson noted the County stepping up to help schools, while the state and federal stepped out, as well as concern for more funding needs possibly in August. She added that other localities were making similar budget cuts. She thanked her colleagues for sending out information and encouraged citizens with questions to reach out to Board members.

Mr. Hipple noted disappointment with how some members of the School Board had presented information. He further noted we are all the same community and the need to work together to figure things out. Mr. Hipple noted it was important citizens understood the Board fully funded the School Division's operational budget. He further noted the pride surrounding the schools and the educational quality. Mr. Hipple noted the importance of understanding how funding is delegated to schools and what part is state and what part is local. He further noted working together to get through this time.

Ms. Sadler concurred with her Board colleagues on their comments. She noted one caller had asked for creative solutions. Ms. Sadler further noted that Mr. Stevens and Ms. Day had done that from the beginning in discussions with the School Division. She noted she was optimistic that things would turn around, but there were many unknowns. Ms. Sadler noted she would like the School Board to present information to the citizens which explained the funding process as well as the sources. She further noted doing what was best and safest for the children, as well as the community despite current difficulties. Ms. Sadler thanked everyone

involved during the decision process.

Mr. Icenhour noted his appreciation to Mr. Stevens, Ms. Day, and staff for the difficult leg work to assist the Board with its decision. He further noted his appreciation of Dr. Olwen Herron, School Superintendent and her staff for their work with County Administration and staff.

4. Extension of Special Use Permit: Colonial Heritage

A motion to Amend the resolution to change the expiration date to October 1, 2021, 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

A motion to Approve the resolution as amended was made by Ruth Larson, the motion result was Passed.

AYES: 3 NAYS: 2 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Larson, Sadler

Nays: Icenhour Jr, McGlennon

Mr. Kinsman addressed the Board noting Mr. Greg Davis of Kaufman and Canoles, PC, on behalf of the developers of Colonial Heritage, has requested an extension to an SUP. He noted it was SUP No. 0003-2015 and the change of the expiration date to October 1, 2023. Mr. Kinsman further noted a condition of the SUP required the public utilities be built by November 10, 2018. He further noted an automatic extension was in place at that time with the Virginia Code. Mr. Kinsman noted in the 2020 General Assembly session that particular section of the Virginia Code was not renewed therefore this particular SUP would expire on July 1, 2020 without an extension request on the utilities. Mr. Kinsman noted the extension was for a new date of October 1, 2023. He further noted both he and Mr. Davis were available for questions.

Mr. McGlennon asked about the required extension time and the three-year time period.

Mr. Kinsman confirmed yes that the time period could be extended at the will of the locality.

Mr. McGlennon asked about an upcoming zoning request on this case.

Mr. Kinsman noted he would defer to Mr. Holt on that point.

Mr. Holt noted the application was received and in the review process, but no tentative dates were set for the Planning Commission or the Board of Supervisors.

Mr. McGlennon asked if the details of the request were known.

Mr. Holt noted since the case was under review, it could be subject to change. He further noted the proposal was to rezone approximately 220 acres with a change from A-1, General Agricultural and rural cluster to MU, Mixed Use with proffers. Mr. Holt noted it would be subject to the existing Colonial Heritage proffers and provided the details of the number and type of housing units.

Mr. McGlennon noted déjà vu when this application had been before the Board previously. He further noted the possibility of increased unit count with the public utilities added.

Ms. Larson asked if the Board voted to approve the utility extension, then the number of units

could be addressed as a separate issue at a later date.

Mr. Icenhour confirmed yes. He noted his understanding was this application strictly dealt with the timeline for the utilities to be put in place.

Ms. Larson asked her fellow Board members if they would rather the date be changed to October 1, 2021.

Mr. McGlennon noted that date was more palatable, but added he was unsure if he would support it.

Ms. Sadler asked if the change was from three years to one year.

Ms. Larson confirmed yes.

Ms. Sadler asked about the reason.

Mr. Greg Davis addressed the Board and noted the 2023 date extension matched his client's wetland impact permit from the state. He detailed the work at the Deer Lake development and noted if rezoning was unsuccessful and the SUP was not extended, his client's rights would be wiped out after subdivision plan approval and the other work.

Ms. Sadler asked if the three years applied to what was currently slated to be done without a potential rezoning.

Mr. Davis confirmed yes.

Discussion ensued on the extension, the pipework across the wetlands, and other factors.

Mr. Kinsman clarified that the Board would vote on Ms. Larson's amended resolution which reflected the date change from 2023 to 2021 and then would come back and vote on the resolution.

5. Extension of Special Use Permit: Mason Park

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. Kinsman addressed the Board noting this extension request was submitted by Mr. Vernon Geddy, Geddy, Harris, Franck, and Hickman, LLP, on behalf of George Nice & Sons, Inc. and Mason Park Development, LLC, in a similar manner to the previous application for use permit extension. Mr. Kinsman detailed the history of the application from October 10, 2006 and the extensions from the Virginia Code. He noted like the previous case the new extension date was July 1, 2020. He further noted the request for extension was for July 1, 2021. Mr. Kinsman noted Mr. Geddy was in attendance.

Mr. McGlennon asked if there were any pending applications for this property.

Mr. Holt addressed the Board noting there were no legislative applications currently pending with building permits in for the model homes and under review process.

6. Land and Water Conservation Fund Grant Acceptance

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. Carla Brittle, Community Centers Administrator, Department of Parks and Recreation, addressed the Board regarding acceptance of a land and water conservation fund grant of \$687,500 to purchase 119 acres of land on the Chickahominy River for Brickyard Landing Park.

Mr. McGlennon and Mr. Icenhour each noted that was great.

Mr. Hipple noted this was an asset to the County as it provided access to the Chickahominy River. He further noted as the property was developed in the future, it gave Parks and Recreation another feature to utilize in the upper end of the County.

J. BOARD REQUESTS AND DIRECTIVES

Ms. Sadler noted she had received a call from Mr. Pete Snyder of the Virginia 30 Day Fund with an update on funding for several local businesses. She further noted Mr. Andy Fox, WAVY TV, was hoping to do a story on James City County's partnership with the Virginia 30 Day Fund to promote the funding source. Ms. Sadler noted the County had received its funding allocation which benefited 30 area businesses in a three-day turnaround. She further noted additional updates would be available in the next few days. Ms. Sadler extended her thanks to Mr. Christopher Johnson, Director of Economic Development.

Mr. McGlennon thanked his fellow Board members and colleagues for their condolences at the passing of his mother-in-law, Ms. Irene Urbanski. He noted she had been one of the founders of the Virginia Head Injury Foundation, now known as the Brain Injury Foundation. Mr. McGlennon noted the recent news regarding police brutality and misbehavior among various groups, the need for reform, and the need for change in the country. He further noted he and Ms. Larson had attended a recent event in Colonial Williamsburg which commemorated the signing of a covenant between organizations representing the local African-American community and local law enforcement agencies. He noted the event was attended by 600-800 people with the Honorable Senator Thomas Norment, Delegate Amanda Batten, Delegate Michael Mullin, and the Honorable Senator Monty Mason in attendance. Mr. McGlennon noted the importance of the event and to make sure this situation does not go away as the headlines fade. He further noted the historical importance of the County and the need for inclusivity and diversity as a part of the Strategic Plan. Mr. McGlennon highlighted a message from the Come to the Table spokesperson regarding 'No Peace, No Justice', but to think of that phrase as 'Know Peace, Know Justice'. He thanked Police Chief Brad Rinehimer for his participation and open communication during recent rallies. Mr. McGlennon noted it was time to look at things in a fresh way and to really listen to citizens.

Ms. Larson encouraged citizens to view some of the Colonial Williamsburg videos where citizens interviewed each other. She also thanked Chief Rinehimer for his work in the community. Ms. Larson noted until all feel safe then no one should feel safe. She further noted her pride in the community and the responses of local police, first responders, and their actions. Ms. Larson noted she had never encountered a public situation that made her uncomfortable with James City County Police and she wanted to recognize them for that. She expressed her appreciation to law enforcement members. Ms. Larson noted citizens wanted their voices to be heard. Ms. Larson noted the creativity of local businesses during Phase One and her appreciation of those groups, both in revenue support and assistance with human services needs. Ms. Larson noted her frustration with the state and the inequitable reopening of parts of the Commonwealth. She further noted encouraging Governor Northam and the

decision makers in Richmond to work with businesses and tourism to help the locality.

Mr. Hipple noted the uniqueness of the first quarter with so much going on, lots of decisions, and many unknowns. He thanked the Board, County Administration, School Administration for working together with so many unknown factors in planning and budgeting. Mr. Hipple also thanked Police Chief Rinehimer, Fire Chief Ryan Ashe, and others during the time of unrest. He noted peaceful demonstration and having voices heard. He noted his pride in the County and how people worked well together, but noted more things can be done to make the County better. Mr. Hipple further noted Chapter One of the budget was done, but more chapters were to come, and noted the commitment to citizens to carefully monitor the money during this time. He thanked everyone for all their hard work.

Ms. Sadler thanked her fellow Board members for their representation at the recent Colonial Williamsburg event. She noted her appreciation of Chief Rinehimer and his work.

Mr. Icenhour noted his attendance at the Colonial Williamsburg event. He further noted the relationship locally, while different and not perfect, was a concerted effort to the point of 'it's different here' as noted at the original covenant signing, and he appreciated the opportunity to reaffirm it.

Mr. Icenhour noted his appreciation of Mr. Stevens, Chief Rinehimer and the Police Department for their actions in handling difficult times. He further noted peaceful resolutions of County incidents that do not make the news because of such actions.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens noted County facilities were mostly open to the public by appointments or limited walk-ins. He further noted the County website for information and if citizens had questions to call 253-6728. Mr. Stevens noted the numerous requests on the James City County Recreation Center, the Abram Frink Jr. Community Center, and the reopening of pools at Chickahominy River Park and Upper County Park. He further noted June 15 was the reopening date and more information would be posted. Mr. Stevens noted restrictions would be in place in compliance with Governor Northam's Executive Orders regarding social distancing requirements. He further noted contacting the County or checking the website for more information on the requirements. Mr. Stevens noted the Recreation Center and Abram Frink Jr. Center would have normal operating hours, but certain restrictions on items within each facility. He added the ever-changing events at these locations and encouraged citizens to call or check for updates. Mr. Stevens noted Parks and Recreation camps and classes were scheduled to resume activities on June 29, also with social distancing measures in place. He added registration was ongoing. He further noted, per Governor Northam's Executive Order regarding face coverings, that the public practice social distancing and if possible, use face coverings for their protection and staff's as they visit County facilities.

Mr. Icenhour noted, based on Board discussion of short-term rentals and Air BnBs, he was requesting the County Attorney bring forward a resolution for the July 14, 2020 meeting, to allow the Board the opportunity to put future considerations on those rentals while reviewing the impact to the Comprehensive Plan. He further noted the Board's guidance to assist the Planning Commission in developing better guidelines.

Mr. McGlennon noted that was a good move, but expressed concern over a way to communicate if the Board was not going to review many more of these cases until policies were in place, then the message should go out this evening. He further noted this allowed staff to inform citizens of timelines.

Ms. Larson noted the illegal operation of rentals.

Mr. Kinsman noted a number of rentals are permitted and would be continued to operate legally. He further noted Mr. Holt stated there was one Air BnB application pending.

Mr. Hipple noted his concern was that was a one-year term.

Mr. Kinsman noted one year was the maximum time. He further noted the Board could set any time, but recommended keeping it aligned with the Comprehensive Plan.

Mr. Hipple asked if July 2021 would be the date for alignment with the Comprehensive Plan. He noted there were some rentals which raised concerns, but others did not and he cautioned the one-year timeframe. Mr. Hipple noted the possibility of using zones.

Mr. Icenhour noted it was the situation of making a decision on criteria while making a decision on criteria. He further noted the fairness of putting a temporary hold on the rentals, while still allowing for filing. Mr. Icenhour noted working with the Planning Commission for a shorter timeframe in establishing rental criteria. He further noted a work session with the Commission in determining the different criteria.

Ms. Sadler asked how this would affect the pending case Mr. Holt referenced earlier versus those who have already applied.

Mr. Kinsman noted it depended on what the Board adopted. He further noted the Board could not refuse to accept an application. Mr. Kinsman noted someone could still apply for a particular use and have the Planning Commission review it within the requisite time. He further noted at the Board level, no cases of this type would be heard until the one-year time mark was up, which started when the Planning Commission meeting began and then count forward one year at which time the County Code noted a decision had to be made. Mr. Kinsman noted effectively said an application came be submitted, but do not expect to hear about it for some time. He further noted this was done with Air BnBs a year ago.

Mr. McGlennon expressed concern regarding fairness to applicants as well. He noted an applicant submitting \$1,200, but finding out later criteria was not met. Mr. McGlennon further noted communicating to the applicant that criteria being reviewed could potentially exclude his or her particular property. He noted his concern earlier about the criteria regarding arterial or collector roads in a previously heard SUP case that evening.

Mr. Hipple noted the Board had been dealing with these applications before without any criteria in place, but was now putting everything on hold to establish criteria. He further noted his concern over what message this sent to citizens.

Ms. Larson noted reviewing the one pending application and moving forward on it. She further noted there were still so many questions as Mr. Krapf had mentioned. Ms. Larson added that the Board would then delve deeper into the issues of criteria and other factors.

Mr. Icenhour noted if the house rental was long-term, that was just a rental agreement. He further noted when the SUP was submitted, it followed the house. He noted the applications already processed and done were done and there was no going back and changing them. He further noted since this was a permanent change that went with the land, it deserved a closer look at the criteria. Mr. Icenhour added he did not have confidence, nor did he think the Planning Commissioners did, with the current criteria being fair and equitable. He noted having more discussion after Mr. Kinsman presents the resolution and following Ms. Larson's lead on reviewing the application currently in the pipeline.

Ms. Sadler noted her agreement on hearing that one case, but added she hoped the current discussion would not influence the Planning Commission's decision on that case. Ms. Sadler noted evaluating that case on the same criteria currently used and then moving forward in reviewing the criteria.

Mr. Hipple asked if the timeline could be shorter than July 2021 when the Comprehensive Plan was updated.

Mr. Holt noted that was not a problem as this was one component of many pieces that comprised the Comprehensive Plan update. He further noted a point where a general consensus between the Planning Commission and the Board of Supervisors for handling these cases in this specific short-term land use rentals would not have to wait until July 2021. Mr. Holt noted next July would represent the formality of voting on the Comprehensive Plan similar to the recent process with the budget and its adoption. He further noted once a consensus on policy was established, it could be in place prior to July, though zoning issues would need to also be addressed.

Mr. Hipple asked if the criteria and policy were in place in eight months, would the Board need to wait for other factors.

Mr. Holt noted no, the Board could do something at that time.

Mr. Hipple asked Mr. Holt if eight months was enough time for staff to develop the criteria based on the Board's and Commission's input.

Mr. Holt noted he would get back on that point after checking with staff, but further noted this was one of several points that staff knew the Board and the Commission wanted to address first in preparing for the Comprehensive Plan update. He noted the Engage 2045 meetings were upcoming, but would check dates and get back to the Board on the timeline.

Mr. Kinsman noted he and Mr. Holt could draft a resolution to present to the Board with the earliest date they could determine would work.

Mr. Hipple noted letting people know this evening the Board was working on the criteria and these cases would be on hold until criteria was established.

Mr. Icenhour noted the Public Comment was closed, but the Board would speak with the individual after the meeting.

L. CLOSED SESSION

A motion to Enter a Closed Session 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

At approximately 7:30 p.m., the Board entered Closed Session.

At approximately 7:43 p.m., the Board re-entered Open Session.

A motion to Certify the Board spoke only 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, Icenhour Jr, Larson, McGlennon, Sadler

1. Social Services Advisory Board Appointments

A motion to Elect Sharon Cornelius and Christopher Howard to the Social Services Advisory Board 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 the appointment of Ms. Sharon Cornelius to a second term on the Social Services Advisory Board and the appointment of Mr. Christopher Howard to an initial term on the Social Services Advisory Board, both to four-year terms terminating on June 30, 2024.

2. Williamsburg-James City County Community Action Agency Board Appointment

A motion to Elect Lynette Diaz to the Williamsburg-James City County Community Action Agency Board 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 the appointment of Ms. Lynette Diaz to the Williamsburg-James City County Community Action Agency Board for an unexpired term ending September 25, 2022.

3. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel; in particular, the legal status of the unimproved 50-foot-wide right-of-way located along Overlook Drive in the Kingspoint neighborhood, pursuant to Section 2.2-3711(A)(8) of the Code of Virginia.

M. ADJOURNMENT

1. Adjourn until 4 p.m. on June 23, 2020, for the Work Session

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

At approximately 7:45 p.m., Mr. Icenhour adjourned the Board of Supervisors.

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
June 23, 2020
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 - via phone
John J. McGlennon, Roberts District
James O. Icenhour, Jr., Chairman, Jamestown District

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

Mr. Icenhour requested a motion to allow Ms. Sadler to participate remotely for the Work Session, due to an illness which did not allow her attendance.

A motion to Allow Ms. Sadler to Participate Remotely for the Work Session was made by Ruth Larson, the motion result was Passed.

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

Mr. Icenhour welcomed Ms. Sadler to the meeting.

Ms. Sadler acknowledged her presence on the call.

A motion to Amend the Agenda to add an item under Board Considerations for Busch Gardens discussion 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 introduced the Honorable Tommy Norment, Member of the Virginia Senate, the Honorable Montgomery Mason, Member of the Virginia Senate, and Mr. Neil Morgan, York County Administrator, who would all be participating via phone.

Mr. Icenhour introduced the Honorable Amanda Batten, Virginia House of Delegates, the Honorable Michael Mullin, Virginia House of Delegates, and Mr. Kevin Lembke, Park President of Busch Gardens Williamsburg (Busch Gardens), who were all present in the audience.

C. BOARD DISCUSSIONS

1. Busch Gardens Discussion

Mr. Stevens noted ongoing conversations with Mr. Lembke and our legislative group concerning the reopening of Busch Gardens in a safe manner in regard to Phase 3 Guidelines.

Mr. Lembke offered to answer any questions and gave an overview of recent communications with the Governor's Office. He noted Busch Gardens employed over 4,000 employees and based on the guidelines and the limit of 1,000 patrons within the park, the theme park would remain closed. He further noted the local impacts of Busch Gardens remaining closed in terms of taxes and local employment. He acknowledged disappointment in the guidance and discussed the Busch Gardens Comprehensive Safety Plan put forward to ensure guest and employee safety within the parks. He commented the lack of nuance in detail regarding reopening guidance was unlike anything experienced in other states in which their company operates. He stated Water County USA was in risk of not opening this season, noting the impact on tax and related revenue for York County. He appreciated the collaboration, communication, and partner continuation in order to find a way forward with the goal of having a safe operation while putting employees back to work. He asked if there was anything on the County's behalf, or at the state level, which could be pushed forward in a more formalized way to get the spec going and was open to any collaboration and/or suggestions.

Ms. Larson inquired about safety precautions to be put in place.

Mr. Lembke replied that in Phase 1 of reopening, and from a limited capacity standpoint, reservations would be required to visit the park, noting these procedures were currently in place in Busch Gardens Tampa. He stated upon arrival to the park, there would be temperature screening to all guests, and all guests as well as employees would be required to wear masks. He further stated six-foot distancing would be in place, with markings on the ground and signage in place. He briefly discussed personal protective equipment as well as training for employees, emphasizing new protocols and regulations.

Mr. Icenhour addressed Mr. Stevens and inquired about a follow-up discussion regarding the proposal in terms of the number of people that could be accommodated in the parks based on the guidance.

Mr. Stevens addressed Mr. Lembke and inquired if he could speak regarding the common space that is the public walkway as well as a reasonable safe guest capacity for the park.

Mr. Lembke replied square footage within the park and common areas consisting of pathways or walkways were reviewed. He explained that figure was then divided by 36 square feet, which is essentially the six-foot distancing desired, noting this was only outdoor common space. He further explained an attendance figure was arrived at which would allow safe distance between patrons as well as revenue to operate the park.

Mr. Hipple inquired about the proposed number.

Mr. Lembke replied a rough estimate of the attendance minimum would be 5,000-7,000 guests.

Mr. Hipple stated he understood the 1,000 patron figure for smaller locations; however, this park is spread out. He commented he would like to speak with the General Assembly and the Governor in an effort to see if there was anything that could be done, due to the uniqueness of the park, noting the governing officers may provide some advice or suggestions.

Mr. Lembke cited operating parks in Pennsylvania, Virginia, Florida, Texas, and California, and remarked Virginia is the only state out of that grouping that has not given specific guidance relative to the industry.

Mr. McGlennon inquired about experiences in the states referenced.

Mr. Lembke briefly discussed the reopening of Busch Gardens Tampa.

Mr. McGlennon asked about the levels of patronage allowed in the various parks.

Mr. Lembke replied he could not get too specific, but Texas opened at 25% capacity; whereas the Florida parks are closer to 30-50%. He commented those parks had a cap which was more than 1,000 and more than 5,000 in most cases, but they are under a restriction and monitor that through a reservation system.

Senator Norment stated he and Senator Mason had been working on this situation and were pushing for a minimum of 5,000 capacity.

Mr. Icenhour expressed his appreciation.

Senator Mason addressed Mr. Lembke and asked for clarification that Virginia was the only state which had not supplied specific guidance to parks.

Mr. Lembke replied that was correct. He stated that in Florida the park specifically presented its plan at the request of its Governor. He further stated Texas and California were specifically called out.

Senator Mason asked Mr. Lembke if he could provide the specific guidance given to his park operations in other states, in an effort for Senator Norment, Delegates Batten and Mullin, and himself to go back and have examples of what has been provided to other parks.

Mr. Lembke replied absolutely.

Mr. Icenhour opened the discussion to Delegates Batten and Mullin asking if there was anything either would like to add.

Delegate Batten addressed Senators Norment and Mason and inquired about a person limit percentage as opposed to using a 5,000 figure capacity. She inquired if the 1,000 capacity was specific to Busch Gardens or did it also include Kings Dominion, and asked Mr. Lembke what was the park's full guest capacity.

Mr. Lembke replied the park capacity was 20,000-24,000.

General discussion ensued regarding amusement park capacities, tourism, and the financial importance of the Historic Triangle economy to have Busch Gardens reopen with substantial attendance.

Ms. Sadler inquired to both Senators if they had an idea of when a solution to this problem could be expected.

Delegate Mullin expressed his appreciation to all of the elected officials, as well as to Mr. Lembke and his team, for the jobs that they do. He stressed the business of the Peninsula is tourism, noting it is the backbone of our economy and more uniquely situated than many other parts of the Commonwealth. He discussed social distancing practices and lumping entertainment industries into one section. He mentioned his office was in constant contact with the Governor's Office and Cabinet Secretaries in an effort to see what could be done for this to move forward. He stated he liked the reopening plan Mr. Lembke and his team had put together. He further stated when dealing with unique circumstances like the Peninsula and a unique facility like Busch Gardens, a one-size-fits-all rule is not as helpful.

Ms. Larson expressed her frustration with the current situation in Virginia Beach as she feels an unequalness to the opening up of tourism and did not feel that keeping Busch Gardens closed was right. She emphasized anyone who does not feel comfortable going to the park does not have to go. She noted 42% of area tourists come to this destination for Busch Gardens and thanked everyone involved in getting this presentation together.

Mr. Icenhour expressed his thanks to the legislators for the work they had done and felt there was legitimate reasoning behind what was being asked. He mentioned it was three weeks until the next Board of Supervisors meeting; however, if necessary, a special meeting could take place, but felt at this point it would be beneficial to allow a little opportunity to see if results could be obtained from the administration.

Mr. McGlennon stated most people realize the important role Busch Gardens and tourism play in the local economy. He remarked many people are concerned about the impact of the COVID-19 Pandemic in regard to their own health and safety, with a lot of nervousness, concern, and uncertainty because of never having gone through something like this in recent history. He stated that the Commonwealth has started moving toward allowing larger congregations of individuals in smaller settings; therefore, perhaps a way to address this question would be to break out of the entertainment category, to instead be considered by the potential size of the congregation. He mentioned expected protocols for area education institutions as well as workplaces which employ large numbers of individuals. He referenced an earlier comment regarding “anyone who does not feel comfortable going to the park does not have to go.” He stated that was not the real point; the point was the potential to spread beyond, by way of individuals from other areas visiting the theme park as well as other local businesses. He noted if the Commonwealth had not been thinking of how to address such large populations, what criteria to put in place, and what protocols to expect, it certainly should.

Mr. Hipple echoed his sentiments to the comments made by Ms. Larson regarding the Virginia Beach situation, commenting “maybe we should put more sand in Busch Gardens and call it a beach and then we can do whatever we want.” He briefly discussed that it was crazy to hold something hostage when a great plan was being assembled regarding how to remain safe. He mentioned articles in the paper regarding his and Ms. Larson’s intentions on reopening Busch Garden’s and emphasized that was not what either of them were doing. He expressed his gratitude to the legislators who attended this meeting and the efforts of trying to safely reopen Busch Gardens and noted if someone is scared, just stay home as that is the safest place to be. He commented that we are America and are born to be free, and that is the way we should be.

Ms. Larson referenced that Senator Norment mentioned he had been speaking with the Governor’s Office, and Senator Mason had as well, and questioned if either Senator had gotten anywhere regarding the reopening.

Senator Mason responded that he and Senator Norment had each spoken daily to the Governor’s Office and would forward to that office the information regarding guidance from other states as soon as it was received. He stated the Governor’s announcement today regarding July 1, 2020, gives us more urgency to share with them that we need an answer and to nuance this situation. He further stated he and Senator Norment had brought it to the Governor’s attention and to the Cabinet-level officials. He asked Mr. Lembke about a timeline to get the park reopened.

Mr. Lembke replied a minimum of two weeks, but more likely three weeks, depending on the availability of the team.

Senator Norment addressed Delegate Mullin and inquired if he had received any additional information.

Delegate Mullin replied his timeline was similar to Senator Mason's and discussed with whom he had recently been in contact. He commented he received multiple reassurances that this issue was being worked on.

Senator Norment expressed his appreciation to Delegate Mullin, noting he did not intend to put him on the spot.

Ms. Larson emphasized the importance of wearing masks in public in an effort to keep the spreading of the Coronavirus to a minimum.

Mr. Icenhour expressed his gratitude to the legislative representatives for their attendance at the meeting via telephone and in the audience. He reminded Mr. Lembke to forward the information requested to the legislative team as well as the Board of Supervisors.

2. Consent Item: Grant Award - James City County Child Health Initiative - \$270,000

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

3. Consent Item: Supplemental Funding Request - Children's Services Act - \$281,885

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

4. Consent Item: Revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual

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

5. Workforce Housing Task Force - Findings and Recommendations

Mr. Paul Holt, Director of Community Development and Planning, gave an overview of the memorandum included in the Agenda Packet from he and Ms. Rebecca Vinroot, Director of Social Services. In conclusion, he noted they were each available for any questions.

Ms. Larson stated she was interested in moving ahead with the effort and hoped her colleagues would join her.

Mr. McGlennon inquired if there was a particular target in mind.

Mr. Holt replied no; however, we regularly work with two local nonprofit partners that do business within the County.

Mr. McGlennon inquired if the grant program would focus on rehabilitation of existing housing and construction of new housing.

Mr. Holt replied it could be new housing.

General discussion ensued regarding availability of affordable housing.

Ms. Larson inquired about the Area Median Income (AMI).

Mr. Holt stated this figure is gotten from Housing and Urban Development (HUD) for our geographic area, not specific to James City County. He explained those numbers are published periodically and based on that information we work with Financial and Management Services (FMS) to calculate those affordability price points for purchase. He remarked that based on the state and federal programming levels, the price points are typically targeted at those making 80% of AMI, 60% of AMI, down to 30% of AMI. He explained that HUD updated its AMI for our statistical area on May 22, 2020, and with a current AMI of \$82,500 the 80% workforce housing price point would be targeted to a household with an annual income of approximately \$66,000, and 60% of AMI would translate to just under \$50,000.

Mr. Icenhour commented that most likely a large portion of area school teachers and first responders would fall into this category; therefore, it is one of the few ways of making it possible for those who work here to live here.

Mr. Hipple briefly discussed the benefit of using the term “starter homes” in advertisements; as “workforce housing” sometimes receives a stereotype after prolonged usage.

Ms. Larson expressed her desire for area caregivers, who provide invaluable service to the aging population in the County, to be able to afford to live in the community in which they work.

Ms. Vinroot briefly discussed the housing program and existing local residents obtaining an opportunity to receive the voucher. She referenced ongoing discussions regarding how to support residents who do not have a current place to reside. She mentioned the local women’s shelter, run through the community faith mission, and safety concerns with the current pandemic.

Mr. Icenhour emphasized coming before the Board if there was a structural change needed to be made regarding the upcoming fall season.

Ms. Vinroot agreed and commented conversations were currently taking place regarding the upcoming fall season in order to have a plan in place.

Mr. Hipple referenced the current pandemic and inquired about a possible opportunity to rent out hotel/motel rooms for winter months.

General discussion ensued regarding working within the time limits of existing partnerships, as well as safe, warm housing shelter for the upcoming winter season and plans other communities have in place.

Ms. Larson expressed her appreciation to the volunteers and efforts that go into providing relief to those in need. She referenced the area hot weather and asked about the homeless.

Ms. Vinroot replied joint efforts to ensure individuals are in a safe residence are made between area partners, the City of Williamsburg, and the County. She briefly discussed cooling programs and assistance as well as funding.

Mr. Icenhour summarized there was Board agreement to continue with the approach being looked at in regard to the affordable housing issue.

6. Resolution in Support of the Redesignation of the Local Workforce Development Areas 14 and 16 into a New Single Local Workforce Development Area

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

Ms. Vinroot stated there are presently two local Workforce Boards, one being the Peninsula and the other being Hampton Roads. She explained the resolution is asking to combine the two Boards together. She noted the opportunities and being certain our voices are heard.

Mr. McGlennon referenced material he circulated last fall to his fellow Board members regarding this proposal to merge the two workforces. He noted feedback concerns about getting lost in the shuffle. He stated the issue was raised directly with individuals who are heading the two organizations and was assured they understood the importance of this area and would make certain we were treated fairly. He briefly discussed that this proposal is part of a movement of two Workforce Boards toward a more entrepreneurial type of approach, where they have been working to identify models around the country.

General discussion ensued regarding Thomas Nelson Community College plans moving forward regarding workforce development training services.

7. CARES Act/FEMA Funding

Ms. Sharon Day, Director of FMS, provided an overview of the various COVID-19 funding sources awarded to date as well as the expected uses of those funds. She noted seven COVID-19 funding sources totaling approximately \$7.2 million and explained each of the funding sources has its own eligibility requirements and different time period restrictions for using those dollars. She commented the majority of the \$7.2 million is the most recent funding received, referred to as the CARES Act (Coronavirus Aid, Relief, and Economic Security Act), was approximately \$6.7 million and received in one lump sum on June 1, 2020. She further explained out of that funding source approximately \$1.7 million has gone to the school division, dispersed on June 15, 2020, which it is utilizing for electronic funding to continue in its virtual learning environment status. She referenced the economic stimulus grants recently approved in the amount of approximately \$500,000 and noted the check has been written with the money going to the Greater Williamsburg Partnership. She remarked the remainder of the funding spent thus far has been to County expenditures amounting to approximately half a million dollars, surmising the majority of spending on masks, disinfectants, cleaning supplies, temperature scanners, as well as technology to continue to work remotely and expand services to the public. She referenced \$6.7 million received on June 1, 2020, stating that approximately half of the funds have been committed and briefly discussed other requests for that funding. She remarked at this point we are not able to use any of that funding for any revenue shortfalls, which continues to be the biggest challenge, noting this funding source expires on December 30, 2020. She highlighted additional funding sources acknowledging receipt of approximately \$85,000 being utilized to help the revenue shortfall for the Medic Recovery Program awarded from the Department of Health and Human Services: a \$47,000 grant in Social Services; a \$34,000 grant in the Police Department to be used in any County department for items such as masks and gloves; a \$40,000 grant in the Housing Department, in addition to another grant in the amount of \$348,000; and a not-yet-determined dollar amount from the Federal Emergency Management Agency since the COVID-19 Pandemic is an on-going scenario. She stated FMS is recommending continuation of monitoring all expenditures; keeping in mind grants with the most restrictions as well as the shortest time periods; and utilizing grant funding opportunities first before moving to other funding sources. She mentioned recent notification by the School Division that it directly received approximately \$1.2 million in CARES Act

funding, which will be utilized for virtual learning opportunities. She discussed a certification form, which was created in conjunction with the County Attorney's Office, for anyone to whom payment is remitted.

Mr. Stevens stated he and Ms. Day were communicating with counterparts and other communities regarding CARES Act funding. He discussed conversations with the School Division in regard to small-scale projects, such as reaching out to Cox Communications (Cox) regarding coaxial cable for aiding distance learning students who are at home and do not have access to the internet. He emphasized he did not want to set an expectation that everyone would be served; however, we will do what we can. He further discussed some ideas regarding the funding and commented that within the County facilities we cannot build a better COVID-prepared building in seven months; however, we can move some doorways, add windows, and build better public reception counterspace. He noted it really comes back to Ms. Day and himself to defend that the use of the money meets the requirements. In conclusion he stated we are trying to do what other communities are doing so that together we all have some cooperative defense for future audits.

Mr. Hipple discussed the challenges of not having internet available in homes with school-aged children. He inquired if there was a way to enter into a contract with Cox in order to obtain internet across the County.

Mr. Stevens replied the short answer to that possibility would be we can do something, but we do not currently have anything from Cox to know that number. He noted conversations had taken place to start that dialogue and according to maps the County was fairly well covered. He recognized some areas within the County were without that accessibility and felt some of those areas could absolutely get done before the end of December 2020. He discussed it was his understanding the CARES Act funds needed to be spent, built, and delivered by the end of December 2020. He emphasized something could not be ordered in December that would arrive in the summer using CARES Act monies, it has to be done for the period between early March and December 30, 2020.

Ms. Day confirmed between March 1, 2020 and December 30, 2020, noting that falls into the prepayment category which is specifically excluded.

Discussion ensued regarding the regulation qualification interpretations and technology accessibility in the outer parts of the County.

Mr. Stevens noted past conversations with the School Superintendent in terms of using CARES Act funds and that she was very supportive if we could figure out how to use some of this funding to get internet service and broadband to homes that are not served.

Mr. McGlennon stated it was something to consider both in terms of using CARES Act monies to get started on this and then perhaps thinking about it as a regular part of the Capital Improvements Program over time. He noted at one point there was discussion about the \$6.7 million figure as half of the money that would be allocated and inquired if that was still the expectation.

Ms. Day replied that was the full allocation received in one lump sum payment.

Mr. McGlennon clarified there was no significant additional federal money expected at this point, unless the next effort to address the economic recovery includes something.

Ms. Day replied that was her understanding and noted the state was withholding half of the total allocation.

Discussion ensued regarding the CARES Act funding.

Ms. Larson expressed her appreciation for each of the grants mentioned as well as their departmental breakdowns. She inquired about the Virginia Department of Housing and Community Development 348104 and the figures cited.

Mr. Hipple referenced the Economic Stimulus Grant and discussed a recent phone conversation from an appreciative local business owner. He revisited the subject of Cox and discussed possible advantages of putting drops in various locations to be buried at a later date, in an effort to allow usage of many more connections at a faster rate.

Mr. Stevens noted efforts would be made to work with Cox as much as possible and then return to the Board to discuss future projects.

D. BOARD REQUESTS AND DIRECTIVES

Ms. Larson stated she and three others recently had the first in-person meeting scheduled at the jail and commented that Zoom, the videoconferencing application, did not work and the meeting was cancelled. She reminded her colleagues the Tourism Council will meet in July and open finance meetings are held monthly if anyone would like to join. She commented the Virginia Association of Counties would be meeting this year in Norfolk and hoped her fellow Board members had registered to attend.

No other Board members had anything further to add.

E. CLOSED SESSION

None

F. ADJOURNMENT

1. Adjourn until 5 p.m. on July 14, 2020, for the Regular Meeting

A motion to Adjourn 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

At approximately 6:52 p.m., Mr. Icenhour adjourned the Board of Supervisors.

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Nathan R. Green, Commonwealth Attorney

SUBJECT: Grant Award - Commonwealth Attorney - Virginia Domestic Violence Victim Fund - \$73,934

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/26/2020 - 3:52 PM
Board Secretary	Purse, Jason	Approved	6/30/2020 - 4:41 PM
Board Secretary	Cochet, Cheryl	Approved	7/6/2020 - 9:03 AM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:22 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:35 AM
Publication Management	Burcham, Nan	Approved	7/7/2020 - 10:39 AM
Legal Review	Kinsman, Adam	Approved	7/7/2020 - 10:39 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:39 AM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 1:16 PM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 1:18 PM

MEMORANDUM

DATE: July 14, 2020

TO: The Board of Supervisors

FROM: Nathan R. Green, Commonwealth Attorney

SUBJECT: Grant Award - Commonwealth Attorney - Virginia Domestic Violence Victim Fund - \$73,934

The Commonwealth Attorney has been awarded a \$73,934 grant (State share \$41,030; County match \$32,904) 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, 2021.

Staff recommends adoption of the attached resolution.

NRG/md
GA-DomViolFY21

Attachment

RESOLUTION

GRANT AWARD - COMMONWEALTH ATTORNEY -

VIRGINIA DOMESTIC VIOLENCE VICTIM FUND - \$73,934

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a \$73,934 grant, which is awarded annually from the Virginia Domestic Violence Victim Fund (State share \$41,030; County match \$32,904) 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, 2021; and

WHEREAS, the grant requires a local match of \$32,904, 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, 2021, for the purposes described above:

Revenues:

State - Fiscal Year 2021 Virginia Domestic Violence	
Victim Fund	\$41,030
Local Match	<u>\$32,904</u>
Total	<u>\$73,934</u>

Expenditure:

Fiscal Year 2021 Virginia Domestic Violence Victim Fund	<u>\$73,934</u>
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James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2020.

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Nathan R. Green, Commonwealth Attorney

SUBJECT: Grant Award - Commonwealth Attorney - Victim Witness Program - \$183,260

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/26/2020 - 3:52 PM
Board Secretary	Purse, Jason	Approved	6/30/2020 - 4:41 PM
Board Secretary	Cochet, Cheryl	Approved	7/6/2020 - 9:03 AM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:22 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:35 AM
Publication Management	Burcham, Nan	Approved	7/7/2020 - 10:38 AM
Legal Review	Kinsman, Adam	Approved	7/7/2020 - 10:39 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:39 AM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:42 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 1:04 PM

MEMORANDUM

DATE: July 14, 2020
TO: The Board of Supervisors
FROM: Nathan R. Green, Commonwealth Attorney
SUBJECT: Grant Award - Commonwealth Attorney - Victim Witness Program - \$183,260

The Commonwealth Attorney has been awarded a \$183,260 grant (federal share \$137,445; state share \$45,815) from the Victim Witness Grant Program through the State Department of Criminal Justice Services. The Grant will fund the personnel costs for the continuation of three full-time positions and one partial part-time position to provide comprehensive information and direct services to crime victims and witnesses. The Commonwealth Attorney has been successful in obtaining this grant for more than 14 years, and plans to apply for this grant in the future.

The attached resolution appropriates these funds to the Special Projects/Grants Fund through June 30, 2021.

Staff recommends approval of the attached resolution.

NRG/md
GA-FY21VicWitns-mem

Attachment

RESOLUTION

GRANT AWARD - COMMONWEALTH ATTORNEY -

VICTIM WITNESS PROGRAM - \$183,260

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a \$183,260 federal grant from the Victim Witness Grant Fund (federal share \$137,445; state share \$45,815) through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs for the continuation of three full-time equivalent positions; and one partial part-time position; and

WHEREAS, these positions provide comprehensive information and direct services to crime victims and witnesses beginning July 1, 2020 through June 30, 2021; and

WHEREAS, no local match is required.

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 for purposes described above:

Revenues:

Federal - Fiscal Year (FY) 21 Victim Witness	\$137,445
State - FY21 Victim Witness	<u>45,815</u>
Total	<u>\$183,260</u>

Expenditure:

FY21 Victim Witness	<u>\$183,260</u>
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James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this day 14th day of July, 2020.

GA-FY21VicWitns-res

ITEM SUMMARY

DATE: 7/14/2020

TO: Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Grant Award - COVID-19 Urgent Need Program Community Development Block Grant - \$348,104

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Attachment - UNOS COVID-19 Contract Negotiation Record	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	6/29/2020 - 6:13 PM
Publication Management	Burcham, Nan	Approved	6/30/2020 - 7:29 AM
Legal Review	Kinsman, Adam	Approved	6/30/2020 - 8:19 AM
Board Secretary	Cochet, Cheryl	Approved	7/6/2020 - 8:58 AM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:22 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:38 AM

MEMORANDUM

DATE: July 14, 2020

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Grant Award - COVID-19 Urgent Need Program Community Development Block Grant - \$348,104

On June 9, 2020, the Board of Supervisors authorized an application for Urgent Need Community Development Block Grant (CDBG) funding. The funding will be used to help stabilize Low- and Moderate-Income (LMI) households financially impacted by job loss, furlough, or reduced hours as a result of the COVID-19 Pandemic and who may face eviction or utility cutoff as a direct result of unpaid rent and or utilities.

On June 24, 2020, the Virginia Department of Housing and Community Development announced that James City County has been awarded \$348,104 in Urgent Need CDBG funding. This funding will allow the County to undertake a one year, COVID-19 Urgent Need Rent and Utility payment program, to provide financial payment and counseling assistance expected to benefit up to 54 low-and moderate-income renter households throughout the County.

Funding will be used to provide rent and or utility payments to eligible households for up to three months. Additionally, housing and financial counseling services will be available to eligible households for up to six months from application approval.

Staff recommends that the Board of Supervisors adopt the attached resolution to authorize acceptance of these Urgent Need CDBG funds and the use of these funds in the administration of Rent and Utility assistance related to the COVID-19 crisis.

RV/md
GA-CDBGUrgNeed-mem

Attachments:

1. Resolution
2. UNOS COVID-19 Contract Negotiation Record

RESOLUTION

GRANT AWARD - COVID-19 URGENT NEED PROGRAM

COMMUNITY DEVELOPMENT BLOCK GRANT - \$348,104

WHEREAS, on June 9, 2020, the James City County Board of Supervisors authorized an application for Urgent Need Community Development Block Grant (CDBG) funding to be used to help stabilize Low- and Moderate-Income (LMI) households financially impacted by job loss, furlough, or reduced hours as a result of the COVID-19 Pandemic and who may face eviction or utility cutoff as a direct result of unpaid rent and or utilities; and

WHEREAS, the Board of Supervisors authorized the County Administrator to contract with the Virginia Department of Housing and Community Development (DHCD), and to sign other agreements and documents necessary to participate in and implement the Program in compliance with CDBG requirements; and

WHEREAS, on June 24, 2020, DHCD announced that James City County has been awarded \$348,104 in Urgent Need CDBG funding.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes acceptance of these funds and the budget appropriation to the Housing and Neighborhood Development Fund for the fiscal year ending June 30, 2021, as follows:

Revenue:

Federal - COVID-19 Urgent Need CDBG	<u>\$348,104</u>
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Expenditures:

COVID-19 Urgent Need Services	\$313,294
COVID-19 Urgent Need Administration	<u>\$34,810</u>
Total	<u>\$348,104</u>

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2020.

UNOS COVID-19 CONTRACT NEGOTIATION RECORD

2020 Community Development Block Grant Program

James City County Housing Assistance Program

LOCALITY: James City County

CIG CONTRACT # TBD

PROJECT TYPE: Housing Assistance

LOCATION: James City County (county-wide)

DATE OF CONTRACT NEGOTIATION: June 23, 2020

SCOPE/OUTCOME: The purpose of this project is to provide financial assistance and ongoing housing counseling with support services to eligible individuals, including those that have recently become unemployed through the COVID-19 pandemic. The goals to be achieved with this funding are housing and financial stabilization through rent and/or utility payments, as well as, ongoing housing and financial counseling for 54 households directly impacted by COVID-19.

BENEFIT:

54 Total Households Served

___ Total LMI Households

NATIONAL OBJECTIVE

☐ Low – and Moderate – Income Benefit

\$

☐ Slum and Blight

\$

☒ Urgent Need

\$ 348,104.00

PROJECT BUDGET			
CDBG REQUESTED:	CDBG OFFERED:	LEVERAGE FUNDS	TOTAL PROJECT COSTS:
\$ 348,104.00	\$ 348,104.00	\$0.00	\$348,104.00

PROJECT ACTIVITIES:
<ol style="list-style-type: none"> 1. Administration of this project in a timely and compliant manner; 2. Assist fifty-four (54) households with rent and/or utility payments for no more than three months each.

CONDITIONS, REVISIONS AND UNRESOLVED ISSUES PER DHCD REVIEW

ALL ACTIVITIES MUST BE COMPLETED AS CONTRACTED. NO INCREASE IN PROJECT SCOPE IS ALLOWED. NO DECREASE IN LMI BENEFITS IS ALLOWED. NO FURTHER CDBG FUNDS ARE ALLOWED OR WILL BE PROVIDED FOR THESE ACTIVITIES.

1. **Project Management Team (PMT):** The Virginia Department of Housing and Community Development (DHCD) requires the formation of a PMT to oversee the implementation of the project. The PMT is made up of stakeholders who have direct responsibility or oversight of specific activities necessary for the successful completion of the project. Stakeholders would include the County Administrator, Board of Supervisors member(s), project area representatives, the Grant Manager, the County's Financial Manager, the Housing Counselor, a Community Sparkplug, and others deemed appropriate.
2. **Pre-Contract Period:** The pre-contract period for this project is thirty (30) days. All pre-contract requirements must be met within 30 days of the date of the virtual Contract Negotiation meeting.
3. **Project Administration:** Discuss who will serve as the Grant Manager and other support roles.
4. **Project Budget:** The County must review and update, if applicable, the project budget in the Centralized Application and Management System (CAMS). This must be done in consultation with the assigned Community Development Specialist (CDS).
5. **Remittance Requests:** DHCD expects remittance requests *for each CDBG-funded budget activity* to be submitted at least quarterly.
6. **Final Program Design:** A final Program Design must be submitted before the pre-contract period expires. There must be no duplication of services for families receiving assistance through other such programs. How do you plan to assure CDBG funds are not duplicating other funds? Payments must go directly to landlords and utility companies not to the family. No family may receive more than three months of assistance. Recordkeeping will be critical to the success of this program, who will be responsible for this task?
7. **Required Training:** Throughout the life of the project, the Grantee will ensure that the appropriate staff attends all required DHCD training, including the 2020 Grant Management Workshop (GMW), which is being held in Roanoke, Virginia.
8. **CDBG and Duplication of Funds:** CDBG funds may not be used to duplicate efforts of any federal, state or local agency for the same activity. How do you plan to assure this issue is addressed?

CDBG CONTRACT NEGOTIATION PUNCH LIST	
<p>Grant activities known as the Pre-contract Activities must be completed prior to the execution of the CDBG Agreement. These activities are listed below. They must be completed in consultation with the project's assigned Community Development Specialist (CDS). FAILURE ON THE PART OF THE GRANTEE TO COMPLETE PRE-CONTRACT ACTIVITIES BY JULY 23, 2020 MAY RESULT IN THE REVOCATION OF THE GRANT OFFER.</p>	
PRE-CONTRACT ACTIVITIES	Date Approved by DHCD
1. Project Management Team (PMT): Finalize the membership.	_____
2. DHCD requires a facilitated management session (FMS) to be conducted by the CDS. A Project Management Plan and Timeline (including anticipated expenditure timeline) will be drafted at the virtual FMS. (Appendix #13)	_____
3. Environmental Exemption Certificate (Appendix #2)	_____
4. Revised Project Budget/Pay-for-Performance Budget in CAMS (Appendix #3)	_____
5. Adopted Section 3 Business And Employment Plan (Appendix #4)	_____
6. Advertisements soliciting (1) Minority- and Female-Owned Businesses and (2) Section 3 County Businesses And Employees (Appendices #4 & #5)	_____
7. Adopted Non-Discrimination Policy (Appendix #6)	_____
8. Section 504 (1) Adopted Section 504 Self-Evaluation Plan/Checklist(s), Grievance Procedures, and 504 Coordinator Designation and (2) Section 504 Advertisement (Appendix #7)	_____
9. Executed Certification of Yearly Action to Affirmatively Further Fair Housing uploaded in CAMS (Appendix #9)	_____
10. Completion of Procurement (Appendix #10): Grant Manager _____ Other: _____	_____
11. APPROVAL OF CONTRACTS/AGREEMENTS: Grant Management Services _____ Inter-agency Agreement _____	_____
12. Completion/Approval of Programmatic Documents: Program Design _____ Other: _____	_____

13. DOCUMENTATION OF 2 virtual PUBLIC HEARINGS (Minutes and Sign-in Sheets)	_____
14. Executed Certification of Signatures and Address in CAMS (Appendix #27)	_____
15. Local Government Attendance At All Appropriate Workshops	_____
16. Clearance Of Findings On Previous PAAO Projects And Audit Submittals Up To Date CIG and PG Projects FY 2019 Audit Submittal	_____ _____
17. Documentation Of Availability And Expenditure Of All Funds Accepted As Leverage: <div style="display: flex; justify-content: space-around;"> <div> <u>Amount</u> \$ 0.00 </div> <div> <u>Source</u> </div> </div> <p>Additional Information:</p>	_____
18. Full Pre-Contract Review	_____
<p>CONTRACT EXECUTION APPROVAL RECOMMENDED</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div>_____</div> <div>_____</div> </div> <p>Community Development Specialist Date</p>	
<p>ACTIVITIES MUST BE COMPLETE WITHIN 30 DAYS OF TODAY BY JULY 23, 2020, TO ASSURE THE FUTURE AVAILABILITY OF CDBG FUNDS FOR THIS PROJECT.</p>	
<p style="text-align: center;">DHCD Project Administration and Assistance Office 600 East Main Street, Suite 300 Richmond, Virginia 23219/</p>	<p>Amanda Healy, Associate Director e-mail: amanda.healy@dhcd.virginia.gov PH: (804) 371-7149 FAX: (804) 371-7093</p> <p>Joanne Peerman, Program Manager e-mail: joanne.peerman@dhcd.virginia.gov PH: (804) 371-7071 FAX: (804) 371-7093</p> <p>Chelsea Jackson, CD Specialist e-mail: chelsea.jackson@dhcd.virginia.gov PH: 804-371-7007 FAX: (804) 371-7093</p>

NOTES:

DRAFT

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Grant Award - Virginia Homeless Solutions Program COVID-19 Emergency Shelter Operations - \$22,183

ATTACHMENTS:

	Description	Type
☐	Memo - Grant Award - Virginia Homeless Solutions Program COVID-19 Emergency Shelter Operations	Cover Memo
☐	Resolution - Grant Award - Virginia Homeless Solutions Program COVID-19 Emergency Shelter Operations	Resolution
☐	Attachment - Notice of Award	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	6/29/2020 - 6:15 PM
Publication Management	Burcham, Nan	Approved	6/30/2020 - 7:30 AM
Legal Review	Kinsman, Adam	Approved	6/30/2020 - 8:19 AM
Board Secretary	Cochet, Cheryl	Approved	7/6/2020 - 7:07 AM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:23 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:40 AM

MEMORANDUM

DATE: July 14, 2020

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Grant Award - Virginia Homeless Solutions Program COVID-19 Emergency Shelter Operations Funds - \$22,183

The James City County Social Services Housing Unit (Housing) is designated as a Virginia Homeless Solutions Program (VHSP) Partner by the Greater Virginia Peninsula Housing Consortium (GVPHC), to provide emergency shelter, homelessness prevention, rapid re-housing, and associated services within James City County, the City of Williamsburg, and Upper York County (Upper Peninsula).

In an effort to continue responding to the COVID-19 crisis, the GVPHC has been awarded \$110,913 in “Wave 2” COVID-19 emergency response funding by the Virginia Department of Housing and Community Development for Emergency Shelter Operations. As a designated Partner, Housing has received an allocation from the GVPHC award of \$22,183 for direct services in the Upper Peninsula.

As part of the acceptance of these funds, the GVPHC has agreed to follow Federal Emergency Management Agency guidance for prioritizing the use of these funds and therefore has committed to only use these funds to cover the costs associated with emergency, non-congregate sheltering, and supplies for individuals who meet one or more of the following criteria:

- Test positive for COVID-19 who do not require hospitalization, but need isolation or quarantine (including those exiting from hospitals);
- Have been exposed to COVID-19 who do not require hospitalization, but need isolation or quarantine; and
- Persons needing social distancing as a precautionary measure, as determined by public health officials, particularly for high-risk groups such as people over 65 or with certain underlying health conditions (respiratory, compromised immunities, and/or chronic disease).

Staff recommends that the Board of Supervisors adopt the attached resolution to authorize acceptance of these additional emergency funds and the use of these funds in the administration of emergency shelter operations related to the COVID-19 crisis.

RV/md
GA-VHSPEmergShOp-mem

Attachments:

1. Resolution
2. Notice of Award

RESOLUTION

GRANT AWARD - VIRGINIA HOMELESS SOLUTIONS PROGRAM

COVID-19 EMERGENCY SHELTER OPERATIONS FUNDS - \$22,183

WHEREAS, the James City County Social Services Housing Unit (Housing) is designated as a Virginia Homeless Solutions Program (VHSP) Partner by the Greater Virginia Peninsula Housing Consortium (GVPHC), to provide emergency shelter, homelessness prevention, rapid re-housing, and associated services within James City County, the City of Williamsburg, and Upper York County (Upper Peninsula); and

WHEREAS, the GVPHC has been awarded \$110,913 in “Wave 2” COVID-19 emergency response funding by the Virginia Department of Housing and Community Development for Emergency Shelter Operations; and

WHEREAS, Housing has received an allocation of the COVID-19 emergency response funding from the GVPHC of \$22,183 for direct services to continue responding to the health and safety needs of individuals and households experiencing homelessness in the Upper Peninsula.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts additional funding allocated from the GVPHC award for “Wave 2” COVID-19 emergency response funding and authorizes the following appropriation to the Housing and Neighborhood Development Fund:

Revenue:

Federal - VHSP Emergency Shelter	<u>\$22,183</u>
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Expenditures:

VHSP Emergency Shelter Services	<u>\$22,183</u>
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James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2020.

Keith Denny

From: Hill, Angelique <angelique.hill@dss.virginia.gov>
Sent: Wednesday, June 24, 2020 2:36 PM
To: Blount-Moore, Virginia; Mike Taylor; White, Quincy A.; Keith Denny; Riter, Dee (VDSS)
Subject: [External] Fwd: GVPHC Wave 2 COVID Funds
Attachments: COVID Grant Ammendment 3.pdf; COVID 19.docx

Attached is the most recent bonus award for Emergency Shelter Operations. I have attached the budget breakdown for the respective localities.

Have a great day!

----- Forwarded message -----

From: **Taylor Ryan** <taylor.ryan@dhcd.virginia.gov>
Date: Wed, Jun 10, 2020 at 11:00 PM
Subject: GVPHC Wave 2 COVID Funds
To: Angelique Hill <angelique.hill@dss.virginia.gov>, Dee Riter <dee.riter@dss.virginia.gov>, Phillips, Terri <terri.phillips@dss.virginia.gov>, Wanda Rogers <wanda.rogers@dss.virginia.gov>

Hello Angel,

Based on your community's submitted Request for Funding for COVID-19 response, DHCD has determined the initial allocation amount for what we have been referring to as "Wave 2" of the COVID-19 funds. Your community's award is **\$110,913 for April 2-December 31, 2020**. This award is **exclusively for emergency shelter operations** for COVID-19 response. We currently do not know when we will receive additional COVID-19 funds for rapid re-housing and prevention but will keep you posted.

Similarly to Wave 1, DHCD needs an updated year two request detailing the allocation. Once the updated version is received, we will generate the new grant amendment(s).

For guidance on how to use these funds (such as eligible costs), please continue to refer to the HSNH/VHSP guidelines and the COVID-19 response guidelines we have sent out.

Please ensure that this information is distributed to all relevant parties in your community and service providers (such as both program and finance staff, if necessary).

Feel free to contact me if you have any questions or concerns.

Best,
Taylor

--

Taylor Ryan
Pronouns: She/Her
Housing Program Administrator
Homeless and Special Needs Housing Unit
Division of Housing

Department of Housing & Community Development (DHCD)
Main Street Centre
600 East Main Street, Suite 300
Richmond, Virginia 23219-1321
phone (804) 629-0765 fax (804) 371-7091

taylor.ryan@dhcd.virginia.gov



**VIRGINIA DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT**
Partners for Better Communities

--

Angel Hill

Senior Family Services Specialist
Hampton Department of Social Services
757-727-1907 - Desk
757-727-1932 - FAX

COVID 19 – Wave 2 Bonus Funds Award

Budget Breakdown

Hampton	\$44,365
Newport News	\$44,365
James City Co.	\$22,183
Total award	\$110,913

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Grant Award - HUD CARES Act Administrative Funds - \$22,420

ATTACHMENTS:

	Description	Type
▣	Memo - Grant Award - HUD CARES Act Administrative Funds	Cover Memo
▣	Resolution - Grant Award - HUD CARES Act Administrative Funds	Resolution
▣	Attachment - Grant Award - HUD CARES Act Administrative Funds	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	6/29/2020 - 6:14 PM
Publication Management	Burcham, Nan	Approved	6/30/2020 - 7:29 AM
Legal Review	Kinsman, Adam	Approved	6/30/2020 - 8:19 AM
Board Secretary	Cochet, Cheryl	Approved	7/6/2020 - 7:40 AM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:22 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:39 AM

MEMORANDUM

DATE: July 14, 2020

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Grant Award - HUD CARES Act Administrative Funds - \$22,420

The James City County Social Services Housing Unit (Housing) is designated as a HUD Approved Public Housing Agency (PHA) responsible for administering the Housing Choice Voucher (HCV) Program. The HCV Program has been directly administered by James City County through the Office of Housing (and Community Development, prior to July 1, 2016) since 2001. On May 8, 2020, James City County was awarded \$22,420 in administrative fee funding under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to be used for administration of the program for Calendar Year 2020.

In accordance with Public and Indian Housing Notice PIH 2020-08: CARES Act - HCV Program Administrative Fees, "this supplemental administrative fee funding may be used only for two purposes: 1) any currently eligible HCV (including Mainstream voucher) administrative costs during the period that the program is impacted by coronavirus; and 2) new coronavirus-related activities, including activities to support or maintain the health and safety of assisted individuals and families, and costs related to the retention and support of participating owners. Currently eligible HCV administrative costs under 1) include necessary upgrades to information technology or computer systems to enhance telework capacities and overtime pay for PHA staff to carry out HCV Program responsibilities."

Housing proposes to use the funding to maintain the health and safety of assisted individuals and families and to provide safety equipment for the building, staff, and clients.

Staff recommends that the Board of Supervisors adopt the attached resolution to authorize acceptance of these administrative funds and the use of these funds to provide health and safety improvements related to the COVID-19 crisis.

RV/md
GA-HUDCARESAct-mem

Attachments:

1. Resolution
2. Notice of Award

RESOLUTION

GRANT AWARD - HUD CARES ACT ADMINISTRATIVE FUNDS - \$22,420

WHEREAS, the James City County Social Services Housing Unit (Housing) is designated as a HUD Approved Public Housing Agency (PHA) responsible for administering the Housing Choice Voucher (HCV) Program; and

WHEREAS, the County has been awarded \$22,420 in administrative fee funding under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) for administration of the HCV Program for Calendar Year 2020; and

WHEREAS, the funding will be used to maintain the health and safety of assisted individuals and families and to provide safety equipment for the building, staff, and clients.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts this administrative funding award from HUD and authorizes the following budget appropriation to the Housing and Neighborhood Development Fund:

Revenue:

Federal - HUD CARES Act Funding	<u>\$22,420</u>
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Expenditures:

HUD HCV Program Administration	<u>\$22,420</u>
--------------------------------	-----------------

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2020.

GA-HUDCARESAct-res



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Financial Management Center
2380 McGee Street, Suite 400
Kansas City, MO 64108-2605

OFFICE OF PUBLIC AND INDIAN HOUSING

May 8, 2020

VA041

JAMES CITY COUNTY HSG & COMMUNITY DEVELOPEMENT
5320 PALMER LANE, SUITE 1A
WILLIAMSBURG, VA 23188-3188

Dear Executive Director:

SUBJECT: CY 2020 Housing Choice Vouchers – CARES Act Administrative Fees,
Mainstream Administrative Fees, and MTW Embedded Fees

Your agency was notified in a letter date May 7, 2020 that it has been awarded administrative fee funding under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). This letter and enclosed table provide the specific details of the funding awarded and information concerning the disbursement of these funds. Funds have been obligated and scheduled for disbursement in May 2020.

These funds must be administered in accordance with the CARES Act requirements. Information about these requirements is provided in PIH Notice 2020-08.

Enclosed is your Notice to Amend the Consolidated Annual Contributions Contract (CACC) with revised funding exhibits reflecting the change(s) described above. The amendment notice and revised funding exhibits should be filed with your most recent CACC. No execution by HUD or your PHA is required.

Public housing agencies receiving an increment in excess of \$100,000 in Budget Authority (BA) are required to submit Form HUD-50071, Certification of Payments to Influence Federal Transactions, and if applicable, Form SF-LLL, Disclosure of Lobbying Activities. If this letter notifies you of a renewal in excess of \$100,000, and your PHA has not submitted the Form(s) HUD-50071 (and SF-LLL where applicable) for your current fiscal year; the documents must be submitted to your local field office and Financial Analyst at the Financial Management Center (FMC) within 30 days of the date of this letter. These forms are located on the Internet at the following addresses:

Form HUD-50071

<https://www.hud.gov/sites/documents/50071.PDF>

Form SF-LLL

<https://www.hudexchange.info/resources/documents/HUD-Form-Sflll.pdf>

Please contact your Financial Analyst at the FMC if you have any questions.

Sincerely

June E. Burnes

Digitally signed by June E. Burnes
DN: CN = June E. Burnes, C = US
O = Financial Management Center.
OU = Division Director.
Reason: I am approving this document

Division Director

Enclosure(s)

Memo Reference: 20-097

Increment Number Table

U. S. Department of Housing and Urban Development
Office of Public and Indian Housing

Housing Choice Voucher Program

Section 8

May 8, 2020

Funding Increment Number	Effective Date	Term (Months)	BA Assigned
VA041AF0132	5/1/2020	1	\$22,420

**Consolidated
Annual Contributions Contract**

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

Housing Choice Voucher Program

Section 8

**HUD NOTICE TO HOUSING AGENCY AMENDING
CONSOLIDATED ANNUAL CONTRIBUTIONS CONTRACT**

**Housing Agency: VA041
 JAMES CITY COUNTY HSG & COMMUNITY DEVELOPEMENT**

In accordance with Paragraph 2.c. of the Consolidated Annual Contributions Contract between HUD and the HA, you are notified that the funding exhibits of the Consolidated Annual Contributions Contract is hereby revised to add a new funding increment as provided in the attached revised funding exhibit. (This notice adds one or more funding increments listed on the attached funding exhibit.)

The revised funding exhibit is attached to this HUD notice. This revised funding exhibit replaces and revises the prior funding exhibit.

In accordance with Paragraph 2.d. of the Consolidated Annual Contributions Contract, this HUD notice and the attached funding exhibit constitutes an amendment to the Consolidated Annual Contributions Contract.

United States of America

Secretary of Housing and Urban Development
Authorized Representative

Date of Document:

Robert H. Boepple, Director
Financial Management Center

5/8/2020

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Grant Award - Mainstream Program Housing Vouchers - \$49,269

ATTACHMENTS:

	Description	Type
📎	Memo - Grant Award - Mainstream Program Housing Vouchers - \$49,269	Cover Memo
📎	Resolution - Grant Award - Mainstream Program Housing Vouchers - \$49,269	Resolution
📎	Attachment - Amended Consolidated Annual Contributions Contract	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	6/30/2020 - 11:22 AM
Publication Management	Daniel, Martha	Approved	6/30/2020 - 11:24 AM
Legal Review	Kinsman, Adam	Approved	6/30/2020 - 11:24 AM
Board Secretary	Cochet, Cheryl	Approved	7/6/2020 - 7:27 AM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:22 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:39 AM

MEMORANDUM

DATE: July 14, 2020

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Grant Award - Mainstream Program Housing Vouchers - \$49,269

The James City County (JCC) Office of Housing is the designated Public Housing Agency (PHA) responsible for operation of the Section 8 Housing Choice Voucher Program (HCV) within JCC. On June 9, 2020, JCC was notified that the PHA is eligible for an additional six Mainstream vouchers and funding authorized by the CARES Act. Budget authority of \$49,269 is being provided by the Department of Housing and Urban Development (HUD) for a 12-month term, with an effective date of August 1, 2020. This award increases the total number of available Mainstream vouchers in JCC to 26. These vouchers will be used to serve non-elderly, disabled citizens experiencing homelessness who are: living/working in JCC, transitioning out of institutional and other segregated settings, and who experienced homelessness and are currently a client in a permanent supportive housing or rapid rehousing project.

The Mainstream program combines rental assistance through the HCV program with case management and clinical services. These services are provided by the PHA in collaboration with the James City County Department of Social Services, the City of Hampton Department of Social Services, the City of Newport News Colonial Services Board, Virginia Department for Aging and Rehabilitative Services, and Colonial Behavioral Health.

As part of the acceptance process for these additional vouchers, HUD has amended the Consolidated Annual Contributions Contract with a revised funding amount reflecting the additional budget authority for these vouchers that will need to be executed according to federal policies and regulations.

It is recommended that the Board of Supervisors adopt the attached resolution to authorize acceptance of these additional six HUD Mainstream vouchers, amending the budget authority by \$49,269, in accordance with the amended Consolidated Annual Contributions Contract for the Section 8 Housing Choice Voucher Program effective June 9, 2020.

RV/md
GA-HUDMnstrmVch-mem

Attachments:

1. Resolution
2. Amended Consolidated Annual Contributions Contract

RESOLUTION

GRANT AWARD - MAINSTREAM PROGRAM HOUSING VOUCHERS - \$49,269

WHEREAS, the James City County Social Services Housing Unit is designated as the Public Housing Agency VA041, authorized to operate the Section 8 Housing Choice Voucher (HCV) Program within James City County; and

WHEREAS, James City County has been awarded \$49,269 in budget authority authorized by the CARES Act for a 12-month term to support six additional Department of Housing and Urban Development (HUD) Mainstream Housing vouchers to be used to serve non-elderly, disabled citizens in James City County; and

WHEREAS, HUD has amended the Consolidated Annual Contributions Contract with a revised funding amount reflecting the additional budget authority for these vouchers that will need to be executed according to federal policies and regulations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts additional budget authority from the Department of Housing and Urban Development and authorizes the following appropriation amendment to the Housing and Neighborhood Development Fund:

Revenue:

Federal - HCV Program	<u>\$49,269</u>
-----------------------	-----------------

Expenditure:

HCV Program	<u>\$49,269</u>
-------------	-----------------

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2020.

GA-HUDMnstrVch-res



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Financial Management Center
2380 McGee Street, Suite 400
Kansas City, MO 64108-2605

OFFICE OF PUBLIC AND INDIAN HOUSING

June 9, 2020

VA041

JAMES CITY COUNTY HSG & COMMUNITY DEVELOPEMENT
5320 PALMER LANE, SUITE 1A
WILLIAMSBURG, VA 23188-3188

Dear Executive Director:

SUBJECT: Housing Choice Voucher Program
Mainstream Program Vouchers

Your public housing agency (PHA) was notified in a letter dated May 18, 2020, that you were eligible for an increase in Mainstream vouchers and funding as authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Public Law 116-136). This letter provides specific details of the funding awarded and information concerning the disbursement of these funds your agency accepted under the CARES Act.

The enclosed table identifies the funding obligated for your PHA under the Mainstream Program. Monthly disbursements will begin based on the agreed upon effective date identified in the table. Only the first three months will be automatically scheduled at 1/12th of the award amount. Thereafter, monthly disbursements will be scheduled based on monthly expenses reported in the Voucher Management System (VMS).

Administrative fees are not being provided at this time. Fees will be provided for units leased as of the first day of the month, based on data reported in VMS.

These vouchers must be used for the purpose for which they were provided. Operation requirements for Mainstream Program vouchers and additional information can be found at the following Internet link:

https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/mainstream

Enclosed is your Notice to Amend the Consolidated Annual Contributions Contract (CACC) with revised funding exhibits reflecting the change(s) described above. The amendment notice and revised funding exhibits should be filed with your most recent CACC. No execution by HUD or your PHA is required.

Public housing agencies receiving an increment in excess of \$100,000 in Budget Authority (BA) are required to submit Form HUD-50071, Certification of Payments to Influence Federal Transactions, and if applicable, Form SF-LLL, Disclosure of Lobbying Activities. If this letter notifies you of a renewal in excess of \$100,000, and your PHA has not submitted the Form(s) HUD-50071 (and SF-LLL where applicable) for your current fiscal year; the documents must be submitted to your local field office and Financial Analyst at the Financial Management Center (FMC) within 30 days of the date of this letter. These forms are located on the Internet at the following addresses:

Form HUD-50071

<https://www.hud.gov/sites/documents/50071.PDF>

Form SF-LLL

<https://www.hudexchange.info/resources/documents/HUD-Form-Sflll.pdf>

Please refer to the May 18, 2020 award letter and/or contact your Financial Analyst at the FMC if you have any questions.

Sincerely

June E. Burnes

Digitally signed by June E. Burnes
DN: CN = June E. Burnes, C = US
O = Financial Management Center.
OU = Division Director.
Reason: I am approving this document

Division Director

Enclosure(s)

Memo Reference: 20-105

Increment Number Table

U. S. Department of Housing and Urban Development
Office of Public and Indian Housing

Housing Choice Voucher Program

Section 8

June 9, 2020

Funding Increment Number	Effective Date	Term (in Months)	BA Assigned	Units	Approximate Monthly Disbursement
VA041DV0002	8/1/2020	12	\$49,269	6	\$4,106

NOTE: Leasing and HAP Expenses for these vouchers are to be reported in VMS in the 5 Year Mainstream Leasing and HAP Expense fields.

**Consolidated
Annual Contributions Contract**

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

Housing Choice Voucher Program

Section 8

**HUD NOTICE TO HOUSING AGENCY AMENDING
CONSOLIDATED ANNUAL CONTRIBUTIONS CONTRACT**

Housing Agency: VA041
JAMES CITY COUNTY HSG & COMMUNITY DEVELOPEMENT

In accordance with Paragraph 2.c. of the Consolidated Annual Contributions Contract between HUD and the HA, you are notified that the funding exhibits of the Consolidated Annual Contributions Contract is hereby revised to add a new funding increment as provided in the attached revised funding exhibit. (This notice adds one or more funding increments listed on the attached funding exhibit.)

The revised funding exhibit is attached to this HUD notice. This revised funding exhibit replaces and revises the prior funding exhibit.

In accordance with Paragraph 2.d. of the Consolidated Annual Contributions Contract, this HUD notice and the attached funding exhibit constitutes an amendment to the Consolidated Annual Contributions Contract.

United States of America

Secretary of Housing and Urban Development
Authorized Representative

Date of Document:

Robert H. Boepple, Director
Financial Management Center

6/9/2020

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
PIH SECTION 8 - FUNDING EXHIBIT
PROGRAM-BASED

ACC NUMBER: VA041

FIELD OFFICE: 3FPH

VA041
JAMES CITY COUNTY HSG & COMMUNITY
DEVELOPMENT
820 PALMER LANE, SUITE 1A

WILLIAMSBURG, VA 23188

HA FISCAL YEAR-END: 06/30

PROGRAM TYPE: 5 Year Mainstream

FUNDING INCREMENT NUMBER	FIRST DAY OF TERM	LAST DAY OF TERM	CONTRACT TERM	BUDGET AUTHORITY	UNITS
VA041DV0001	4/1/2020	3/31/2021	12	147,996	20
VA041DV0002	8/1/2020	7/31/2021	12	49,269	6

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Paul Holt, Director of Community Development and Tom Coghill, Director of Building Safety & Permits

SUBJECT: Grant Award - Virginia Department of Housing and Community Development - COVID-19 Virtual Training Support - \$2,000

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Award Notification Letter	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Development Management	Holt, Paul	Approved	6/23/2020 - 2:02 PM
Publication Management	Burcham, Nan	Approved	6/23/2020 - 2:58 PM
Legal Review	Kinsman, Adam	Approved	6/24/2020 - 10:04 AM
Board Secretary	Cochet, Cheryl	Approved	7/6/2020 - 7:17 AM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:22 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:40 AM

MEMORANDUM

DATE: July 14, 2020

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development and Planning
Tom Coghill, Director of Building Safety and Permits

SUBJECT: Grant Award - Virginia Department of Housing and Community Development - COVID-19 Virtual Training Support - \$2,000

The Commonwealth of Virginia Department of Housing and Community Development (DHCD) is making funding available through the Virginia Building Code Academy for jurisdictional building departments to support virtual training. DHCD has awarded James City County Building Safety and Permits division a \$2,000 grant to purchase equipment needed to attend required virtual certification training and continuing education.

Due to the Governor's orders of social distancing and gathering limits, the Virginia Building Code Academy is now providing certification and continuing education classes online. They acknowledge that in order for localities to participate in training through virtual means, many localities may be in need of equipment necessary to attend online training.

Eligible purchases include laptops, headsets, tablets, webcams, electronic subscriptions for codebooks, or other equipment necessary to participate in remote training for Virginia required certification or continuing education.

Staff recommends adoption of the attached resolution to appropriate funds to the Special Projects/Grants Fund and to authorize acceptance of these funds for use by the Building Safety and Permits division.

PDH/TC/md
GA-DHCDVirtTr-mem

Attachments:

1. Resolution
2. Award Notification Letter

RESOLUTION

GRANT AWARD - VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY

DEVELOPMENT - COVID-19 VIRTUAL TRAINING SUPPORT - \$2,000

WHEREAS, James City County Building Safety and Permits division has been awarded a \$2,000 grant from the Commonwealth of Virginia Department of Housing and Community Development(DHCD) to support virtual training; and

WHEREAS, the Virginia Building Code Academy is now providing certification and continuing education classes online due to the Governor's orders of social distancing and gathering limits; and

WHEREAS, DHCD is making funding available through the Virginia Building Code Academy for jurisdictional building departments, recognizing that in order for localities to participate in training through virtual means, many localities may be in need of equipment necessary to attend online training; and

WHEREAS, the funds will be used to purchase equipment needed to attend required virtual certification training and continuing education; and

WHEREAS, no local match is required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes acceptance of this funding from DHCD and the budget appropriation to the Special Projects/Grants Fund as shown below and further authorizes the County Administrator to execute documents necessary to accept and implement the grant.

Revenue:

State - DHCD COVID-19 Virtual Training Support	<u>\$2,000</u>
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Expenditure:

DHCD COVID-19 Virtual Training Support	<u>\$2,000</u>
--	----------------

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2020.



Ralph S. Northam
Governor

R. Brian Ball
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Erik C. Johnston
Director

June 15, 2020

TO: Tom Coghill
James City County

FROM: Sandi Morris *Sandi E. Morris*
Director, Virginia Building Code Academy

RE: Virtual Training Support Grant Award

Congratulations! The Department of Housing and Community Development has reviewed and approved your application to the 2020 Virtual Training Support Grant in the requested amount of \$2000. The check will be mailed separately and should be received within 30 days to the address provided on the W-9 form submitted with your grant application. As indicated by your signature on the application you have agreed to the following terms:

1. Use the grant funds only as specified in the approved grant proposal unless otherwise approved by DHCD,
2. All grant-approved expenditures must occur by September 1, 2020 unless otherwise approved by DHCD.
3. Provide expense record and receipts to DHCD to verify grant expenditures and activities no later than September 30, 2020,
4. Account for, report, and repay, if necessary, any portion of the funds not used for the specified purposes unless otherwise approved by DHCD,
5. Refrain from use of the funds for any purpose prohibited by law,
6. Cooperate with any efforts of DHCD to publicize the grant award.

Again, awarded funds must be spent by September 1, 2020. The completed Expense Report and receipts/proof of purchase are due to our office by September 30, 2020. If you have any questions please contact Kelly Duggins at kelly.duggins@dhcd.virginia.gov.

Thank you for taking advantage of this training support grant opportunity and we look forward to seeing you at future trainings.



Virginia Department of Housing and Community Development | Partners for Better Communities
Main Street Centre | 600 East Main Street, Suite 300 Richmond, VA 23219
www.dhcd.virginia.gov | Phone (804) 371-7000 | Fax (804) 371-7090 | Virginia Relay 7-1-1

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Darryl E. Cook, Assistant Director of Stormwater and Resource Protection

SUBJECT: Grant Award - Stormwater Local Assistance Fund Grant - Woodland Farms Phase II Stream Restoration - \$132,062

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Engineering & Resource Protection	Cook, Darryl	Approved	6/26/2020 - 2:37 PM
Development Management	Holt, Paul	Approved	6/26/2020 - 3:12 PM
Publication Management	Burcham, Nan	Approved	6/26/2020 - 3:13 PM
Legal Review	Kinsman, Adam	Approved	6/29/2020 - 7:58 AM
Board Secretary	Cochet, Cheryl	Approved	7/6/2020 - 9:06 AM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:22 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:40 AM

MEMORANDUM

DATE: July 14, 2020

TO: The Board of Supervisors

FROM: Darryl E. Cook, Assistant Director of Stormwater and Resource Protection

SUBJECT: Grant Award - Stormwater Local Assistance Fund Grant - Woodland Farms Phase II Stream Restoration - \$132,062

The Woodland Farms Phase II Stream Restoration project was awarded a \$528,250 grant from the Stormwater Local Assistance Fund (SLAF) through the Virginia Department of Environmental Quality. These grant and matching funds were appropriated in the Fiscal Year 2017 Capital Projects Budget for the Woodland Farms Phase II Stream Restoration project. A construction contract award was made at the December 10, 2019, Board of Supervisors meeting and the project is currently under construction.

The Grant Agreement for the Woodland Farms Phase II SLAF grant has recently been received. The Grant Agreement amount is \$660,312, which is \$132,062 greater than the original award amount. The attached resolution accepts the new grant award amount and appropriates an additional \$132,062 into the Capital Projects Fund for the Woodland Farms Phase II Stream Restoration project.

Staff recommends approval of the attached resolution.

DEC/md
GA-SLAFWdldFamPh2-mem

Attachments

RESOLUTION

GRANT AWARD - STORMWATER LOCAL ASSISTANCE FUND GRANT -

WOODLAND FARMS PHASE II STREAM RESTORATION - \$132,062

WHEREAS, the General Services Stormwater and Resource Protection Division was awarded a \$528,250 state grant from the Stormwater Local Assistance Fund through the Virginia Department of Environmental Quality; and

WHEREAS, \$528,250 was appropriated in the Fiscal Year 2017 Capital Projects Budget for the Stormwater Capital Improvements Program for the Woodland Farms Phase II project; and

WHEREAS, the Grant Agreement for the Woodland Farms Phase II project awards to the County \$660,312, which is \$132,062 more than the initial grant award amount.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Capital Projects Fund for the purpose described above:

Revenue:

Fiscal Year 2017 State Stormwater Grant	<u>\$132,062</u>
---	------------------

Expenditure:

Woodland Farms Phase II Stream Restoration	<u>\$132,062</u>
--	------------------

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2020.

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Patrick N. Page - Director of Information Resources Management

SUBJECT: Contract Renewal - Microsoft Enterprise Software Agreement - \$678,774.24

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Information Resources	Page, Patrick	Approved	6/26/2020 - 9:34 AM
Financial Management	Cochet, Cheryl	Approved	7/6/2020 - 12:00 PM
Publication Management	Daniel, Martha	Approved	7/6/2020 - 12:33 PM
Legal Review	Kinsman, Adam	Approved	7/6/2020 - 4:18 PM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:10 AM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:20 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:34 AM

MEMORANDUM

DATE: July 14, 2020

TO: The Board of Supervisors

FROM: Patrick N. Page, Director of Information Resources Management

SUBJECT: Contract Renewal - Microsoft Enterprise Software Agreement

James City County and James City Service Authority currently utilize Microsoft Windows, Office, and Server software products as the primary desktop and mobile computing solution. Software, data, and email are stored and managed locally utilizing the County's network.

Our mobile and teleworking staff often need access to Office software, email, and files to perform their jobs in a secure environment. The current environment while secure is sometimes not efficient for our mobile workforce. This was realized when COVID-19 moved more than a third of County staff to work from home.

The Hybrid Cloud solution provided with this renewal will provide applications, email, and files sharing from a government certified secure cloud environment. Staff will then be able to work from any computer or mobile device with an internet connection. In addition, staff will have business level video conferencing, securely encrypted email meeting HIPPA, API, and the Department of Criminal Justice Services standards for security and secure file sharing.

Staff requested proposals and pricing from the Virginia Information Technologies Agency state contract approved cooperative contactor, Software House International (SHI), who is the incumbent firm providing the current Microsoft services to the County. The three-year proposal for the Hybrid Cloud solution is:

<u>Year</u>	<u>Amount</u>
1	\$226,258.08
2	\$226,258.08
3	\$226,258.08

For a three year total of \$678,774.24 (subject to annual user audit and True Up activities).

SHI has satisfactorily provided incumbent services, and the total cost for the three-year agreement is determined to be fair and reasonable. Funds for Year 1 are available in approved Fiscal Year 2021 funds.

Attached is a resolution authorizing the contract award to SHI to transition the County Windows and Office applications to a Hybrid Cloud solution. Staff recommends approval of the attached resolution.

PNP/md
MicrosoftEA_Hybrid2020-mem

Attachment

RESOLUTION

CONTRACT RENEWAL - MICROSOFT ENTERPRISE SOFTWARE AGREEMENT

WHEREAS, the current Microsoft EA Agreement has reached its expiration; and

WHEREAS, a Commonwealth of Virginia cooperative contract exists with Software House International; and

WHEREAS, funds are available in the James City County and James City Service Authority Fiscal Year 2021 budget for the purposes of renewing a three-year contract for software licensing, support, and services; and

WHEREAS, it was determined to be a competitively procured and best met the needs of the County for a Hybrid Cloud solution for the next three-year term for services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for a Microsoft Windows and Office upgrade Hybrid Cloud solution to Software House International.

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
SADLER	___	___	___
MCGLENNON	___	___	___
LARSON	___	___	___
HIPPLE	___	___	___
ICENHOUR	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2020.

MicrosoftEA_Hybrid2020-res

ITEM SUMMARY

DATE: 6/23/2020

TO: The Board of Supervisors

FROM: Kitty Hall, Director of Purchasing Division

SUBJECT: Consideration of contract award recommendation for various firms for annual engineering services for a 5-year contract term

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution
☐	Attachment A-List of Firms	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Purchasing	Hall, Kitty	Approved	6/23/2020 - 9:22 AM
Financial Management	Cochet, Cheryl	Approved	7/6/2020 - 11:50 AM
Publication Management	Daniel, Martha	Approved	7/6/2020 - 11:54 AM
Legal Review	Kinsman, Adam	Approved	7/6/2020 - 4:18 PM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:09 AM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:19 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:34 AM

MEMORANDUM

DATE: July 14, 2020

TO: The Board of Supervisors

FROM: Kitty K. Hall, Director of Purchasing

SUBJECT: Contract Awards - Annual Engineering Service

A Request for Proposal (RFP) was solicited from qualified engineering firms to simplify the purchasing process and speed up work when minor design and technical engineering assistance is required by having a firm pre-selected based upon its qualifications per the requirements of the Virginia Public Procurement Act and establishing a contract for professional engineering services. The required engineering services were organized into major groups with Sub-Groups as listed below with the number of proposals received listed after each Sub-Group name.

Group 1	Basic Engineering Services	29
Group 2	Environmental Engineering Services	11
Group 3	James City Service Authority (JCSA) Water and Wastewater	16
Group 4	Landscape Planning and Landscape Architecture	6
Group 5	Site Plan Review	2
Group 6	Surveying	6
Group 7	Stormwater Infrastructure	12
Group 8	Geotechnical	5
Group 9	Traffic and Transportation	6

Interested firms responded to the RFP by describing their interest, qualifications, project approach, and experience in performing similar work. Panels of staff members representing Stormwater, Environmental, Planning, Capital Projects, JCSA, Williamsburg-James City County School Division, and Purchasing evaluated the proposals and selected the most qualified firms in each group. Rate schedules were negotiated with the selected firms. These schedules will be used to calculate the cost for individual projects performed under these annual contracts. The contracts have an initial term of one year with four additional one-year renewal options available to the County, JCSA, and Schools. Firms selected for contract award are listed by group.

Staff recommends approval of the attached resolution awarding a contract to the following firms in Attachment A.

KKH/nb
CA-AnnEngSrv-mem

Attachments

RESOLUTION

CONTRACT AWARDS - ANNUAL ENGINEERING SERVICES

WHEREAS, the request for Proposals has been advertised and evaluated for annual engineering services; and

WHEREAS, the firms listed in Attachment A to this resolution were determined to be the best qualified to provide the required engineering services in their respective groups.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contracts for annual engineering services to the firms listed in Attachment A.

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2020.

CA-AnnEngSrv-res

ATTACHMENT A: CONTRACT AWARDS – ANNUAL ENGINEERING SERVICES

Group 1 – Basic Engineering

AES Consulting Engineers
A Morton Thomas and Associates
Colonial Engineered Solutions, Inc.
Facility Dynamics Engineering
Five Nines Company, LLC
Kimley-Horn and Associates, Inc.
Lynch Mykins Structural Engineers, PC
McDonough Bolyard Peck, Inc. (MBP)
Moseley Architects
Pace Collaborative
Stantec Consulting Services, Inc.
TAM Consultants, Inc.
Thompson Consulting Engineers (MJT)
Timmons Group, Inc.
Vanasse Hangen Brustlin, Inc. (VHB)

Group 2 – Environmental Engineering Services

A Morton Thomas and Associates, Inc. (AMT)
Blossom Consulting and Engineering
ECS Mid-Atlantic, LLC
Rummel, Klepper & Kahl, LLP (RK&K)
Stantec Consulting Services, Inc.
Timmons Group
Vanasse Hangen Brustlin, Inc. (VHB)
Wetlands Studies and Solutions, Inc.

Group 3 – JCSA Water & Wastewater

Bowman Consulting Group, Ltd.
Brown & Caldwell
CDM Smith, Inc.
Rummel, Klepper & Kahl, LLP (RK&K)
Timmons Group, Inc.

Group 4 – Landscape Planning and Landscape Architecture

Stantec Consulting Services, Inc.
Timmons Group, Inc.

Group 5 – Site Plan Review

A. Morton Thomas and Associates, Inc. (AMT)
Stantec consulting Services, Inc.

Group 6 – Surveying

AES Consulting Engineers
Landtech Resources, Inc.
Michael Surveying & Mapping, PC
Precision Measurements, Inc.
Rouse-Sirine Associates, LTD.
Timmons Group

Group 7 – Stormwater Infrastructure

AES Consulting Engineers
A Morton Thomas and Associates, Inc. (AMT)
Draper Aden Associates
Hazen Sawyer
Landtech Resources, Inc.
Stantec consulting Services, Inc.
Timmons Group
Vanasse Hangen Brustlin, Inc. (VHB)

Group 8 – Geotechnical

ECS Mid-Atlantic, LLC (ECS)
Geotechnical, Environmental and Testing Solutions, Inc. (GET)

Group 9 – Traffic and Transportation

EPR, PC
Kimley-Horn and Associates, Inc.
Rummel, Klepper & Kahl, LLP (RK&K)
Timmons Group

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Max Hlavin, Deputy County Attorney

SUBJECT: Conveyance of an easement to JCSA for utility service at the Marina.

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution
☐	Draft Deed of Easement	Exhibit
☐	Easement Plat	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	6/24/2020 - 10:03 AM
Publication Management	Daniel, Martha	Approved	6/24/2020 - 10:07 AM
Legal Review	Kinsman, Adam	Approved	6/24/2020 - 10:07 AM
Board Secretary	Fellows, Teresa	Approved	6/30/2020 - 4:30 PM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:21 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:35 AM

MEMORANDUM

DATE: July 14, 2020

TO: The Board of Supervisors

FROM: Max Hlavin, Deputy County Attorney

SUBJECT: Conveyance of Utility Easement to the James City Service Authority at the James City County Marina

The James City Service Authority (JCSA) needs an easement for an existing water line serving the James City County Marina (the “Marina”). Conveyance of the easement is required as part of plan approval for the County’s Capital Improvements Program project at the Marina. Pursuant to Va. Code § 15.2-1800(B), a public hearing is not required because the easement is consistent with the local Capital Improvements Program and involves improvement of property owned by the County. The attached resolution will authorize the County Administrator to execute the documents necessary to convey the easement to JCSA.

Staff recommends adoption of the resolution.

MH/md
UtilEsmt-Marina-mem

Attachment

RESOLUTION

AUTHORIZING CONVEYANCE OF A UTILITY EASEMENT TO

JAMES CITY SERVICE AUTHORITY - 2054 JAMESTOWN ROAD

WHEREAS, James City County (the "County") owns property located at 2054 Jamestown Road, designated as Parcel No. 4640100012 on the Real Estate Tax Map (the "Property"); and

WHEREAS, the James City Service Authority requires a utility easement, approximately 20 feet in width and totaling 11,853 square feet for an existing water line on the Property; and

WHEREAS, conveyance of this site development easement is consistent with the County's Capital Improvements Program, specifically the project for renovations and improvements at the James City County Marina; and

WHEREAS, a public hearing is not required pursuant to Section 15.2-1800(B) of the Code of Virginia; and

WHEREAS, the Board of Supervisors is of the opinion that it is in the public interest to convey a utility easement to the James City Service Authority.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute those documents necessary to convey the utility easement to the James City Service Authority on the Property.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, understands that both parties to the easement hereby authorized are represented by the County Attorney's Office and have been informed by counsel of the potential conflicts that may arise from such common representation and consents to such common representation.

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
SADLER	___	___	___
MCGLENNON	___	___	___
LARSON	___	___	___
HIPPLE	___	___	___
ICENHOUR	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2020.

Prepared by: Max Hlavin, VSB 86066
101-D Mounts Bay Road
Williamsburg, VA 23185

Return to: James City Service Authority
119 Tewning Road
Williamsburg, VA 23188

Tax Parcel Number(s): 4640100012

Title Insurance Co.: N/A
Consideration: \$10.00

**RECORDATION TAX IS EXEMPT PURSUANT TO THE CODE OF VIRGINIA, 1950,
AS AMENDED, SECTION 58.1-811(A)(3), (C)(4), AND (C)(5).**

**DEED OF EASEMENT
UTILITY EASEMENT**

This DEED OF EASEMENT made this _____ day of _____, 2020, by and between JAMES CITY COUNTY, VIRGINIA, hereinafter referred to as “Grantor,” and the JAMES CITY SERVICE AUTHORITY, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as the “JCSA” or the “Grantee.”

WITNESSETH:

That for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor does grant and convey with SPECIAL WARRANTY unto Grantee the following rights in and to certain real property situate, lying and being in James City County, Virginia, to-wit (the “Easement”):

The privilege and easement, in perpetuity as indicated on the attached plat to construct, lay, maintain, repair, inspect, improve, replace, and alter, and at will remove within the permanent easement hereinafter described works and systems for the distribution of sewage, water, and related services over, upon, across, and under property of Grantor, said permanent easement being further described as “CENTERLINE 20’ WATERLINE EASEMENT HEREBY GRANTED TO JCSA 11,853 SQ. FT.” on a certain plat entitled, “Plat Showing Waterline Easement To Be Conveyed by James City County to James City Service Authority,” dated June 2, 2020, made by VHB, a copy of which is attached hereto and made a part hereof, and to which reference is here made to a more accurate description of the easement herein conveyed.

Being a portion of the same real estate conveyed to Grantor by deed recorded December 20, 2006 as Instrument Number 060031151 in the Office of the Clerk of the Circuit Court of the City of Williamsburg and the County of James City.

The further terms and conditions of this grant are as follows:

1. Upon acceptance by JCSA consistent with the Regulations Governing Utility Service, the facilities existing or constructed on or under the Easement (the "Facilities") shall become and remain the property of Grantee. Grantee shall have the right to inspect, rebuild, remove, repair, improve, and make such changes, alterations, additions to, or extensions of the Facilities within the boundaries of said Easement as are consistent with the purpose expressed herein. All construction, maintenance, equipment, and facilities shall comply with all applicable laws, ordinances, codes, and regulations.

2. Grantee has the right, but not obligation, to trim, cut, remove, and clear all trees, limbs undergrowth, and any and all other obstructions within the Easement that may in any manner, in the Grantee's sole discretion, endanger or interfere with the proper and efficient construction or operation of the Facilities. Grantee shall have all other rights and privileges as are reasonably necessary or convenient for the full enjoyment and use of the Easement for the aforesaid purpose.

3. Grantor may use the Easement for any purpose not inconsistent with the rights hereby granted; provided, however, that such use does not interfere with the safe and efficient construction, operation, or maintenance of the Facilities, and is not inconsistent with any laws, ordinances, or codes pertaining to the construction, operation, or maintenance of the Facilities. Grantor shall not place any permanent improvements within the Easement without the written permission of Grantee; including, but not limited to, housing, buildings, pools, sheds, fences, signs,

or similar permanent structures. Grantor may install curbing and pavement in the Easement. Grantor shall not plant trees or other landscaping closer than ten (10) feet from the Facilities. Any increase in costs to access the Easement suffered by Grantee due to prohibited structures or landscaping shall be chargeable to Grantor.

4. Grantee will exercise reasonable care to protect Grantor's property from damage or injury occasioned in the enjoyment of the Easement and rights herein granted. Any disturbance of the Easement by Grantee or its contractor will be restored by Grantee as nearly as practicable to its prior condition. This includes paving, backfilling of trenches, grass, reseeding, and removal of trash or debris; however, it does not include replacement of structures or landscaping.

5. The rights and responsibilities conveyed by this deed shall be binding on Grantor, Grantee, and their heirs, successors, and assigns.

Grantor further covenants that it has the right to convey the Easement, and that Grantee shall have quiet and peaceful enjoyment and possession of the Easement.

Grantor and Grantee understand that both parties to this Deed of Easement are represented by the James City County Attorney's Office and acknowledge they have been informed by counsel of the potential conflicts that may arise from such common representation and, by execution of this deed, consent to such common representation.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

WITNESS the following signatures and seals:

Execution of this Deed of Easement was authorized by resolution adopted on July 14, 2020 by the Board of Supervisors of James City County, Virginia.

GRANTOR: JAMES CITY COUNTY, VIRGINIA

Scott Stevens, County Administrator

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by Scott Stevens as County Administrator of the County of James City, Virginia.

Notary Public

My commission expires on _____.

My commission number is: _____

Approved as to form:

County Attorney

GRANTEE: JAMES CITY SERVICE AUTHORITY,

By: _____ (SEAL)
Doug Powell, General Manager

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to-wit:

The foregoing Deed of Easement was acknowledged before me by Doug Powell, as General Manager of the JAMES CITY SERVICE AUTHORITY, the Grantee, on this _____ day of _____, 2020.

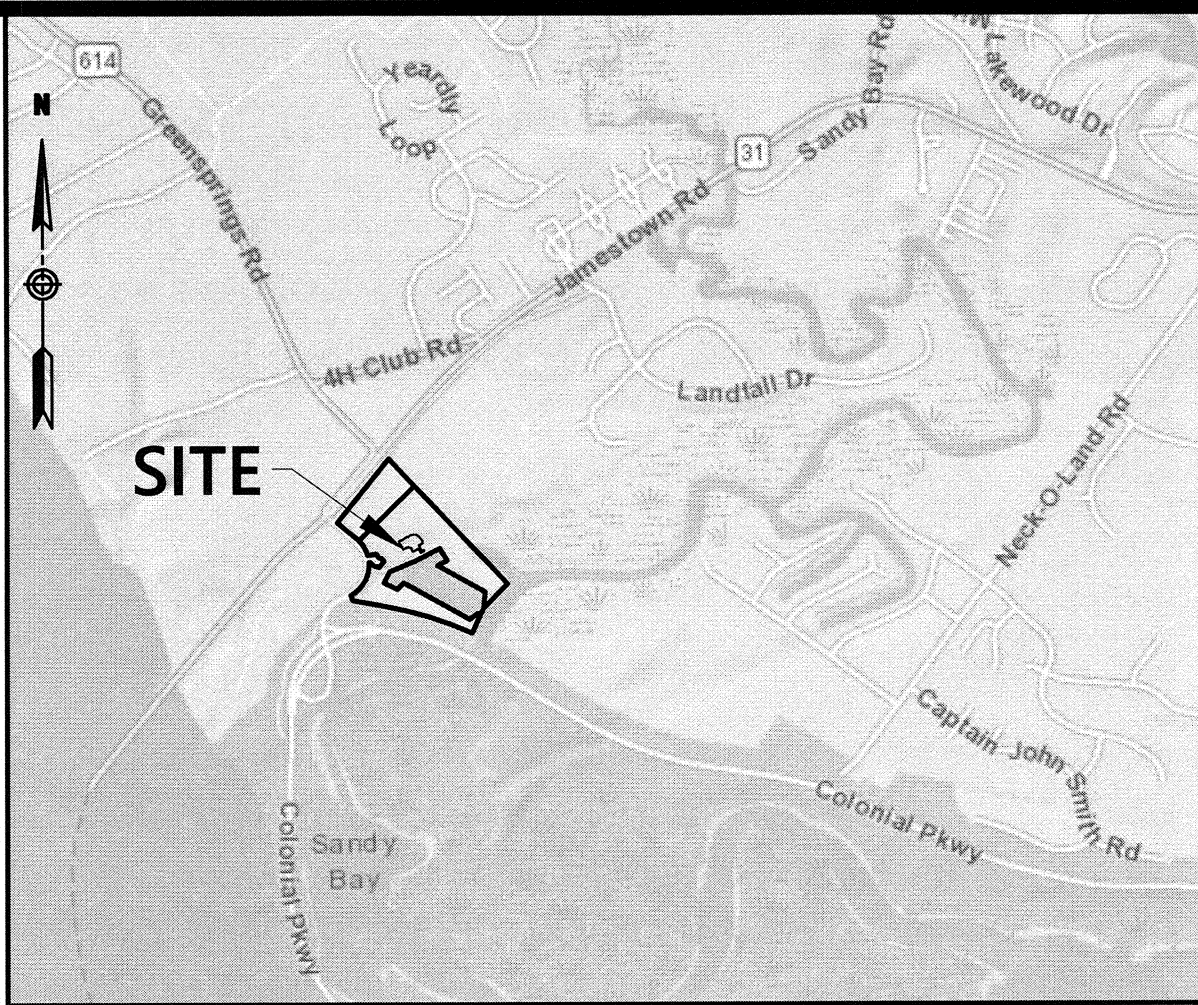
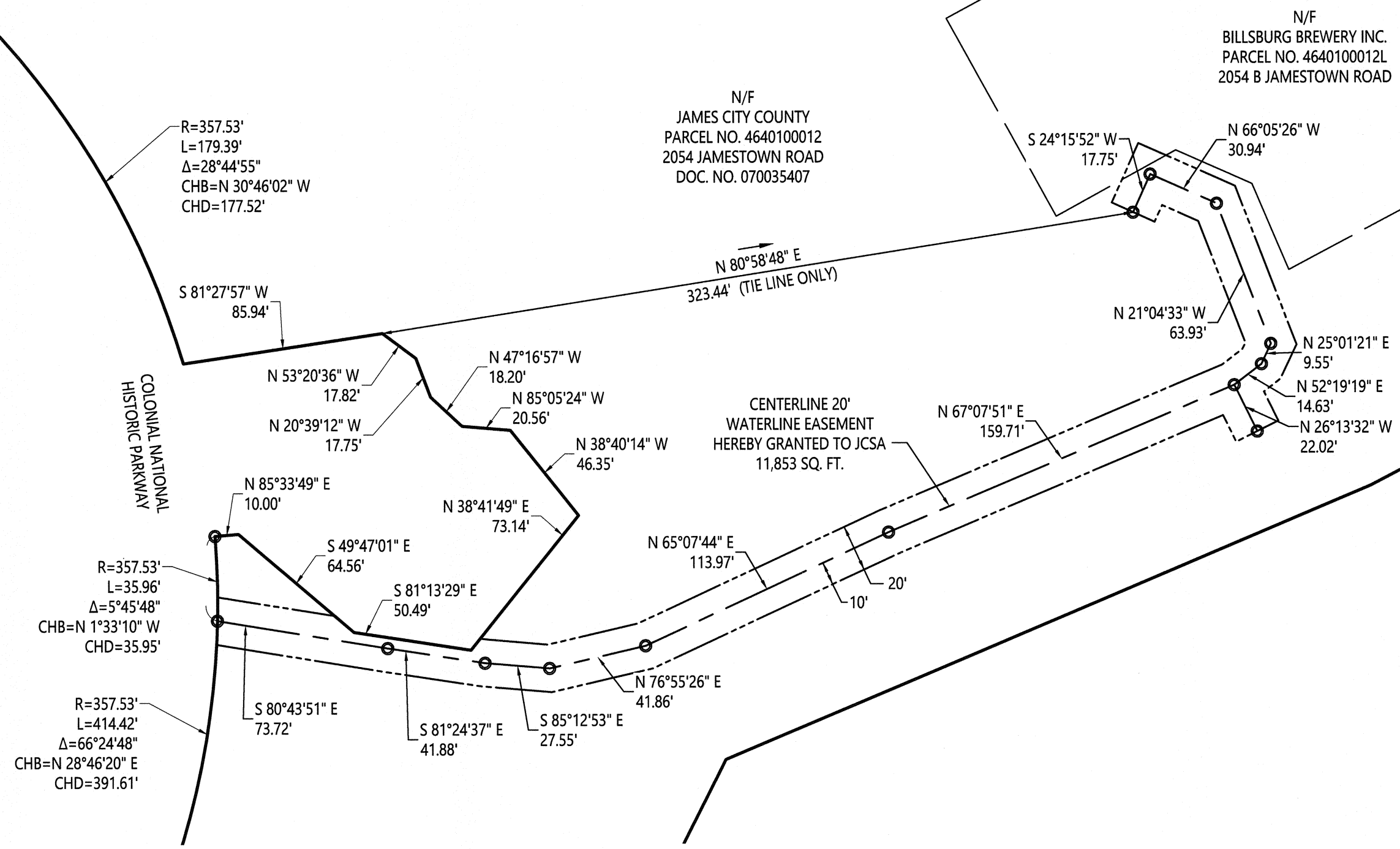
Notary Public

My commission expires: _____

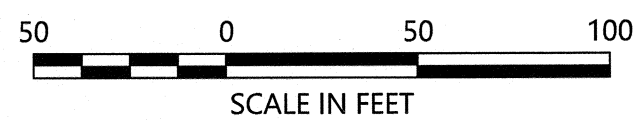
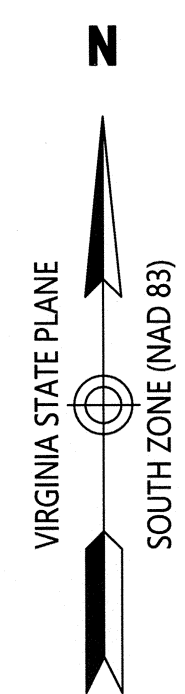
Notary registration number: _____

Approved as to form:

County Attorney



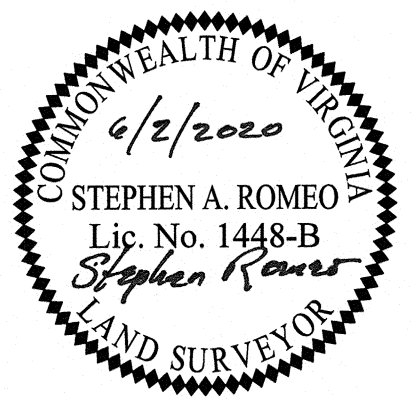
Vicinity Map
1"=2,000'



General Notes

1. MERIDIAN SOURCE: VIRGINIA STATE PLANE COORDINATE SYSTEM SOUTH ZONE NAD83. DATUM WAS DETERMINED USING JAMES CITY COUNTY MONUMENT 344.
2. THE PROPERTY LINES SHOWN ON THIS PLAT ARE BASED ON PLATS OF RECORD (INST. NO. 060031151, INST. NO. 070014805, INST. NO. 070035407, INST. NO. 080008263 AND INST. NO. 080025649).
3. THE WATERLINE EASEMENT SHOWN ON THIS PLAT IS BASED ON A SURVEY PERFORMED BY VHB DURING MAY 2018. ABOVE GROUND FEATURES AND PAINT MARKINGS WERE LOCATED AND USED TO ESTABLISH LIMITS OF EASEMENTS.
4. THIS PLAT IS A HYBRID EFFORT OF COMPILED BOUNDARY INFORMATION AND PHYSICAL FEATURES LOCATED BY FIELD SURVEY.
5. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT, THEREFORE ALL ENCUMBRANCES UPON THE PROPERTY MAY NOT BE SHOWN.

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS WATERLINE EASEMENT PLAT COMPLIES WITH THE APPLICABLE REGULATIONS ESTABLISHED BY THE COMMONWEALTH OF VIRGINIA BOARD FOR ARCHITECTS, ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS.



Plat Showing Waterline Easement
To Be Conveyed by
James City County
To
James City Service Authority
James City County, Virginia

DATE: 6/2/2020	SHEET 1 OF 1	SCALE: 1"=50'
PROJECT NO: 34222.06	DRAWN BY: CRO	CHECKED BY: SAR



**Transportation
Land Development
Environmental Services**

351 McLaws Circle, Suite 3
Williamsburg, Virginia 23185
757 220 0500 • FAX 757 903 2794

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Planning and Community Development

SUBJECT: Resolution of Support for Smart Scale Transportation Funding Applications

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Pocahontas Trail Location Map	Backup Material
☐	Richmond Road Location Map	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	6/22/2020 - 7:33 AM
Development Management	Holt, Paul	Approved	6/22/2020 - 7:33 AM
Publication Management	Daniel, Martha	Approved	6/22/2020 - 8:13 AM
Legal Review	Kinsman, Adam	Approved	6/24/2020 - 10:04 AM
Board Secretary	Fellows, Teresa	Approved	6/30/2020 - 4:38 PM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:24 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:41 AM

MEMORANDUM

DATE: July 14, 2020

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Planning and Community Development

SUBJECT: Resolution of Support for Smart Scale Transportation Funding Applications

Background

In 2013, House Bill 2313 was signed into law, creating a more sustainable revenue source supporting transportation funding. While passage of this bill enabled the Commonwealth Transportation Board (CTB) to add approximately \$4 billion in funding to the Six-Year Improvement Program (SYIP), there are still many transportation needs that cannot be addressed with available revenues.

To find a way to better balance transportation needs and prioritize investments for both urban and rural communities throughout the Commonwealth, new legislation, House Bill 2 (HB2), was signed into law in 2014. HB2 required the CTB to develop and implement a quantifiable and transparent prioritization process for making funding decisions for capacity, enhancing projects within the SYIP. The ultimate goal in the implementation of HB2, now called Smart Scale, is to ensure the best use of limited transportation funds. Transparency and accountability are crucial aspects of this process. Smart Scale projects are evaluated based on a uniform set of measures that are applicable statewide, while recognizing that factors should be valued differently based on regional priorities.

Generally, the prioritization process for the Hampton Roads District evaluates projects in the following factor areas: congestion mitigation (45%), economic development (5%), accessibility (15%), safety (5%), environmental quality (10%), and land use coordination (20%).

The Smart Scale process does not cover all types of projects within the SYIP. There are many other sources of funding including maintenance and rehabilitation, safety, operations, and other federal and state funding categories (e.g., Revenue Sharing, Congestion Mitigation and Air Quality Improvement Program, Regional Surface Transportation Program).

There are two main pathways to funding within the Smart Scale process, the Construction District Grant Program and the High-Priority Projects Program. These two grant programs were established under HB1887 and approved by the General Assembly in February 2015.

The High-Priority Projects Program (as defined in § 33.2-370) refers to projects of regional or statewide significance that address a transportation need identified for a Corridor of Statewide Significance or a regional network in the VTrans2040 Multimodal Transportation Plan. In this program, projects and strategies are compared to projects and strategies submitted statewide.

The Construction District Grant Program (as defined in § 33.2-371) refers to projects and strategies solicited from local governments that address a need for a Corridor of Statewide Significance, regional network, improvements to promote urban development areas, or safety improvements identified in the VTrans2040 Multimodal Transportation Plan. In this program, candidate projects and strategies from localities within a highway construction district are compared against projects and strategies within the same construction district.

For both programs, projects and strategies are to be screened, evaluated, and selected according to the process established pursuant to Smart Scale. In 2016, James City County successfully secured funds through this process for the Longhill Road Phase I Widening. In 2017, James City County successfully secured funds through this process for the Skiffes Creek Connector. In 2018, James City County successfully secured funds through this process for the Longhill Road Shared Use Path project.

Proposed Projects

This year, James City County intends to apply for Smart Scale funding for two projects:

1. *Pocahontas Trail Corridor Section C/D Improvements* as identified in the Pocahontas Trail Corridor Study; and
2. *Richmond Road, Airport Road, and Mooretown Road Improvements* consistent with the regionally adopted Constrained Long Range Plan.

The first proposed project addresses a portion of the transportation and safety needs along a two-mile stretch of Pocahontas Trail between Fire Station 2 and James River Elementary School. Section C/D of Pocahontas Trail is .46 miles (see Attachment No. 2). This Urban Principal Arterial Roadway has a posted speed limit of 40-45 miles per hour. Currently, there are no designated accommodations for bicyclists and very limited pedestrian connections. The typical roadway cross-section consists of two lanes, no shoulders, and turn lanes at some of the intersections. Roadway drainage is provided by deep open ditches immediately adjacent to the roadway with little to no existing shoulder. There is no access management in place. Because of existing conditions, accidents and breakdowns result in substantial backups and delays with access for emergency responders often impeded. The corridor is also frequently impacted by traffic diverting from Interstate 64 due to congestion. The lack of safe pedestrian and bicycle accommodations in an area with a mix of residential, transit, and industrial traffic causes conflicts and unsafe conditions for all non-motorized travelers. Due to the deficiencies mentioned above, this project will include much needed safety improvements and accommodations, specifically a continuous center left turn lane, an 8-foot shared use path, a 5-foot sidewalk, curb and gutter, closed drainage, landscaped buffer, roadway/pedestrian lighting, new crosswalks with pedestrian refuge areas, transit stop improvements with bus pull-offs and shelters, and undergrounding of overhead utilities. Such improvements are expected to greatly reduce congestion and to significantly improve traffic flow and safety. The Pocahontas Trail Corridor Study estimates the total project cost (with undergrounding of utilities) at \$34 million, with Sections C/D estimated at \$9.4 million.

The second proposed project would provide improvements to the Richmond Road and Airport Road intersection (see Attachment No. 3). Improvements would also be made in York County to the intersection of Airport Road and Mooretown Road, making this a joint application from the two localities. Improvements to the intersection of Richmond Road and Airport Road would eliminate left-hand turning movements and create U-turn points at Olde Towne Road and Stratford Road. Improvements would also include elimination of the big vertical elevation difference at the railroad crossing, construction of a relocated/improved bus pull-out, and provision of enhanced pedestrian accommodations along project limits. At Airport Road and Mooretown Road, the current signal would be replaced with a traffic circle. The current conditions on this corridor include significant congestion and failing Levels of Service. If funded, the two sets of improvements would work in combination to significantly improve traffic flow, returning most of the turning movements to acceptable Levels of Service (A-C) at both intersections for the weekday AM and PM Peak Hours and the Saturday Peak Hours as well. The cost for this project is estimated to be approximately \$8.8 million, although pre-scoping and cost estimate validation are currently underway. There is no funding currently available to the project; therefore, the Smart Scale application would be to fully fund this project.

Resolution of Support for Smart Scale Transportation Funding Applications

July 14, 2020

Page 3

Staff recommends the Board of Supervisors adopt the attached resolution expressing support for these projects to be submitted through the upcoming Smart Scale cycle.

PDH/md

2020TranspFund-mem

Attachments:

1. Resolution of Support
2. Pocahontas Trail Corridor Section C/D Improvements Location Map
3. Richmond Road, Airport Road, and Mooretown Road Improvements Location Map

RESOLUTION

RESOLUTION OF SUPPORT FOR SMART SCALE

TRANSPORTATION FUNDING APPLICATIONS

WHEREAS, in an effort to ensure the best use of limited transportation funds, the General Assembly established a transportation funding formula via Chapter 684 of the 2015 Acts of Assembly, and a prioritization process via Chapter 726 of the 2014 Acts of Assembly, a process now called “Smart Scale;” and

WHEREAS, there are two main pathways to funding within the Smart Scale process: the Construction District Grant Program and the High-Priority Projects Program; and

WHEREAS, in 2015, James City County adopted its update to the Comprehensive Plan, *Toward 2035: Leading the Way*, which included transportation as a priority focus area; and

WHEREAS, the adopted Comprehensive Plan identified almost \$217 million in needed investment in the County’s transportation system.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports submitting applications for funding for the Pocahontas Trail Section C/D Improvements and the Richmond Road, Airport Road, and Mooretown Road improvements through the Smart Scale process.

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

ATTEST:

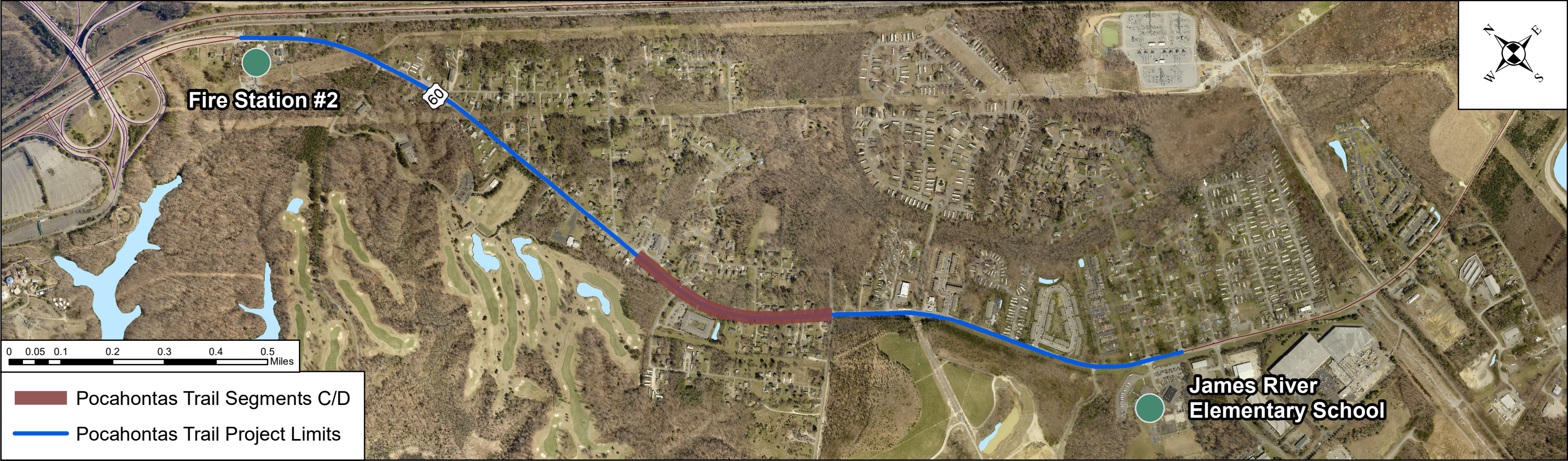
Teresa J. Fellows
Deputy Clerk to the Board

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

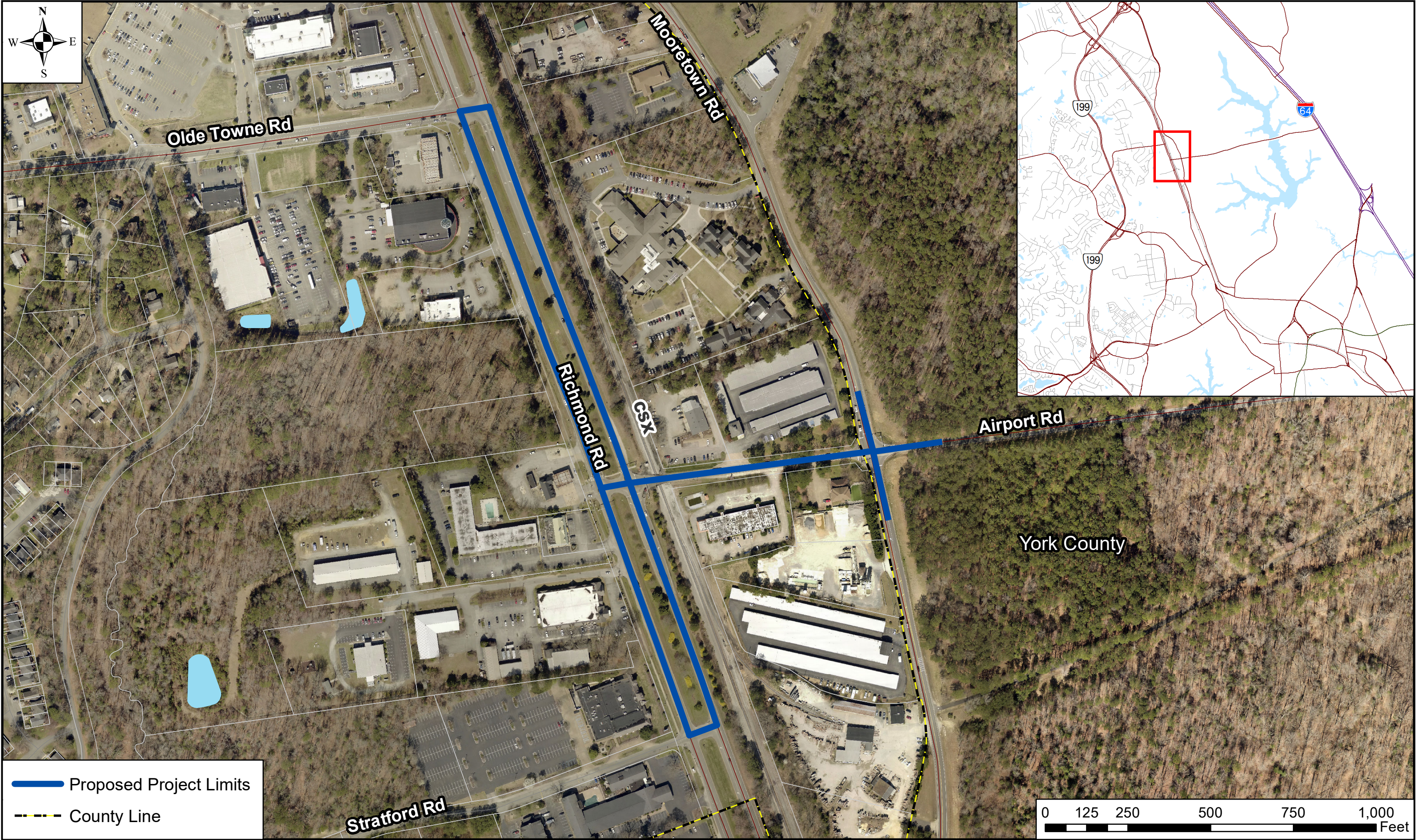
Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2020.

2020TranspFund-res

Pocahontas Trail Corridor Segments C/D Improvements



Richmond Road, Airport Road and Mooretown Road Improvements



ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Liz Parman, Assistant County Attorney

SUBJECT: Ordinance to amend and reordain Chapter 22, Wetlands by amending Article II, Use Permits, Section 22-4, Required for certain activities; application generally; fee; Article II, Use Permits, Section 22-9, Role of board

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Ordinance	Ordinance
☐	Final ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	6/15/2020 - 4:07 PM
Publication Management	Daniel, Martha	Approved	6/15/2020 - 4:10 PM
Legal Review	Kinsman, Adam	Approved	6/16/2020 - 11:48 AM
Board Secretary	Fellows, Teresa	Approved	6/30/2020 - 4:38 PM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:23 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:41 AM

MEMORANDUM

DATE: July 14, 2020

TO: The Board of Supervisors

FROM: Elizabeth Parman, Assistant County Attorney

SUBJECT: Ordinance to Amend and Reordain Chapter 22, Wetlands by Amending Article II, Use Permits, Section 22-4, Required for certain activities; application generally; fee; Article II, Use Permits, Section 22-9, Role of board

Chapter 22 Wetlands of the James City County Code of Ordinances was adopted pursuant to Title 28.2, Chapter 13, § 28.2-1300 et seq. of the Code of Virginia to regulate the use and development of wetlands in the County. Code of Virginia § 28.2-1302 contains the specific language a locality must use if such locality chooses to adopt a Wetlands Ordinance. In relevant part § 28.2-1302 states “any county, city or town may adopt the following ordinance, which, after October 1, 1992, *shall serve as the only wetlands zoning ordinance under which any wetlands board is authorized to operate.*” Emphasis added.

The Virginia General Assembly amended Va. Code § 28.2-1302 during the 2020 legislative session to prioritize the use of living shorelines as a shoreline best management practice.

Therefore, Chapter 22 of the County Code should be amended to comply with the Va. Code. The attached Ordinance amends Sections 22-4 and 22-9 of the County’s Wetlands Ordinance. Staff recommends adoption of the attached Ordinance.

EP/md
Ch22ArtIIsec4_9-mem

ORDINANCE NO. _____

ORDINANCE TO AMEND AND REORDAIN CHAPTER 22, WETLANDS BY AMENDING ARTICLE II, USE PERMITS, SECTION 22-4, REQUIRED FOR CERTAIN ACTIVITIES; APPLICATION GENERALLY; FEE; ARTICLE II, USE PERMITS, SECTION 22-9, ROLE OF BOARD.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 22, Wetlands, is hereby amended and reordained by amending Article II, Use Permits, Section 22-4, Required for certain activities; application generally; fee; and Section 22-9, Role of board.

Chapter 22. Wetlands

Article II. Use Permits

Sec. 22-4. Required for certain activities; application generally; fee.

- (a) Any person who desires to use or develop any wetland within this county, other than for the purpose of conducting the activities specified in section 22-3 of this chapter, shall first file an application for a permit directly with the wetlands board or with the commission.
- (b) The permit application shall include the following: The name and address of the applicant; a detailed description of the proposed activities; a map, drawn to an appropriate and uniform scale, showing the area of wetlands directly affected, the location of the proposed work thereon, the area of existing and proposed fill and excavation, the location, width, depth and length of any proposed channel and disposal area, and the location of all existing and proposed structures, sewage collection and treatment facilities, utility installations, roadways and other related appurtenances or facilities, including those on adjacent uplands; *a statement indicating whether use of a living shoreline as defined in Va. Code § 28.2-104.1 for a shoreline management practice is not suitable, including reasons for the determination;* a description of the type of equipment to be used and the means of equipment access to the activity site; the names and addresses of owners of record of adjacent land and known claimants of water rights in or adjacent to the wetland of whom the application has notice; an estimate of cost; the primary purpose of the project; any secondary purposes of the project, including further projects; the public benefit to be derived from the proposed project; a complete description of measures to be taken during and after the alteration to reduce detrimental off-site effects; the completion date of the proposed work, project, or structure; and such additional materials and documentation as the wetlands board may require.
- (c) A nonrefundable processing fee shall accompany each permit application to cover the cost of processing as set forth in Appendix A – Fee Schedule or Development Related Permits:

Payment of any permit fees established in section 24-4 shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) The other parties to the regional entity similarly waive fees; and (2) The regional entity has locations in more than one locality.

Sec. 22-9. Role of board.

In fulfilling its responsibilities under this chapter, the board shall preserve and prevent the despoliation and destruction of wetlands within its jurisdiction while accommodating necessary economic development in a manner consistent with wetlands preservation *and any standards set by the Commonwealth in addition to those identified in Va. Code § 28.2-1308 to ensure protection of shorelines and sensitive coastal habitats from sea level rise and coastal hazards, including the provisions of guidelines and minimum standards promulgated by the Commission pursuant to Va. Code § 28.2-1301.*

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

ATTEST:

VOTES

AYE NAY ABSTAIN

SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July,
2020.

Ch22ArtII Sec4_9-ord

ORDINANCE NO. _____

ORDINANCE TO AMEND AND REORDAIN CHAPTER 22, WETLANDS BY AMENDING ARTICLE II, USE PERMITS, SECTION 22-4, REQUIRED FOR CERTAIN ACTIVITIES; APPLICATION GENERALLY; FEE; ARTICLE II, USE PERMITS, SECTION 22-9, ROLE OF BOARD.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 22, Wetlands, is hereby amended and reordained by amending Article II, Use Permits, Section 22-4, Required for certain activities; application generally; fee; and Section 22-9, Role of board..

Chapter 22. Wetlands

Article II. Use Permits

Sec. 22-4. Required for certain activities; application generally; fee.

- (a) Any person who desires to use or develop any wetland within this county, other than for the purpose of conducting the activities specified in section 22-3 of this chapter, shall first file an application for a permit directly with the wetlands board or with the commission.
- (b) The permit application shall include the following: The name and address of the applicant; a detailed description of the proposed activities; a map, drawn to an appropriate and uniform scale, showing the area of wetlands directly affected, the location of the proposed work thereon, the area of existing and proposed fill and excavation, the location, width, depth and length of any proposed channel and disposal area, and the location of all existing and proposed structures, sewage collection and treatment facilities, utility installations, roadways and other related appurtenances or facilities, including those on adjacent uplands; a statement indicating whether use of a living shoreline as defined in Va. Code § 28.2-104.1 for a shoreline management practice is not suitable, including reasons for the determination; a description of the type of equipment to be used and the means of equipment access to the activity site; the names and addresses of owners of record of adjacent land and known claimants of water rights in or adjacent to the wetland of whom the application has notice; an estimate of cost; the primary purpose of the project; any secondary purposes of the project, including further projects; the public benefit to be derived from the proposed project; a complete description of measures to be taken during and after the alteration to reduce detrimental off-site effects; the completion date of the proposed work, project, or structure; and such additional materials and documentation as the wetlands board may require.
- (c) A nonrefundable processing fee shall accompany each permit application to cover the cost of processing as set forth in Appendix A – Fee Schedule or Development Related Permits:

Payment of any permit fees established in section 24-4 shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) The other parties to the regional entity similarly waive fees; and (2) The regional entity has locations in more than one locality.

Sec. 22-9. Role of board.

In fulfilling its responsibilities under this chapter, the board shall preserve and prevent the despoliation and destruction of wetlands within its jurisdiction while accommodating necessary economic development in a manner consistent with wetlands preservation and any standards set by the Commonwealth in addition to

those identified in Va. Code § 28.2-1308 to ensure protection of shorelines and sensitive coastal habitats from sea level rise and coastal hazards, including the provisions of guidelines and minimum standards promulgated by the Commission pursuant to Va. Code § 28.2-1301.

Ch22ArtIIsec4_9-ord-final

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Andrew Mullen, Intern, County Attorney's Office

SUBJECT: Ordinance to amend Sec. 15-41. Additional assessment for electronic summons system.

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Ordinance	Ordinance
☐	Ordinance (Final)	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	6/16/2020 - 11:48 AM
Publication Management	Daniel, Martha	Approved	6/16/2020 - 11:54 AM
Legal Review	Kinsman, Adam	Approved	6/16/2020 - 2:00 PM
Board Secretary	Fellows, Teresa	Approved	6/30/2020 - 4:38 PM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:24 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:41 AM

MEMORANDUM

DATE: July 14, 2020

TO: The Board of Supervisors

FROM: Andrew Mullen, Extern, County Attorney's Office

SUBJECT: Ordinance to Amend Section 15-41 of the County Code

Section 15-41 of the County Code creates an additional assessment of five dollars (\$5.00) as part of the costs in each criminal or traffic case in the "James City County/Williamsburg General District Court and the James City County/Williamsburg Circuit Court." Due to ambiguity in the existing language, the additional assessment is not being applied to criminal and traffic cases in the Juvenile and Domestic Relations District Court.

This Ordinance amends Section 15-41 to cover "the district or circuit courts" of James City County, ensuring that the additional assessment is collected for criminal and traffic cases in the Circuit Court, General District Court, Juvenile and Domestic Relations Court, and any future district courts that may be established in James City County.

The Ordinance includes other housekeeping changes, but all other language regarding the assessment and disbursement of the fee remains unchanged.

AM/nb
AmdCC-Sec15-41-mem

Attachment:

1. Section 15-41 Amendment

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 15-41, ADDITIONAL ASSESSMENT FOR ELECTRONIC SUMMONS SYSTEM, TO INCLUDE ALL DISTRICT AND CIRCUIT COURTS.

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 15-41, Additional assessment for electronic summons system.

Chapter 15. Offenses-Miscellaneous

Sec. 15-41. Additional assessment for electronic summons system.

An additional sum of five dollars (\$5.00) shall be assessed as part of the costs in each criminal or traffic case in the ~~district or circuit courts of James City County/Williamsburg General District Court, and the James City County/Williamsburg Circuit Court,~~ in cases in which the defendant is charged with a violation of any statute or ordinance. The assessment shall be collected by the clerk of the respective court in which the action is filed, remitted to the James City County Treasurer, and held by the James City County Treasurer subject to disbursements by the James City County Board of Supervisors to the James City County Police Department, for the sole purpose of funding software, hardware, and associated equipment costs, for the implementation and maintenance of an electronic summons system.

~~The additional assessment will apply to any action filed on or after July 1, 2015.~~

State law reference - Code of Va., § 17.1-279.1.

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

ATTEST:

Teresa Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2020.

AmdCC-Sec15-41-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 15-41, ADDITIONAL ASSESSMENT FOR ELECTRONIC SUMMONS SYSTEM, TO INCLUDE ALL DISTRICT AND CIRCUIT COURTS.

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 15-41, Additional assessment for electronic summons system.

Chapter 15. Offenses-Miscellaneous

Sec. 15-41. Additional assessment for electronic summons system.

An additional sum of five dollars (\$5.00) shall be assessed as part of the costs in each criminal or traffic case in the district or circuit courts of James City County in cases in which the defendant is charged with a violation of any statute or ordinance. The assessment shall be collected by the clerk of the respective court in which the action is filed, remitted to the James City County Treasurer, and held by the James City County Treasurer subject to disbursements by the James City County Board of Supervisors to the James City County Police Department, for the sole purpose of funding software, hardware, and associated equipment costs, for the implementation and maintenance of an electronic summons system.

State law reference - Code of Va., § 17.1-279.1.

AmdCC-Sec15-41-ord-final

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Ordinance to Amend Chapter 1, Section 1-2 of the James City County Code

ATTACHMENTS:

	Description	Type
☐	memo	Cover Memo
☐	ordinance	Ordinance
☐	ordinance-final	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	6/16/2020 - 11:48 AM
Publication Management	Daniel, Martha	Approved	6/16/2020 - 11:51 AM
Legal Review	Kinsman, Adam	Approved	6/16/2020 - 2:00 PM
Board Secretary	Fellows, Teresa	Approved	6/30/2020 - 4:19 PM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:19 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:34 AM

MEMORANDUM

DATE: July 14, 2020

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: An Ordinance to Amend Chapter 1, Section 1 of the James City County Code

The James City County Code (the “County Code”) contains a number of references to the Code of Virginia. Because the County Code is an iterative document that has evolved over many years, many of these references are different, including references to the “Virginia Code,” the “Code of Virginia,” the “Va. Code,” the “State Code,” and the “Code of Va.”

Each change to the County Code results in a Municode fee, which would make it prohibitively expensive to make multiple changes simply for the sake of continuity. Consequently, I have proposed a single addition to the definition section of the County Code to bring all of these various references under one definition.

I recommend adoption of the attached Ordinance.

ARK/md
Ch1Sec1-CtyCode-mem

Attachment

ORDINANCE NO. _____

ORDINANCE TO AMEND AND REORDAIN CHAPTER 1, GENERAL PROVISIONS BY AMENDING SECTION 1-2, DEFINITIONS AND RULES OF CONSTRUCTION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 1, General Provisions, is hereby amended and reordained by amending Section 1-2, Definitions and rules of construction.

Chapter 1. General Provisions

Sec. 1-2. Definitions and rules of construction.

Code of Virginia. Whenever the term "Code of Va.," "Code of Virginia," "State Code," "Va. Code," or "Virginia Code," is used, it shall mean the Code of Virginia, 1950, as amended.

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

ATTEST:

VOTES

AYE NAY ABSTAIN

SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2020.

Ch1Sec1-CtyCode-ord

ORDINANCE NO. _____

ORDINANCE TO AMEND AND REORDAIN CHAPTER 1, GENERAL PROVISIONS BY AMENDING SECTION 1-2, DEFINITIONS AND RULES OF CONSTRUCTION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 1, General Provisions, is hereby amended and reordained by amending Section 1-2, Definitions and rules of construction.

Chapter 1. General Provisions

Sec. 1-2. Definitions and rules of construction.

Code of Virginia. Whenever the term “Code of Va.,” “Code of Virginia,” “State Code,” “Va. Code,” or “Virginia Code,” is used, it shall mean the Code of Virginia, 1950, as amended.

Ch1Sec1-CtyCode-ord-final

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Christy H. Parrish, Zoning Administrator

SUBJECT: ORD-20-0003. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Oversized Vehicles

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Chapter 24, Section 24-37 Draft Ordinance Amendment (strikethrough)	Ordinance
☐	Chapter 13, Section 13-36.1 Draft Ordinance Amendment (strikethrough)	Ordinance
☐	Chapter 24, Section 24-37 Draft Ordinance Amendment (clean copy)	Exhibit
☐	Chapter 13, Section 13-36.1 Draft Ordinance Amendment (clean copy)	Exhibit
☐	2019 General Assembly Session - Chapter 508	Exhibit
☐	Section 15.2-905 of the Code of Virginia	Exhibit
☐	Approved Minutes of the May 6, 2020, Planning Commission Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Zoning Enforcement	Parrish, Christy	Approved	6/22/2020 - 5:02 PM
Development Management	Holt, Paul	Approved	6/23/2020 - 8:03 AM
Publication Management	Burcham, Nan	Approved	6/23/2020 - 8:09 AM
Legal Review	Kinsman, Adam	Approved	6/24/2020 - 10:04 AM
Board Secretary	Fellows, Teresa	Approved	6/30/2020 - 4:37 PM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:23 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:41 AM

MEMORANDUM

DATE: July 14, 2020

TO: The Board of Supervisors

FROM: Christy H. Parrish, Zoning Administrator

SUBJECT: Case No. ORD-20-0003. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Oversized Vehicles

INTRODUCTION

During the 2019 session of the General Assembly, James City County requested and the General Assembly granted, amendments to Chapters 779 and 798 of the Acts of Assembly of 1993, which provide a charter for the County of James City County (Attachment No. 5). This charter amendment grants additional authority to James City County under Section 15.2-905 of the Code of Virginia to regulate the keeping of inoperative motor vehicles on residential, commercial, and agricultural zoned properties two acres in area or smaller (Attachment No. 6).

Section 15.2-905 of the Code of Virginia allows certain localities to restrict the keeping of inoperative vehicles not screened from view and which are not in operating condition, or do not display valid license plates, or do not display inspection decals. In order to more effectively address inoperative vehicles in James City County as newly granted by the recent actions of the General Assembly, amendments to Section 24-37 of the James City County Zoning Ordinance are necessary.

In addition, staff has received complaints regarding the parking and/or keeping of oversized type vehicles in residentially zoned areas. This situation is not adequately addressed in the Zoning Ordinance. At the July 23, 2019 Joint Work Session, the Board of Supervisors and the Planning Commission expressed interest in examining the regulations to address this issue.

Since the adoption of the Initiating Resolution on June 5, 2019 by the Planning Commission, the Policy Committee reviewed and discussed these issues at its August 8, October 10, November 14, and December 12, 2019 meetings.

The following is a summary and recommended changes:

INOPERATIVE VEHICLES

Currently, the James City County Zoning Ordinance regulates inoperable vehicles which are not shielded or screened from view in areas zoned residential or commercial. Areas zoned A-1, General Agricultural, may have up to five inoperable vehicles. Properties with more than five inoperable vehicles would constitute a vehicle graveyard.

An inoperative vehicle, which is not shielded or screened from view, is defined as any motor vehicle which is not in operating condition or which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for the operation of the vehicle, or on which there are displayed **neither** valid license plates **nor** a valid inspection decal.

The recent Charter Amendment permits additional authority which allows James City County to regulate inoperative vehicles for properties zoned agricultural less than two acres and vehicles which do not display a valid license plate or valid inspection. This change will allow staff to more effectively address citizen complaints received which will enhance and protect the visual character of the community.

The following are the substantive changes proposed to incorporate the additional authority to regulate inoperative motor vehicles for properties zoned agricultural and less than two acres and for those vehicles which do not display a valid license plate or valid inspection.

Summary of Changes:

- Separated the inoperative motor vehicle definition into two subsections and added properties zoned for agricultural less than two acres.
- Redefined language for inoperative motor vehicles to mean any motor vehicle which is not in operating condition or does not display valid license plates or does not display any inspection decal that is valid for more than 60 days for properties less than two acres in size and zoned for agricultural, residential, or commercial purposes.
- Added definition of “shielded or screened from view” to mirror State Code.
- Clarified that the civil penalty applies only to inoperative motor vehicles located on properties zoned for residential or commercial purposes.

It is important to mention that the County does not regulate the keeping of vehicles that are under active restoration, shielded from view, or vehicles bearing Antique or Farm Use license plates issued by the Department of Motor Vehicles.

PARKING OF OVERSIZED VEHICLES IN AREAS ZONED FOR RESIDENTIAL

Over the years, staff has received various concerns and complaints with the parking and keeping of oversized vehicles on properties zoned for residential purposes. Complaints include parking large dump trucks and tractor trailer trucks on property in residential neighborhoods when they are not in use. At this time the Zoning Ordinance does not address this issue and has limited ability to address the concerns when the oversized vehicle is not associated with a business activity on the property.

During the review, it was determined that an update to the Zoning Ordinance to address this issue will only apply to private property. Staff discussed concerns with parking oversized vehicles along the right-of-ways in residential areas with County Administration, County Attorney’s Office, and the Police Department and it was determined that Chapter 13, Motor Vehicles and Traffic was also necessary to review.

Currently, Chapter 13, Motor Vehicles and Traffic of the County Code permits the County Administrator to classify vehicles and restrict parking upon County-owned property, County-maintained roads and streets, and roads that are part of the state secondary system. Signs or markers must be erected when any regulations are made for a particular area.

The following is a summary and recommended changes to both the Zoning Ordinance and Chapter 13, Motor Vehicles and Traffic to address the parking of oversized vehicles in residential areas on private property and along public right-of-ways:

Summary of Changes:

Chapter 24, Zoning Ordinance - Proposed regulations for the parking of certain oversized vehicles on private property zoned for residential purposes.

- Rename and incorporate regulations into Section 24-37.
- Identifies certain oversized vehicle types that are being regulated.
- List exceptions to common and expected parking of oversized vehicles in residential areas.

It is important to note that staff is not recommending any regulations when an oversized vehicle(s) is located and used on a farm, parked near the location where it used for work, or parked temporarily for loading or unloading items.

Chapter 13, Motor Vehicles and Traffic - Proposed regulations for the parking of certain oversized vehicles on public right-of-ways.

- Create Section 13-36.1 Restricted parking in certain areas.
- Defines oversized vehicle.
- List exceptions to common and expected parking of oversized vehicles along public right-of-ways in residence districts.

It is important to note that the proposed amendment will prohibit the parking of certain types of vehicles along residential streets County-wide.

RECOMMENDATION

At its December 12, 2019 meeting, the Policy Committee reviewed the draft Ordinance language and voted 3-0 to approve the amendments.

At its May 6, 2020 meeting, the Planning Commission voted to recommend approval to the Board of Supervisors of Case No. ORD-20-0003 by a vote of 7-0.

Staff recommends the Board of Supervisors adopt the attached Ordinance revisions.

CHP/nb

ZO20-03InopVeh-mem

Attachments:

1. Chapter 24, Section 24-37 Draft Ordinance Amendment (strikethrough)
2. Chapter 13, Section 13-36.1 Draft Ordinance Amendment (strikethrough)
3. Chapter 24, Section 24-37 Draft Ordinance Amendment (clean copy)
4. Chapter 13, Section 13-36.1 Draft Ordinance Amendment (clean copy)
5. 2019 General Assembly Session - Chapter 508
6. Section 15.2-905 of the Code of Virginia
7. Approved Minutes of the May 6, 2020, Planning Commission Meeting

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL BY RENAMING AND AMENDING SECTION 24-37, KEEPING OF INOPERATIVE VEHICLES IN RESIDENTIAL OR COMMERCIAL DISTRICTS WITH NEW NAME KEEPING OF INOPERATIVE VEHICLES AND CERTAIN OVERSIZED VEHICLES IN AGRICULTURAL, RESIDENTIAL, OR COMMERCIAL DISTRICTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations, Division 1, In General, Section 24-37, Keeping of inoperative vehicles in residential or commercial districts.

Chapter 24. Zoning

Article II. Special Regulations

Division I. In General

Section 24-37. Keeping of inoperative vehicles in residential or commercial districts and certain oversized vehicles in agricultural, residential, or commercial districts.

- ~~(a) It shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential or commercial purposes any motor vehicle, trailer or semitrailer, as such is defined in section 46.2-100 of the Code of Virginia, which is inoperative; provided, however, no more than one such inoperative vehicle may be kept outside of a fully enclosed building or structure if shielded or screened from view by covers. An inoperative motor vehicle shall mean any motor vehicle which is not in operating condition or which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for the operation of the vehicle or on which there are displayed neither valid license plates nor a valid inspection decal. The provisions of this act shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.~~
- ~~(b) The owners of property zoned for residential or commercial purposes shall, at such time as the county or its agent may prescribe, remove therefrom any such inoperative motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure. If, after reasonable notice, the owner of the premises has failed to remove such vehicles, the county, through its own agent or employees, may remove them. The county, through its own agent or employees, may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicle.~~
- ~~(c) The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the county as taxes and levies are collected. Every cost authorized by this section with which the owner of the premises shall have been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs have been made to the county.~~

(a) Keeping of inoperative vehicles in certain zoning areas

- i. *On any property zoned for residential or commercial purposes, it shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, any motor vehicle, trailer or semitrailer, as such is defined in section 46.2-100 of the Code of Virginia, which is inoperative; provided, however, no more than one such inoperative vehicle may be kept outside of a fully enclosed building or structure if shielded or screened from view by covers.*

An “inoperative motor vehicle” shall mean any motor vehicle: which is not in operating condition; or which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for the operation of the vehicle; or on which there are displayed neither valid license plates nor a valid inspection decal. The provisions of this act shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

Any person who fails to comply with this subsection shall be subject to penalties set forth in section 24-22 of this chapter.

- ii. *On any property two acres in area or smaller and zoned for agricultural, residential or commercial purposes, it shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, any motor vehicle, trailer or semitrailer, as such is defined in section 46.2-100 of the Code of Virginia, which is inoperative; provided, however, no more than one such inoperative vehicle may be kept outside of a fully enclosed building or structure if shielded or screened from view by covers.*

An “inoperative motor vehicle” shall mean any motor vehicle: which is not in operating condition; or does not display valid license plates; or does not display any inspection decal that is valid; or does display an inspection decal that has been expired for more than 60 days. This provision of this act shall not apply to a licensed business that is regularly engaged in business as automobile dealer, salvage dealer or scrap processor.

- iii. *As used in this section, notwithstanding any other provision of law, general or special, “shielded or screened from view” means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located.*
- iv. *The owners of property zoned for agricultural, residential or commercial purposes shall, at such time as the county or its agent may prescribe, remove therefrom any such inoperative motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure. If, after reasonable notice, the owner of the premises has failed to remove such vehicles, the county, through its own agent or employees, may remove them. The county, through its own agent or employees, may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicle.*

The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the county as taxes and levies are collected. Every cost authorized by this section with which the owner of the premises shall have been assessed shall

constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs have been made to the county.

(b) Keeping certain oversized vehicles in residential areas.

On any property zoned for residential purposes, except on a farm, it shall be unlawful for any person, firm or corporation to keep any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, or any heavy construction equipment.

Exceptions. The provisions of this subsection shall not apply to any vehicle when it is associated with any approved permitted or specially permitted use in that particular zoning district or when taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location.

These provisions shall not supersede or nullify any other restrictive covenants or other ordinance or article of the Code of the County of James City when dealing with the keeping of certain oversized vehicles.

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July,
2020.

ZO20-03InopVehCh24-ord

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE III, STOPPING, STANDING AND PARKING WITH ADDING SECTION 13-36.1 RESTRICTED PARKING IN CERTAIN AREAS.

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 III, Stopping, Standing and Parking, Section 13-36.1 Restricted Parking in Certain Areas.

Chapter 13. Motor Vehicles and Traffic

Article III. Stopping, Standing and Parking

Section 13-36.1. Restricted parking in certain areas.

- (a) Restricted parking. No person shall park or leave unattended any oversized vehicle on any public highway in any residence district as defined in Code of Virginia, § 46.2-100.*
- (b) Oversized vehicles defined. For the purposes of this section, an oversized vehicle is defined as any of the following:*
 - (1) Any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, and any heavy construction equipment, whether located on the highway or on a truck, trailer, or semitrailer.*
 - (2) Any trailer or semitrailer, regardless of whether such trailer or semitrailer is attached to another vehicle.*
 - (3) Any vehicle with three or more axles.*
 - (4) Any recreational vehicle.*
 - (5) Any vehicle designed to transport 16 or more passengers including the driver.*
- (c) Exceptions. The provisions of this section shall not apply to (i) any oversized vehicle when taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power.*

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July,
2020.

ZO20-03InopVeh-Ch13-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL BY RENAMING AND AMENDING SECTION 24-37, KEEPING OF INOPERATIVE VEHICLES IN RESIDENTIAL OR COMMERCIAL DISTRICTS WITH NEW NAME KEEPING OF INOPERATIVE VEHICLES AND CERTAIN OVERSIZED VEHICLES IN AGRICULTURAL, RESIDENTIAL, OR COMMERCIAL DISTRICTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations, Division 1, In General, Section 24-37, Keeping of inoperative vehicles in residential or commercial districts.

Chapter 24. Zoning

Article II. Special Regulations

Division I. In General

Section 24-37. Keeping of inoperative vehicles and certain oversized vehicles in agricultural, residential, or commercial districts.

(a) Keeping of inoperative vehicles in certain zoning areas

- i. On any property zoned for residential or commercial purposes, it shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, any motor vehicle, trailer or semitrailer, as such is defined in section 46.2-100 of the Code of Virginia, which is inoperative; provided, however, no more than one such inoperative vehicle may be kept outside of a fully enclosed building or structure if shielded or screened from view by covers.

An "inoperative motor vehicle" shall mean any motor vehicle: which is not in operating condition; or which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for the operation of the vehicle; or on which there are displayed neither valid license plates nor a valid inspection decal. The provisions of this act shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

Any person who fails to comply with this subsection shall be subject to penalties set forth in section 24-22 of this chapter.

- ii. On any property two acres in area or smaller and zoned for agricultural, residential or commercial purposes, it shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, any

motor vehicle, trailer or semitrailer, as such is defined in section 46.2-100 of the Code of Virginia, which is inoperative; provided, however, no more than one such inoperative vehicle may be kept outside of a fully enclosed building or structure if shielded or screened from view by covers.

An “inoperative motor vehicle” shall mean any motor vehicle: which is not in operating condition; or does not display valid license plates; or does not display any inspection decal that is valid; or does display an inspection decal that has been expired for more than 60 days. This provision of this act shall not apply to a licensed business that is regularly engaged in business as automobile dealer, salvage dealer or scrap processor.

- iii. As used in this section, notwithstanding any other provision of law, general or special, “shielded or screened from view” means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located.
- iv. The owners of property zoned for agricultural, residential or commercial purposes shall, at such time as the county or its agent may prescribe, remove therefrom any such inoperative motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure. If, after reasonable notice, the owner of the premises has failed to remove such vehicles, the county, through its own agent or employees, may remove them. The county, through its own agent or employees, may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicle.

The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the county as taxes and levies are collected. Every cost authorized by this section with which the owner of the premises shall have been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs have been made to the county.

(b) Keeping certain oversized vehicles in residential areas.

On any property zoned for residential purposes, except on a farm, it shall be unlawful for any person, firm or corporation to keep any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, or any heavy construction equipment.

Exceptions. The provisions of this subsection shall not apply to any vehicle when it is associated with any approved permitted or specially permitted use in that particular zoning district or when taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location.

These provisions shall not supersede or nullify any other restrictive covenants or other ordinance or article of the Code of the County of James City when dealing with the keeping of certain oversized vehicles.

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE III, STOPPING, STANDING AND PARKING WITH ADDING SECTION 13-36.1 RESTRICTED PARKING IN CERTAIN AREAS.

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 III, Stopping, Standing and Parking, Section 13-36.1 Restricted Parking in Certain Areas.

Chapter 13. Motor Vehicles and Traffic

Article III. Stopping, Standing and Parking

Section 13-36.1. Restricted parking in certain areas.

- (a) Restricted parking. No person shall park or leave unattended any oversized vehicle on any public highway in any residence district as defined in Code of Virginia, § 46.2-100.
- (b) Oversized vehicles defined. For the purposes of this section, an oversized vehicle is defined as any of the following:
 - (1) Any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, and any heavy construction equipment, whether located on the highway or on a truck, trailer, or semitrailer.
 - (2) Any trailer or semitrailer, regardless of whether such trailer or semitrailer is attached to another vehicle.
 - (3) Any vehicle with three or more axles.
 - (4) Any recreational vehicle.
 - (5) Any vehicle designed to transport 16 or more passengers including the driver.
- (c) Exceptions. The provisions of this section shall not apply to (i) any oversized vehicle when taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power.

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 508

An Act to amend Chapters 779 and 798 of the Acts of Assembly of 1993, which provided a charter for the County of James City, by adding in Chapter 7 a section numbered 7.5, relating to additional planning powers; inoperable vehicles.

[S 1408]

Approved March 18, 2019

Be it enacted by the General Assembly of Virginia:

1. That Chapter 779 of the Acts of Assembly of 1993, which provided a charter for the County of James City, is amended by adding in Chapter 7 a section numbered 7.5 as follows:

§ 7.5. Additional planning powers.

The board of supervisors may, by ordinance, exercise those powers granted to certain localities pursuant to § 15.2-905 of the Code of Virginia. Such powers shall only be exercised on property two acres in area or smaller.

2. That Chapter 798 of the Acts of Assembly of 1993, which provided a charter for the County of James City, is amended by adding in Chapter 7 a section numbered 7.5 as follows:

§ 7.5. Additional planning powers.

The board of supervisors may, by ordinance, exercise those powers granted to certain localities pursuant to § 15.2-905 of the Code of Virginia. Such powers shall only be exercised on property two acres in area or smaller.

§ 15.2-905. Authority to restrict keeping of inoperable motor vehicles, etc., on residential or commercial property; removal of such vehicles

A. The governing bodies of the Counties of Albemarle, Arlington, Fairfax, Henrico, Loudoun, Prince George, and Prince William; any town located, wholly or partly, in such counties; and the Cities of Alexandria, Fairfax, Falls Church, Hampton, Hopewell, Lynchburg, Manassas, Manassas Park, Newport News, Petersburg, Portsmouth, Roanoke, and Suffolk may by ordinance prohibit any person from keeping, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned or used for residential purposes, or on any property zoned for commercial or agricultural purposes, any motor vehicle, trailer or semitrailer, as such are defined in § 46.2-100, which is inoperable.

The locality in addition may by ordinance limit the number of inoperable motor vehicles that any person may keep outside of a fully enclosed building or structure.

As used in this section, notwithstanding any other provision of law, general or special, "shielded or screened from view" means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located.

As used in this section, an "inoperable motor vehicle" means any motor vehicle, trailer or semitrailer which is not in operating condition; or does not display valid license plates; or does not display an inspection decal that is valid or does display an inspection decal that has been expired for more than 60 days. The provisions of this section shall not apply to a licensed business that is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

B. The locality may, by ordinance, further provide that the owners of property zoned or used for residential purposes, or zoned for commercial or agricultural purposes, shall, at such time or times as the governing body may prescribe, remove therefrom any inoperable motor vehicle that is not kept within a fully enclosed building or structure. The locality may remove the inoperable motor vehicle, whenever the owner of the premises, after reasonable notice, has failed to do so. Notwithstanding the other provisions of this subsection, if the owner of such vehicle can demonstrate that he is actively restoring or repairing the vehicle, and if it is shielded or screened from view, the vehicle and one additional inoperative motor vehicle that is shielded or screened from view and being used for the restoration or repair may remain on the property.

In the event the locality removes the inoperable motor vehicle, after having given such reasonable notice, it may dispose of the vehicle after giving additional notice to the owner of the premises. The cost of the removal and disposal may be charged to either the owner of the inoperable vehicle or the owner of the premises and the cost may be collected by the locality as taxes are collected. Every cost authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the inoperable vehicle was removed, the lien to continue until actual payment of the cost has been made to the locality.

1991, c. 673, § 15.1-11.03; 1992, c. 490; 1995, c. 58; 1997, cc. 587, 741; 1999, c. 901; 2004, cc. 508,

934;2005, c. 775;2013, c. 364;2014, cc. 606, 731.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**Approved Minutes of the May 6, 2020
Planning Commission Regular Meeting**

ORD-20-0003. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Oversized Vehicles

Ms. Christy Parrish, Zoning Administrator stated that the proposed Zoning Ordinance Amendments are designed to address two issues: the keeping of inoperative motor vehicles on residential, agricultural and commercial properties and the keeping of oversized vehicles in residential areas.

Ms. Parrish stated that to effectively address inoperative motor vehicles, the County requested and received a charter amendment from the 2019 General Assembly. Ms. Parrish further stated that this charter amendment grants additional authority to the County under Section 15.2-905 of the Code of Virginia to regulate the keeping of inoperative motor vehicles on residential, commercial, and agricultural zoned properties two acres in area or smaller. Ms. Parrish stated that currently, the Zoning Ordinance regulates inoperable vehicles which are not shielded or screened from view in areas zoned residential or commercial. Ms. Parrish stated that properties zoned A-1, General Agricultural, may have up to five inoperable vehicles. Ms. Parrish stated that properties with more than five inoperable vehicles would constitute a vehicle graveyard.

Ms. Parrish stated that an inoperative vehicle, which is not shielded or screened from view, is defined as any motor vehicle which is not in operating condition or which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for the operation of the vehicle, or on which there are displayed neither valid license plates nor a valid inspection decal.

Ms. Parrish stated that the recent Charter Amendment permits additional authority which allows James City County to regulate inoperative vehicles for properties zoned agricultural less than two acres and vehicles which do not display a valid license plate or valid inspection. Ms. Parrish stated that this change will allow staff to more effectively address citizen complaints received which will enhance and protect the visual character of the community.

Ms. Parrish stated that the substantive changes propose to incorporate the additional authority to regulate inoperative motor vehicles for properties zoned agricultural and less than two acres and for those vehicles which do not display a valid license plate or valid inspection. Ms. Parrish stated that the changes will: separate the inoperative motor vehicle definition into two subsections and added properties zoned for agricultural less than two acres; redefine language for inoperative motor vehicles to mean any motor vehicle which is not in operating condition or does not display valid license plates or does not display any inspection decal that is valid for more than 60 days for properties less than two acres in size and zoned for agricultural, residential, or commercial purposes; add a definition of “shielded or screened from view” to mirror State Code; and clarify that the civil penalty applies only to inoperative motor vehicles located on properties zoned for residential or commercial purposes. Ms. Parrish further stated that it is important to mention that the County does not regulate the keeping of vehicles that are under active restoration, shielded

from view, or vehicles bearing Antique or Farm Use license plates issues by the Department of Motor Vehicles.

Ms. Parrish stated that the second part of this Zoning Ordinance amendment addresses oversized vehicles.

Ms. Parrish stated that over the years, staff has received various concerns and complaints with the parking and keeping of oversized vehicles on properties zoned for residential purposes. Ms. Parrish noted that complaints include parking large dump trucks and tractor trailer trucks on property in residential neighborhoods when they are not in use. Ms. Parrish stated that at this time the Zoning Ordinance does not address this issue and has limited ability to address the concerns when the oversized vehicle is not associated with a business activity on the property. Ms. Parrish stated that during the review, it was determined that an update to the Zoning Ordinance to address this issue will only apply to private property. Ms. Parrish stated that staff discussed concerns with parking oversized vehicles along the right-of-ways in residential areas with County Administration, the County Attorney's Office, and the Police Department. Ms. Parrish stated that it was determined that Chapter 13, Motor Vehicles and Traffic should also be reviewed.

Ms. Parrish stated that the recommended changes to the Zoning Ordinance to establish regulations for the parking of certain oversized vehicles on private property zoned for residential purposes includes: renaming and incorporating regulations into Section 24-37; identifying the certain oversized vehicle types that are being regulated; and listing exceptions to common and expected parking of oversized vehicles in residential areas.

Ms. Parrish stated that it is important to note that staff is not recommending any regulations when an oversized vehicle(s) is located and used on a farm, parked near the location where it used for work, or parked temporarily for loading or unloading items.

Ms. Parrish stated that the changes to Chapter 13, Motor Vehicles and Traffic include: creating Section 13-36.1 Restricted parking in certain areas; defining oversized vehicle; and listing exceptions to common and expected parking of oversized vehicles along public right-of-ways in residential districts.

Ms. Parrish stated that it is important to note that the proposed amendment will prohibit the parking of certain types of vehicles along residential streets County-wide.

Ms. Parrish stated that at its December 12, 2019 meeting, the Policy Committee reviewed the draft Ordinance language and voted 3-0 to approve the amendments.

Ms. Parrish stated that staff recommends the Planning Commission recommend approval of the attached Ordinance revisions to the Board of Supervisors.

Mr. Krapf opened the Public Hearing.

Mr. Krapf inquired if any public comments or speaker cards were submitted for this application.

Mr. Holt stated that no speaker cards or public comments had been submitted.

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

Ms. Null made a motion to recommend approval of the Ordinance Amendment.

On a roll call vote the Commission voted to recommend approval of ORD-20-0003. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Oversized Vehicles. (7-0)

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: John Risinger, Planner

SUBJECT: ORD-19-0005. Consideration of Amendments to the Zoning Ordinance to Address Combat Tactical Training Facilities

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Attachment 1. Proposed Zoning Ordinance Amendment - Strikethrough Version	Ordinance
☐	Attachment 2. Proposed Zoning Ordinance Amendment - Clean Version	Backup Material
☐	Attachment 3. Initiating Resolution	Backup Material
☐	Attachment 4. Unapproved Minutes of the June 3, 2020 Planning Commission Meeting	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	6/26/2020 - 12:17 PM
Development Management	Holt, Paul	Approved	6/26/2020 - 12:17 PM
Publication Management	Daniel, Martha	Approved	6/26/2020 - 12:36 PM
Legal Review	Kinsman, Adam	Approved	6/29/2020 - 7:57 AM
Board Secretary	Cochet, Cheryl	Approved	7/6/2020 - 12:01 PM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:23 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:40 AM

MEMORANDUM

DATE: July 14, 2020

TO: The Board of Supervisors

FROM: John Risinger, Planner

SUBJECT: Case No. ORD-19-0005. Consideration of Amendments to the Zoning Ordinance to Address Combat Tactical Training Facilities

Introduction

At its July 9, 2019 meeting, the Board of Supervisors requested the County Attorney to prepare an Initiating Resolution to consider an amendment to the Zoning Ordinance to exclude combat tactical training facilities as a permitted use in Agricultural and Residential Districts and to evaluate its appropriateness as a specially permitted use within the General Industrial (M-2) District. The Board of Supervisors cited concerns which included public safety and noise impacts. On August 13, 2019, the Board of Supervisors adopted the Initiating Resolution.

Combat tactical training facilities are designed for military style simulations which may include shooting ranges, evasive driving courses, and other training activities. This type of facility is commonly located on military bases to train service members for the United States Armed Forces or other federal agencies. In recent years, Virginia localities have received development proposals from private companies for commercially oriented combat tactical training facilities.

Overview

The Initiating Resolution directed staff to prepare Ordinance language which would exclude combat tactical training facilities as a permitted use in Agricultural and Residential Zoning Districts. Staff reviewed development proposals and Ordinance language from other localities in Virginia. Staff determined that a definition could be created for combat tactical training facilities without listing it in any zoning district use list. Since the Zoning Ordinance is exclusionary in nature, combat tactical training facilities would not be allowed in any zoning district where the use is not listed as a permitted or specially permitted use.

The Initiating Resolution also directed staff to evaluate the appropriateness of including combat tactical training facilities as a specially permitted use in the M-2 District. The primary purpose of the M-2 District is to “establish an area where the principal use of land is for industrial operations which are not compatible with residential or commercial service establishments.” Staff determined that combat tactical facilities would not fulfill the intent of the M-2 District since it is not an industrial use.

Staff presented Phase I materials at the January 9, 2020, meeting of the Policy Committee. Staff recommended creating a definition for combat tactical training facilities within Section 24-2, Definitions, and not listing it as a permitted or specially permitted use within Agricultural and Residential Zoning Districts. Staff also recommended not including combat tactical training facilities as a specially permitted use in the M-2 District since the use does not match the intent of the district. At that meeting, the Policy Committee concurred with staff’s recommendations and directed staff to develop a draft definition for review.

Staff presented a draft definition for combat tactical training facilities at the March 12, 2020, meeting of the Policy Committee. The definition specified that it would not apply to facilities operated by government

agencies or certain currently permitted uses. The Policy Committee discussed the definition and directed staff to prepare a draft Ordinance using the draft definition language as presented.

Staff presented the draft Ordinance at the May 14, 2020, meeting of the Policy Committee. The Policy Committee recommended approval of the draft Ordinance to the Planning Commission by a vote of 4-0.

Staff presented the proposed Ordinance at the June 3, 2020, meeting of the Planning Commission. The Planning Commission recommended approval of the Ordinance to the Board of Supervisors by a vote of 7-0.

Recommendation

Staff recommends that the Board of Supervisors approve the attached Ordinance.

JR/md
ORD19-5CombTac-mem

Attachments:

1. Proposed Zoning Ordinance Amendment
2. Proposed Zoning Ordinance Amendment – Clean Version
3. Initiating Resolution
4. Unapproved Minutes of the June 3, 2020 Planning Commission Meeting

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions.

Chapter 24. Zoning

Article I. In General

Sec. 24-2. Definitions.

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

Collocation. The mounting or installation of transmission equipment on an existing tower or existing base station for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Combat tactical training facility. A commercial use designed to train in mission simulations or any combination of anti-terrorism, counter-terrorism, or force protection operations. Such use generally includes one or more of the following items:

- (1) Use of military or paramilitary weapons, including outdoor firearms ranges utilizing automatic and/or semiautomatic weapons.
- (2) Combat training with real or simulated use of firearms or other military weapons systems.
- (3) Military tactical training area.
- (4) Use of real or simulated explosive devices.
- (5) Use of mock high impact firearms blast or simulated rocket-propelled grenades.
- (6) Unenclosed shoot house.
- (7) Evasive driving courses with or without the use of real or simulated firearms.

This definition shall not apply to hunting preserves or clubs, indoor or outdoor firing and shooting ranges, racetracks for animals or vehicles, indoor or outdoor sports facilities, schools, and facilities operated by local regional, state, or federal government agencies.

Commission, the. The planning commission of James City County, Virginia.

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

ATTEST:

VOTES

AYE NAY ABSTAIN

SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July,
2020.

ORD19-5CmbtTac-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions.

Chapter 24. Zoning

Article I. In General

Sec. 24-2. Definitions.

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

Collocation. The mounting or installation of transmission equipment on an existing tower or existing base station for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Combat tactical training facility. A commercial use designed to train in mission simulations or any combination of anti-terrorism, counter-terrorism, or force protection operations. Such use generally includes one or more of the following items:

- (1) Use of military or paramilitary weapons, including outdoor firearms ranges utilizing automatic and/or semiautomatic weapons.
- (2) Combat training with real or simulated use of firearms or other military weapons systems.
- (3) Military tactical training area.
- (4) Use of real or simulated explosive devices.
- (5) Use of mock high impact firearms blast or simulated rocket-propelled grenades.
- (6) Unenclosed shoot house.
- (7) Evasive driving courses with or without the use of real or simulated firearms.

This definition shall not apply to hunting preserves or clubs, indoor or outdoor firing and shooting ranges, racetracks for animals or vehicles, indoor or outdoor sports facilities, schools, and facilities operated by local regional, state, or federal government agencies.

Commission, the. The planning commission of James City County, Virginia.

RESOLUTION

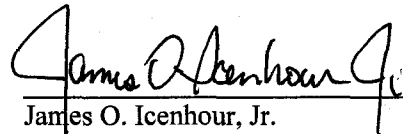
INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE TO

ADDRESS COMBAT TACTICAL TRAINING FACILITIES


WHEREAS, Virginia Code § 15.2-2286(A)(7) and County Code § 24-13 permits the Board of Supervisors of James City County, Virginia (the "Board") to, by resolution, initiate amendments to the regulations of the Zoning Ordinance that the Board finds to be prudent; and

WHEREAS, the Board is of the opinion that the public necessity, general welfare, and good zoning practice warrant the consideration of amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate amendment of James City County Code, Chapter 24, Zoning, to define combat tactical training facilities, to exclude combat tactical training facilities as a permitted use in agricultural and residential districts, and evaluate the appropriateness of including combat tactical training facilities in the M-2, General Industrial District as a specially permitted use. The Planning Commission shall hold at least one public hearing on the consideration of amendment of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with the law.


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

ATTEST:


Teresa Fellows
Deputy Clerk to the Board

HIPPLE
LARSON
SADLER
MCGLENNON
ICENHOUR

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of August, 2019.

ZO-CombtTacFac-res

**Unapproved Minutes of the June 3, 2020
Planning Commission Regular Meeting**

ORD-19-0005. Consideration of Amendments to the Zoning Ordinance to Address Combat Tactical Training Facilities

Mr. John Risinger, Planner stated that on August 13, 2019, the BOS adopted an Initiating Resolution directing staff to explore amending the Zoning Ordinance to define Combat Tactical Training Facilities, exclude it as a permitted use in agricultural and residential zoning districts, and to evaluate its appropriateness in the M-2 General Industrial district.

Mr. Risinger stated that staff analyzed development proposals from other localities as well as the County's Zoning Ordinance. Mr. Risinger stated that staff determined that a definition could be created for combat tactical training facilities without listing it in any use list. Mr. Risinger further stated that since the Zoning Ordinance is exclusionary in nature, combat tactical training facilities would not be allowed in any zoning district where the use is not listed as a permitted or specially permitted use.

Mr. Risinger stated that staff also evaluated the appropriateness of including combat tactical training facilities as a specially permitted use in the M-2 District. Mr. Risinger stated that the primary purpose of the M-2 District is to "establish an area where the principal use of land is for industrial operations which are not compatible with residential or commercial service establishments." Mr. Risinger stated that staff determined that combat tactical facilities would not fulfill the intent of the M-2 District since it is not an industrial use.

Mr. Risinger stated that staff recommends creating a definition for combat tactical training facilities within Section 24-2, Definitions, and not including it as a permitted or specially permitted use within any Zoning District.

Mr. Risinger stated that during a series of Policy Committee meetings, staff presented a draft Ordinance for review. Mr. Risinger stated that at its May 14th meeting, the Policy Committee unanimously recommended approval of the draft Ordinance to the Planning Commission by a vote of 4-0.

Mr. Risinger stated that staff recommends that the Planning Commission recommend approval of the draft Ordinance to the Board of Supervisors.

Mr. Krapf opened the Public Hearing.

Mr. Krapf inquired if any public comments or speaker cards were submitted for this application.

Mr. Holt stated that no speaker cards or public comments had been submitted.

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

Mr. Krapf opened the floor for discussion by the Commission.

Mr. Haldeman stated that He concurs that this use is not compatible with the intent of any of the Zoning Districts. Mr. Haldeman further stated that staff did an excellent job developing the definition of Combat Tactical Training Facilities.

Ms. Julia Leverenz made a motion to recommend approval of the Ordinance Amendment.

On a roll call vote the Commission voted to recommend approval of ORD-19-0005. Consideration of Amendments to the Zoning Ordinance to Address Combat Tactical Training Facilities. (7-0)

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Thomas Wysong, Senior Planner

SUBJECT: ORD-19-0007. Consideration of Warehouse, Storage, and Distribution Centers in the Mixed Use Zoning District

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Attachment No.1: Proposed Amended Section 24-518 strikethrough version	Ordinance
☐	Attachment No. 2: Proposed Amended Section 24-518 clean version	Backup Material
☐	Attachment No. 3: Initiating Resolution Adopted August 13, 2019	Backup Material
☐	Attachment No.4: Adopted Minutes from the November 14, 2019, Policy Committee Meeting	Minutes
☐	Attachment No. 5: Adopted Minutes from the December 12, 2019, Policy Committee Meeting	Minutes
☐	Attachment No. 6: Approved Minutes of the May 6, 2020, Planning Commission Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	6/26/2020 - 12:05 PM
Development Management	Holt, Paul	Approved	6/26/2020 - 12:05 PM
Publication Management	Daniel, Martha	Approved	6/26/2020 - 12:37 PM
Legal Review	Kinsman, Adam	Approved	6/29/2020 - 7:57 AM
Board Secretary	Fellows, Teresa	Approved	6/30/2020 - 4:36 PM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:23 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:40 AM

MEMORANDUM

DATE: July 14, 2020

TO: The Board of Supervisors

FROM: Thomas Wysong, Senior Planner

SUBJECT: Case No. ORD-19-0007. Consideration of Warehouse, Storage, and Distribution Centers in the Mixed Use Zoning District

Introduction

At its July 9, 2019 meeting, the Board of Supervisors requested the County Attorney prepare an Initiating Resolution for exploring the amendment of the Zoning Ordinance to either remove warehouses, storage, and distribution centers from the Mixed Use (MU) District or allow this use as a specially permitted use. On August 13, 2019, the Board of Supervisors adopted the Initiating Resolution. Accordingly, Planning staff analyzed the impact of removing warehouses, storage, and distribution centers from the permitted use list within the Mixed Use Zoning District and compared it to the impact of reclassifying this use as a specially permitted use within this District. This analysis was presented for review and discussion by the Policy Committee at its November 14, 2019 (Stage I/II), and December 12, 2019 (Stage III) meetings. The Policy Committee concurred with staff's recommendation that this use be reclassified as a specially permitted use and unanimously voted for the Ordinance amendment to proceed as drafted to the Planning Commission.

Overview

The Mixed Use Zoning District was added to the Zoning Ordinance in 1992. Since its addition to the Zoning Ordinance, the intent of the Mixed Use Zoning District has been to promote multiuse, master planned communities that are characterized by the convenient and harmonious groupings of uses, structures, facilities, open space, and pedestrian walkways and/or bicycle paths. The Statement of Intent for the District indicates that districts may include residential, commercial, industrial (with a focus on light industrial), office, and other non-residential uses.

The adopted Mixed Use District language includes “warehouse, storage, and distribution centers with storage under cover or screened with landscaping from adjacent property” as a permitted use. Although the Mixed Use District has been revised and reformatted over the years, this use has been consistently listed as a permitted use. Consequently, there are Mixed Use developments in the County that include this use as a main component of the Mixed Use development.

Staff finds that warehouse, storage, and distribution centers are not a use that most fully fulfills the intent of the Mixed Use District. However, it is possible that the County could receive a proposal in which this use could be appropriately scaled and designed and fittingly located as one component within a Mixed Use development and could potentially serve as a support use for other uses allowed in the Mixed Use District, such as light industrial or research and development uses. Reclassification of this use as being specially permitted would allow such a proposal to be pursued.

If the County were to reclassify “warehouse, storage, and distribution centers with storage under cover or screened with landscaping from adjacent property” from a permitted use to a specially permitted use, existing facilities that fall under this category would become lawfully non-conforming. Future expansion of existing facilities could be approved, but only through a Special Use Permit (SUP). New facilities on

existing Mixed Use zoned land could also be pursued but only through the SUP process. For those existing Mixed Use developments in which warehouse and storage uses are shown on the Master Plan, this would create an additional public review that would allow the County to consider whether this use is appropriate and put in place the appropriate conditions needed to mitigate negative impacts.

Draft Ordinance Language

The draft Ordinance language included as Attachment No. 1 would reclassify “warehouse, storage, and distribution centers with storage under cover or screened with landscaping from adjacent property” from a permitted use to a specially permitted use within the Mixed Use Zoning District.

Recommendation

Staff recommends the Board of Supervisors approve the attached amendment of the Zoning Ordinance. At its May 6, 2020 regular meeting, the Planning Commission unanimously recommended approval of the Ordinance amendment.

TW/nb
Ord19-07W-S-D-Ctrs-mem

Attachments:

1. Proposed Amended Section 24-518 strikethrough version
2. Proposed Amended Section 24-518 clean version
3. Initiating Resolution Adopted August 13, 2019
4. Adopted Minutes from the November 14, 2019, Policy Committee Meeting
5. Adopted Minutes from the December 12, 2019, Policy Committee Meeting
6. Approved Minutes of the May 6, 2020, Planning Commission Meeting

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 15, MIXED USE, MU, SECTION 24-518, USE LIST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 15, Mixed Use, MU, Section 24-518, Use list.

Chapter 24

Article V. Districts

Division 15. Mixed Use, MU

Sec. 24-518. Use list.

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

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Industrial Uses	Warehouse, storage and distribution centers with storage under cover or screened with landscaping and fencing from adjacent property.	P	<i>SUP</i>

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

VOTES

ATTEST:

AYE NAY ABSTAIN

SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2020.

ORD19-07W-S-D-Ctrs-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 15, MIXED USE, MU, SECTION 24-518, USE LIST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 15, Mixed Use, MU, Section 24-518, Use list.

Chapter 24

Article V. Districts

Division 15. Mixed Use, MU

Sec. 24-518. Use list.

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

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Industrial Uses	Warehouse, storage and distribution centers with storage under cover or screened with landscaping and fencing from adjacent property.		SUP

ORD19-07W-S-D-Ctrs-ord-final

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO CHAPTER 24, ZONING, TO

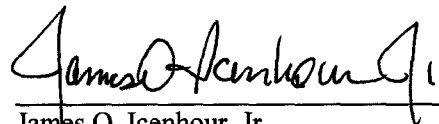
EVALUATE WAREHOUSES, STORAGE, AND DISTRIBUTION CENTERS AS A

PERMITTED USE IN THE MIXED USE DISTRICT

WHEREAS, Virginia Code § 15.2-2286(A)(7) and County Code § 24-13 permit the Board of Supervisors of James City County, Virginia (the "Board") to, by resolution, initiate amendments to the regulations of the Zoning Ordinance that the Board finds to be prudent; and

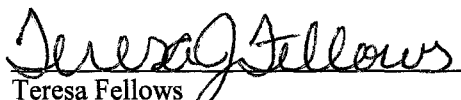
WHEREAS, the Board is of the opinion that the public necessity, general welfare, and good zoning practice warrant the consideration of amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate amendment of James City County Code, Chapter 24, Zoning, Article V, Districts, Division 15, Mixed Use, MU, in order to consider removing warehouses, storage, and distribution centers from the Mixed Use District, or permitting warehouses, storage, and distribution centers in the Mixed Use District as a specially permitted use. The Planning Commission shall hold at least one public hearing on the consideration of amendment of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with the law.



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

ATTEST:


Teresa Fellows
Deputy Clerk to the Board

HIPPLE
LARSON
SADLER
MCGLENNON
ICENHOUR

VOTES

AYE NAY ABSTAIN

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of August, 2019.

ZO-Storage-MUDist-res

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
November 14, 2019
4:00 PM

A. CALL TO ORDER

Mr. Rich Krapf called the meeting to order at approximately 4:00 p.m.

B. ROLL CALL

Present:

Jack Haldeman

Rich Krapf

Absent:

Julia Leverenz, Chair

Tim O'Connor

Staff:

Christy Parrish, Zoning Administrator

Ellen Cook, Principal Planner

Thomas Wyson, Senior Planner

Thomas Leininger, Planner

John Risinger, Community Development Assistant

Max Hlavin, Deputy County Attorney

C. MINUTES

There were no minutes.

D. OLD BUSINESS

1. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Oversized Commercial Vehicles (Stage II)

Ms. Christy Parrish stated that that the County was granted a charter amendment to allow the County to better regulate inoperable vehicles in residential and agricultural areas. She stated that the proposed Ordinance amendment would separate the inoperable vehicle definition into two sections. She stated that the definition for inoperable vehicles would include any vehicle that is not in operating condition or does not display valid license plates or does not display any inspection decal that is valid for more than 60 days for properties less than two acres in size and zoned for agricultural, residential or commercial purposes. She asked if the Policy Committee had any comments regarding the proposed changes.

Mr. Jack Haldeman stated that he had considered if automobile graveyards should be addressed during the Ordinance amendment.

Ms. Parrish stated that automobile graveyards are a specially permitted use in the A-1 Zoning District. She stated that any property that has more than five inoperable vehicles would be considered an automobile graveyard. She stated that she is currently aware of only one automobile graveyard. She stated that the review of automobile graveyards was not included in the scope of the initiating resolution. She stated that it could be brought up during the

Comprehensive Plan update. She asked if there were any other comments regarding inoperable vehicles.

Mr. Krapf stated that he had no additional comments.

Mr. Haldeman agreed.

Ms. Parrish stated that she would draft the Ordinance amendment for review at a future meeting.

Ms. Parrish stated that the second part of the discussion is about oversized commercial vehicles. She stated that staff has previously received complaints about dump trucks and semi-trucks parked in neighborhoods. She stated that the Zoning Ordinance does not pertain to parking on rights-of-way. She stated that a discussion could be held with the Police Department to see if any changes needed to be made to Chapter 13 of the County Code in order to regulate parking in rights-of-way. She stated that the main point of discussion was to determine how oversized commercial vehicles should be defined. She stated that additional examples from other localities, the Code of Virginia and the Federal Highway Administration (FHA) were included with the meeting materials. She stated that it would be beneficial to keep the definition simple so that enforcement of the Ordinance would be practical. She asked if the Committee had any additional comments.

Mr. Haldeman stated that it may make sense to define oversized commercial vehicles as any vehicle that is Class 3 or higher in the FHA classification. He asked if it would be too difficult for the Zoning Division to enforce.

Ms. Parrish stated that there would not be an easy way for the Zoning Officers to determine the weight of the vehicle in the field. She stated that some of the vehicles defined as Class 3 may be used as work vehicles by residents. She stated it may be simpler to define oversized commercial vehicles as specific vehicle types like dump trucks or semi-trucks.

Mr. Krapf stated that food trucks should not be strictly regulated.

Ms. Parrish stated that intent of the Ordinance amendment was to regulate large vehicles like dump trucks.

Mr. Haldeman stated that the Ordinance should also address trailers with construction equipment.

Ms. Parrish stated that an issue for enforcing restrictions on oversized commercial vehicles is that the Zoning Ordinance does not apply to rights-of-way. She stated that Chapter 13 allows the County Administrator to designate certain neighborhoods to not allow parking of commercial vehicles in rights-of-way.

Mr. Haldeman stated that oversized commercial vehicles could be defined as vehicles with three or more axles.

Ms. Parrish stated that it might be helpful to remove the commercial aspect of the definition so that it refers to all oversized vehicles.

Mr. Haldeman agreed.

Mr. Krapf agreed.

Mr. Haldeman stated that it could be defined as certain vehicle types and not reference a

commercial aspect.

Ms. Parrish asked if the Committee would like Chapter 13 to mirror the changes to the Zoning Ordinance or to wait until after the Zoning Ordinance is amended to better understand the effects.

Mr. Haldeman stated that Chapter 13 should be amended at the same time.

Mr. Krapf agreed.

Ms. Parrish stated that the example from Prince William County might be simple to adapt.

Mr. Haldeman asked if the poundage listed in Prince William County's example should be removed.

Ms. Parrish stated that she would ask the Police Department if it would be able to enforce the Ordinance based on weight.

Mr. Krapf stated that listing weight as a criteria might result in enforcement issues and that it would be simpler to define it as vehicle types or number of axles.

Ms. Parrish stated that she would draft the Ordinance with Prince William County as an example and schedule a meeting with County Administration and the Police Department to see if any other changes need to be made. She stated that the Ordinance would be targeted towards properties zoned for residential uses and not properties zoned for agricultural uses. She asked if there were any other comments.

There were none.

2. Proposed Ordinance Amendments to Address Code of Virginia Changes Regarding Wireless Communication Facilities, Stage II

Mr. Thomas Leininger stated that staff is proposing amendments to Article II, Division 6 of the Zoning Ordinance to be compliant with the Code of Virginia. He stated that in 2017 and 2018, the General Assembly passed legislation requiring changes to how local Zoning Ordinances may treat applications for wireless communication facilities. He stated that draft language for the proposed Ordinance amendment has been included in the meeting materials. He stated that the "Performance Standards for Communication Facilities, Antennas, Towers and Support Structures (CATS) That Require a Special Use Permit," policy would also need to be amended. He stated that staff is proposing to add a definition section to Article II, Division 6 of the Zoning Ordinance. He stated that the title of Section 24-122, "Antenna Mounting," will be edited to reference application types. He stated that "Standard Process Projects" will be the first application type and will not require many changes to the Ordinance. He stated that the new application types are "Small Cell Facilities" and "Administrative Review-Eligible Projects (AREPs)." He asked if the Committee had any comments regarding the proposed amendments.

Mr. Krapf asked if the amendment would need to be presented at another Policy Committee meeting in the future or if the next step was to present at a Planning Commission meeting.

Ms. Ellen Cook stated that the Policy Committee typically votes on amendments before they are presented to the Planning Commission.

Mr. Haldeman asked why the proposed amendments to Section 24-123 remove the requirements for setbacks.

Mr. Leininger stated that the Code of Virginia states that in order for setbacks additional to the Zoning District setbacks to be applied, they must also have been applied for similar structures. He stated that the Zoning Ordinance does not require additional setbacks for what would be considered similar structures so the setbacks had to be removed.

Mr. Haldeman asked why the proposed amendments to Section 24-126(b) removed the requirement for applicants to negotiate in good faith with public safety agencies regarding vacant antenna locations.

Mr. Max Hlavin stated that the Code of Virginia prohibits Ordinances from requiring cell providers to provide space to localities or other companies.

Mr. Haldeman asked if the existing language would be compliant because it is only requiring negotiations to take place and not requiring space to be provided.

Mr. Hlavin stated that the existing language requires the applicant to submit evidence that good faith negotiations took place. He stated that it would not be useful to have evidence of good faith negotiations as the County cannot require space on the tower be provided.

Mr. Haldeman asked what “tolling” meant.

Mr. Hlavin stated that “tolling” meant putting a pause on the review timeline.

Mr. Krapf stated that the proposed Ordinance was well drafted.

Mr. Krapf asked if there were any further questions.

There were none.

E. NEW BUSINESS

1. ORD-2019-0007. Consideration of Warehouse, Storage, and Distribution Centers in the Mixed Use Zoning District, Stage I/II

Mr. Thomas Wysong stated that on August 13, 2019, the Board of Supervisors (BOS) adopted an initiating resolution directing staff to analyze the impacts of either removing “Warehouses, Storage, and Distribution Centers” from the Mixed Use Zoning District use list or allowing it as a specially permitted use. He stated that the Mixed Use Zoning District was created in 1992 and has the intent of promoting multiuse, master planned communities that are characterized by the convenient and harmonious grouping of uses, structures, facilities, open space, and pedestrian walkways and/or bicycle paths. He stated that “Warehouses, Storage, and Distribution Centers” has been a permitted use in the Mixed Use district since its creation. He stated that there are existing Mixed Use developments that have warehousing as part of their commercial components. He stated that Liberty Crossing has a self-storage facility as the principal commercial use. He stated that a proposal for the Forest Heights neighborhood including self-storage was heard by the Planning Commission and BOS which resulted in the initiating resolution. He stated that staff found that the self-storage facility use does not typically fulfill the intent of the Mixed Use district. However, it would be possible for “Warehouses, Storage, and Distribution Centers” to be appropriately scaled, designed, and located within a larger Mixed Use development and serve as a support use for other permitted uses in the district. He stated that staff recommended that option. He stated that this option would result in existing facilities that fall into the use becoming lawfully non-conforming. He asked if the Committee had any comments regarding the amendment.

Mr. Haldeman stated that he agreed with staff’s recommendation.

Mr. Krapf agreed. He stated that making it a specially permitted use provides an extra layer of review to ensure that the proposal is harmonious with the Mixed Use development. He asked if the next step would be to draft the Ordinance and return it to the Committee at a future meeting.

Mr. Wysong stated that the draft Ordinance included with the meeting materials would be brought to a future Policy Committee meeting for a formal vote.

Mr. Krapf asked if there were any further questions.

There were none.

F. ADJOURNMENT

Mr. Haldeman made a motion to Adjourn. The motion passed 2-0.

Mr. Krapf adjourned the meeting at approximately 4:40 p.m.

Ms. Julia Leverenz, Chair

Mr. Paul Holt, Secretary

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
December 12, 2019
4:00 PM

A. CALL TO ORDER

Ms. Julia Leverenz called the meeting to order at approximately 4:15 p.m.

B. ROLL CALL

Present:

Julia Leverenz, Chair

Rich Krapf

Tim O'Connor

Absent:

Jack Haldeman

Staff:

Christy Parrish, Zoning Administrator

Tammy Rosario, Principal Planner

Thomas Wysong, Senior Planner

John Risinger, Community Development Assistant

C. MINUTES

1. August 8, 2019 Meeting Minutes

Mr. Rich Krapf made a motion to Approve the August 8, 2019, meeting minutes.

The motion passed 3-0.

2. November 14, 2019 Meeting Minutes

Mr. Krapf made a motion to Approve the November 14, 2019, meeting minutes.

The motion passed 1-0-2, with Ms. Leverenz and Mr. Tim O'Connor abstaining as they were not present at the November 14, 2019 meeting.

D. OLD BUSINESS

1. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Certain Oversized Vehicles (Phase III)

Ms. Christy Parrish presented draft Ordinances for amendments to the Zoning Ordinance and Chapter 13 of the County Code for inoperative vehicles and oversized vehicles. She stated that the definition for inoperative vehicles would be separated into two subsections in the Zoning Ordinance. She stated that the first subsection would be consistent with the current Ordinance. She stated that the second subsection defines inoperative motor vehicles to mean any motor vehicle which is not in operating condition or does not display valid license plates or does not display an inspection decal that is valid for more than 60 days. She stated that this definition applies to properties that are less than two acres in size and are zoned for

agricultural, residential, and commercial purposes. She stated that the County could issue civil fines of \$100 for vehicles found to be inoperative in the first subsection. She stated that vehicles found to be inoperative in the second subsection can be towed by the County or be ordered to be removed by a Court.

Ms. Leverenz asked if the first subsection would be the default.

Ms. Parrish stated that the first subsection would not apply to properties that are zoned for agricultural uses. She stated that an agricultural property with more than five inoperative vehicles would be considered an automobile graveyard. She stated that automobile graveyards need to have an approved Special Use Permit or remove inoperative vehicles from the property so that there are five or less.

Mr. Tim O'Connor asked if the definition for inoperative vehicles would be used to determine if a property is an automobile graveyard.

Ms. Parrish confirmed. She stated that any vehicle that has farm tags or antique tags issued by the Department of Motor Vehicles would be considered operable by the County. She stated that the County cannot issue citations for inoperative vehicles that are screened from view or are otherwise not visible from the right-of-way.

Ms. Leverenz asked if inoperative vehicles could be cited if they were visible areas that have higher elevations than the property in question.

Ms. Parrish stated that the Zoning Division would work with the County Attorney's Office on special situations to determine if a citation can be issued. She stated that properties can have one inoperative vehicle that is screened by a car cover. She stated that the second subsection of the proposed Ordinance would create flexibility for citing inoperative vehicles on properties that are less than two acres in size.

Ms. Parrish stated that the second part of the Ordinance amendment was regarding oversized vehicles. She stated that discussions at prior Policy Committee meetings focused on how to define commercial vehicles. She stated that as a result of the discussion, staff was directed to draft the proposed Ordinance to define oversized vehicles instead of commercial vehicles. She stated that staff used Ordinances from Prince William County as a base to draft the proposed language. She stated that the proposed Ordinance amendment for Chapter 13 of the County Code included recreation vehicles (RVs) in the definition at the request of the Police Department. She stated that the regulations for oversized vehicles in Chapter 13 only applies to vehicles parked in rights-of-way. She stated that the scope of the initiating resolution did not include adding RVs in the definition for oversized vehicles in the Zoning Ordinance. She stated that the proposed amendment to the Zoning Ordinance noted that the regulation would not supersede any other Ordinance in the County Code.

Ms. Leverenz stated that the second line of the proposed Ordinance should be punctuated with commas.

Ms. Parrish stated that edits would be made to the second line to use commas. She stated that she would confirm the proposed language with the County Attorney's Office.

Ms. Leverenz asked why the proposed definition for inoperative vehicles states "The provisions of this act shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor."

Ms. Parrish stated that the language was part of the Code of Virginia.

Ms. Leverenz asked if it would make sense to state that the first subsection applies to properties that are two acres or larger.

Ms. Parrish stated that adding a size limitation to the first subsection would remove the flexibility for how inoperative vehicles are enforced. She stated that the first subsection could apply to lots that are less than two acres and zoned for residential or commercial purposes.

Mr. O'Connor stated that he had concerns about RVs parked in front yards.

Ms. Parrish stated that regulating RVs on private property would be outside of the scope of the Initiating Resolution. She stated that RVs could be discussed with the Board of Supervisors (BOS) to get further direction.

Mr. Krapf stated that he was concerned that regulating RVs could have unintended results.

Ms. Parrish stated that RVs could not be occupied when parked on residential properties.

Ms. Leverenz stated that homeowners associations often have covenants that prohibit parking RVs within their neighborhood.

Mr. O'Connor asked how trailers would be regulated under the proposed Ordinance.

Ms. Parrish stated that the proposed Ordinance in Chapter 13 would not allow trailers to be parked in the rights-of-way unless they were temporarily parked for work or service taking place on a property.

Mr. O'Connor stated that many citizens have concerns about trailers parked on neighborhood streets. He stated that trailers parked on streets can impact public safety.

Ms. Leverenz asked if a homeowner who is in the process of loading a moving truck would be affected by the proposed Ordinance.

Ms. Parrish stated that the proposed amendments allow temporary parking for work or services actively taking place on a property.

Mr. O'Connor stated that the proposed Ordinance for Chapter 13 had an exemption for "utility generators located on trailers and being used to power network facilities during a loss of commercial power." He asked how power network facilities are defined.

Ms. Parrish stated that the intent of the language is to allow generators to be operated when there are power outages. She stated that the language is intended to avoid unintentional consequences in emergency events where there is a power outage.

Mr. Krapf made a motion to recommend approval of the draft Ordinances.

The motion passed 3-0.

2. ORD-2019-0007. Consideration of Warehouse, Storage, and Distribution Centers in the Mixed Use Zoning District, Stage III

Mr. Thomas Wyson stated that at its August 13, 2019 meeting, the BOS adopted an initiating resolution directing staff to explore the impacts of amending the Zoning Ordinance to remove storage and warehousing as a permitted use or make it a specially permitted use in the Mixed Use (MU) Zoning District. He stated that the intent of the MU District is to promote multi-use master planned communities. He stated that there are existing MU developments that include

storage and warehousing as part of their commercial components. He stated that the Liberty Ridge community includes self-storage as the principal commercial use. He stated that the BOS and Planning Commission had concerns about self-storage that was part of a proposal for the Forest Heights neighborhood. He stated that a few of these concerns were that self-storage facilities may have a negative visual impact and do not fulfill the intent of the MU District. He stated that staff finds that the warehouse, storage, and distribution centers use does not fully fulfill the intent of the MU District. He stated that staff found that it could be possible for a well-designed warehouse or storage facility to serve as a component of an MU development's commercial uses or as a support use for other commercial uses in a development. He stated that staff recommends amending the Ordinance to make warehouse, storage, and distribution centers a specially permitted use in the MU District. He stated that if the Policy Committee approves of the proposed changes, the Ordinance would be heard at the January 8, 2020, Planning Commission meeting.

Ms. Leverenz asked if an RV storage facility would fall under the warehouse, storage, and distribution center use.

Mr. Wyson stated that an RV storage facility could be considered a storage use. He stated that he could discuss that with the Zoning Administrator to confirm how RV storage facilities would be classified.

Ms. Leverenz stated that RV storage facilities could be an appropriate use within the MU District.

Mr. Krapf stated that making warehouse, storage, and distribution centers a specially permitted use in the MU District would avoid potential impacts on existing storage facilities in MU developments.

Mr. O'Connor asked if self-storage facilities fall under the warehouse, storage, and distribution use.

Mr. Wyson confirmed.

Mr. Krapf made a motion to recommend approval of the proposed Ordinance to make warehouse, storage, and distribution centers a specially permitted use in the MU District.

The motion passed 3-0.

E. NEW BUSINESS

There was no new business.

F. ADJOURNMENT

Mr. Krapf made a motion to Adjourn. The motion passed 3-0.

Ms. Leverenz adjourned the meeting at approximately 4:50 p.m.

Ms. Julia Leverenz, Chair

Mr. Paul Holt, Secretary

Mr. Polster noted that short-term rentals have been the subject of many discussions over the last two years. Mr. Polster noted that the difficulty with these applications is not having sufficient criteria to guide consideration of the applications. Mr. Polster further stated that he hopes the criteria that is ultimately developed for evaluating short-term rentals will take into account the nature of the area and the opportunity for visitors to experience something different.

Ms. Leverenz stated that there have been a number of these applications recently. Ms. Leverenz stated that it is necessary to consider whether approval would set a precedent and how the use of the property would affect the affordable housing stock. Ms. Leverenz further stated that she believes it is time to take an in-depth look at how these applications should be evaluated. Ms. Leverenz further stated that she concurs with the idea of placing a time limit on the SUP so that it could be re-evaluated periodically. Ms. Leverenz stated that she would reluctantly oppose this application.

Mr. Krapf stated that he relies on the Comprehensive Plan and the existing guidelines to evaluate the applications. Mr. Krapf stated that he finds the application to be in keeping with both the Comprehensive Plan and the existing guidelines. Mr. Krapf stated that he does concur with the need to look at regulations for Tourist Homes and Rental of Rooms as part of the 2040 Comprehensive Plan review. Mr. Krapf stated that he will support this application based on the existing criteria.

Mr. Polster made a motion to recommend approval of the application with the conditions recommended in the staff report.

On a roll call vote the Commission voted to recommend approval of SUP-20-0007. 805 Arlington Island Road Tourist Home. (4-3)

3. ORD-19-0007. Consideration of Warehouse, Storage, and Distribution Centers in the Mixed Use Zoning District

Mr. Thomas Wysong, Senior Planner, stated that on August 13, 2019 the Board of Supervisors adopted an Initiating Resolution directing staff to explore the impacts of amending the Zoning Ordinance to either remove warehouses, storage, and distribution centers from the Mixed Use (MU) district or allow this use as a specially permitted use.

Mr. Wysong stated that the Mixed Use Zoning District was added to the Zoning Ordinance in 1992. Mr. Wysong further stated that warehouse, storage, and distribution centers with storage under cover or screened with landscaping from adjacent property” has been consistently listed as a permitted use since the adoption of this district and as a result, there are Mixed Use developments in the County that include this use as a component with self-storage being the most prominent example.

Mr. Wysong stated that staff finds that warehouse, storage, and distribution centers are not a use that most fully fulfills the intent of the Mixed Use district which is to promote multiuse, master planned communities characterized by convenient and harmonious groupings of uses, structures, facilities, open space, and pedestrian walkways and/or bicycle paths.. Mr. Wysong stated that it is, however, possible that the County could receive a proposal in which this use is appropriately scaled, designed and fittingly located as one component within a Mixed Use development and could potentially serve as a support use for other uses allowed in the Mixed Use district, such as light industrial or research and development uses. Mr. Wysong stated that if this use were to be removed from the district, such applications could not be submitted. Mr. Wysong further stated that if the County were to reclassify “warehouse, storage, and distribution centers with storage under cover or screened with landscaping from adjacent property” from a permitted use to a specially permitted use, existing facilities that fall under this category would become legally non-conforming. Future expansion of existing facilities could be approved, but only through an SUP. Mr. Wysong stated that new facilities on existing Mixed Use zoned land could also be pursued but only through the SUP process. My Wysong further stated that for existing Mixed Use developments in which warehouse and storage uses are shown on the Master Plan, this would create an additional public review that would allow for the County to consider whether this use is appropriate and put in place the appropriate conditions needed to mitigate negative impacts.

Mr. Wysong stated that staff presented this analysis to the Policy Committee at its November 14 and December 12 meetings in 2019. Mr. Wysong stated that the Policy Committee voted unanimously to forward the draft language to the Planning Commission for review.

Mr. Wysong stated that staff recommends that he Planning Commission recommend approval of the Ordinance Amendment to the Board of Supervisors.

Mr. Krapf opened the Public Hearing.

Mr. Krapf inquired if any public comments or speaker cards were submitted for this application.

Mr. Holt stated that no speaker cards or public comments had been submitted.

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

Ms. Leverenz made a motion to recommend approval of the Ordinance Amendment.

On a roll call vote, the Commission voted to recommend approval of ORD-19-0007. Consideration of Warehouse, Storage, and Distribution Centers in the Mixed Use Zoning District. (7-0)

4. ORD-20-0003. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Oversized Vehicles

Ms. Christy Parrish, Zoning Administrator stated that the proposed Zoning Ordinance Amendments are designed to address two issues: the keeping of inoperative motor vehicles on residential, agricultural and commercial properties and the keeping of oversized vehicles in residential areas.

Ms. Parrish stated that to effectively address inoperative motor vehicles, the County requested and received a charter amendment from the 2019 General Assembly. Ms. Parrish further stated that this charter amendment grants additional authority to the County under Section 15.2-905 of the Code of Virginia to regulate the keeping of inoperative motor vehicles on residential, commercial, and agricultural zoned properties two acres in area or smaller. Ms. Parrish stated that currently, the Zoning Ordinance regulates inoperable vehicles which are not shielded or screened from view in areas zoned residential or commercial. Ms. Parrish stated that properties zoned A-1, General Agricultural, may have up to five inoperable vehicles. Ms. Parrish stated that properties with more than five inoperable vehicles would constitute a vehicle graveyard.

Ms. Parrish stated that an inoperative vehicle, which is not shielded or screened from view, is defined as any motor vehicle which is not in operating condition or which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for the operation of the vehicle, or on which there are displayed neither valid license plates nor a valid inspection decal.

Ms. Parrish stated that the recent Charter Amendment permits additional authority which allows James City County to regulate inoperative vehicles for properties zoned agricultural less than two acres and vehicles which do not display a valid license plate or valid inspection. Ms. Parrish stated that this change will allow staff to more effectively address citizen complaints received which will enhance and protect the visual character of the community.

Ms. Parrish stated that the substantive changes propose to incorporate the additional authority to regulate inoperative motor vehicles for properties

zoned agricultural and less than two acres and for those vehicles which do not display a valid license plate or valid inspection. Ms. Parrish stated that the changes will: separate the inoperative motor vehicle definition into two subsections and added properties zoned for agricultural less than two acres; redefine language for inoperative motor vehicles to mean any motor vehicle which is not in operating condition or does not display valid license plates or does not display any inspection decal that is valid for more than 60 days for properties less than two acres in size and zoned for agricultural, residential, or commercial purposes; add a definition of "shielded or screened from view" to mirror State Code; and clarify that the civil penalty applies only to inoperative motor vehicles located on properties zoned for residential or commercial purposes. Ms. Parrish further stated that it is important to mention that the County does not regulate the keeping of vehicles that are under active restoration, shielded from view, or vehicles bearing Antique or Farm Use license plates issues by the Department of Motor Vehicles.

Ms. Parrish stated that the second part of this Zoning Ordinance amendment addresses oversized vehicles.

Ms. Parrish stated that over the years, staff has received various concerns and complaints with the parking and keeping of oversized vehicles on properties zoned for residential purposes. Ms. Parrish noted that complaints include parking large dump trucks and tractor trailer trucks on property in residential neighborhoods when they are not in use. Ms. Parrish stated that at this time the Zoning Ordinance does not address this issue and has limited ability to address the concerns when the oversized vehicle is not associated with a business activity on the property. Ms. Parrish stated that during the review, it was determined that an update to the Zoning Ordinance to address this issue will only apply to private property. Ms. Parrish stated that staff discussed concerns with parking oversized vehicles along the right-of-ways in residential areas with County Administration, the County Attorney's Office, and the Police Department. Ms. Parrish stated that it was determined that Chapter 13, Motor Vehicles and Traffic should also be reviewed.

Ms. Parrish stated that the recommended changes to the Zoning Ordinance to establish regulations for the parking of certain oversized vehicles on private property zoned for residential purposes includes: renaming and incorporating regulations into Section 24-37; identifying the certain oversized vehicle types that are being regulated; and listing exceptions to common and expected parking of oversized vehicles in residential areas.

Ms. Parrish stated that it is important to note that staff is not recommending any regulations when an oversized vehicle(s) is located and used on a farm, parked near the location where it used for work, or parked temporarily for loading or unloading items.

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Tom Leininger, Planner

SUBJECT: ORD-20-0008. Proposed Ordinance and Policy Amendments to Address Code of Virginia Changes Regarding Wireless Communication Facilities

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Proposed Revisions to the Zoning Ordinance - Strikethrough Version	Ordinance
☐	Resolution adopting the "Performance Standards for Communications Facilities, Antennas, Towers and Support Structures that Require an SUP" Policy	Resolution
☐	Proposed Revisions to the Zoning Ordinance - Clean Version	Ordinance
☐	Proposed "Performance Standards for Communications Facilities, Antennas, Towers and Support Structures that Require an SUP" Policy - Strikethrough Version	Backup Material
☐	Proposed "Performance Standards for Communications Facilities, Antennas, Towers and Support Structures that Require an SUP" Policy - Clean Version	Backup Material
☐	Wireless Communication Facilities Va. Code §§ 15.2-2316.3 to -2316.5	Backup Material
☐	Unapproved Minutes of the June 3, 2020, Planning Commission Meeting	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	6/25/2020 - 12:25 PM
Development Management	Holt, Paul	Approved	6/25/2020 - 12:25 PM
Publication Management	Daniel, Martha	Approved	6/25/2020 - 1:20 PM
Legal Review	Kinsman, Adam	Approved	6/29/2020 - 7:58 AM
Board Secretary	Fellows, Teresa	Approved	6/30/2020 - 4:38 PM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:23 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:41 AM

MEMORANDUM

DATE: July 14, 2020

TO: The Board of Supervisors

FROM: Tom Leininger, Planner

SUBJECT: Case No. ORD-20-0008. Proposed Ordinance and Policy Amendments to Address Code of Virginia Changes Regarding Wireless Communication Facilities

In 2017 and 2018, the General Assembly passed legislation requiring changes to how local Zoning Ordinances process applications for wireless communications facilities. Those State Code changes, combined with recent Federal Communications Commission (FCC) decisions regarding facilities intended to support the deployment of 5G technology, continue to erode local zoning authority. To keep James City County Ordinances in conformance with state and federal requirements, staff has worked with the County Attorney's Office to ensure the attached proposed revisions fully comply with state and federal requirements.

The 2035 Comprehensive Plan lends support to these Ordinance amendments through goals, strategies, and actions in the Community Character Section. Action No. 7.1 from the Community Character chapter which states that the County should "update the Wireless Communications Division of the Zoning Ordinance as necessary to accommodate the use of new and emerging wireless communications services."

Per the new federal and state regulations, staff proposes a series of updates to Division 6 - Communication Facilities including changing the title of Section 24-122(a) to "antenna application types" instead of "antenna mounting." The new text provides five different applications under which a wireless facility could be reviewed. The *Standard Process Projects* are the wireless facilities that already exist in the Zoning Ordinance and have limited revisions to their sections. Two additional application types have been added to the Ordinance, small cell facilities, and administrative review-eligible projects (AREP). These projects have specific criteria that set them apart from the *Standard Process Projects*. Both the small cell and the AREP applications are permitted in all zoning districts, as required by State Code.

These applications consist of the following:

- Small Cell Facilities: A communication facility to be installed on an existing structure that meets a specific size requirement as defined in the Definitions section.
- AREP: The installation of a new structure not more than 50 feet above the ground level, provided that the structure with attached communication facilities meets the requirements defined in the Definitions section. Additionally, AREPs can be co-located on any existing structure of a communications facility that is not a small cell facility.

As shown in Attachment No. 1, staff also proposed revisions to Sections 24-121 through 24-128.1 in Division 6 to align with the requirements of State Code. The revisions include specific criteria for each of the application types as part of the submittal requirements, public safety considerations to comply with the FCC, fee requirements for small cell and AREP applications, and staff review timelines for specific applications.

To ensure all districts aligned with new requirements of State Code, each Zoning District Use List was amended to ensure that the application types have the correct process according to new State Code and FCC regulations (Attachment No. 1). The Use List descriptions were simplified to affirm Division 6 as the one-stop reference for applicable processes and regulations.

Staff also proposes revised Ordinance language to Section 24-2 - Definitions to ensure that the Zoning Ordinance complies with State Code. As shown in Attachment No. 1, the draft language has revised the Definitions section to incorporate new terms and also redefined terms to better align with State Code.

Additionally, staff proposes changes to the policy titled "Performance Standards for Communications Facilities, Antennas, Towers, and Support Structures (CATS) That Require a Special Use Permit," dated November 8, 2016, and endorsed by the Board of Supervisors (Attachment No. 4). The amendments to the policy include removing text that is covered by the Zoning Ordinance and removing text referencing items that are now prohibited by State Code.

The County's legal consultant also reviewed the draft Ordinance and definition changes for consistency with the State Code and FCC regulations. That review produced additional minor edits clarifying the timelines for application reviews in Section 24-128(c) and added additional definitions. Other than these minor adjustments, which have been incorporated in the attached text, the legal consultant review indicated the proposed Ordinance conforms with current state and federal regulations.

On June 10, 2020, the FCC released Declaratory Ruling FCC 20-75, which clarified the FCC's interpretation of certain regulatory language related to eligible facilities requests. Although the Declaratory Ruling will impact staff's implementation of the Ordinance, no additional amendments to the language of the proposed Ordinance are necessary.

RECOMMENDATION

At its June 3, 2020 meeting, the Planning Commission voted 6-1 to recommend approval of the attached Ordinance amendments and policy to the Board of Supervisors. Staff recommends that the Board of Supervisors approve the attached Ordinance and policy.

TL/nb
Ord20-08AmndWCF-mem

Attachments:

1. Ordinance - Strikethrough version
2. Resolution - Performance Standards for CATS Policy
3. Ordinance - Clean version
4. Performance Standards for CATS Policy - Strikethrough version
5. Performance Standards for CATS Policy - Clean
6. Wireless Communication Facilities Va. Code §§ 15.2-2316.3-2316.5
7. Unapproved Minutes of the June 3, 2020, Planning Commission Meeting

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING OF THE CODE OF JAMES CITY COUNTY TO COMPLY WITH FEDERAL COMMUNICATIONS COMMISSION AND STATE CODE REQUIREMENTS FOR WIRELESS COMMUNICATIONS FACILITIES BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; AND BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 6, COMMUNICATIONS FACILITIES BY AMENDING SECTION 24-122, ANTENNA MOUNTING; SECTION 24-123, GENERAL REQUIREMENTS; SECTION 24-124, PERFORMANCE STANDARDS; SECTION 24-126, PUBLIC SAFETY CONSIDERATIONS; SECTION 24-127, PERMIT LIMITATIONS; BY AMENDING AND RENAMING SECTION 24-128, PROCESSING AND SUBMITTAL REQUIREMENTS FOR ELIGIBLE FACILITIES REQUESTS WITH NEW NAME PROCESSING AND SUBMITTAL REQUIREMENTS FOR ELIGIBLE FACILITIES REQUESTS AND SMALL CELL FACILITY APPLICATIONS; AND BY AMENDING 24-128.1, PROCESSING AND SUBMITTAL REQUIREMENTS FOR ALL OTHER NEW CATS AND MODIFICATIONS; AND BY AMENDING ARTICLE V, DISTRICTS BY AMENDING DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 24-212, USE LIST; DIVISION 3, LIMITED RESIDENTIAL DISTRICT, R-1, SECTION 24-232, USE LIST; DIVISION 4, GENERAL RESIDENTIAL DISTRICT, R-2, SECTION 24-252, USE LIST; DIVISION 4.1, RESIDENTIAL REDEVELOPMENT DISTRICT, R-3, SECTION 24-273.2, USE LIST; DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-281, USE LIST; DIVISION 6, MULTIFAMILY RESIDENTIAL DISTRICT, R-5, SECTION 24-305, USE LIST; DIVISION 7, LOW DENSITY RESIDENTIAL DISTRICT, R-6, SECTION 24-328, PERMITTED USES, AND SECTION 24-329, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8, SECTION 24-348, USE LIST; DIVISION 9, LIMITED BUSINESS DISTRICT, LB, SECTION 24-368, USE LIST; DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 24-390, USE LIST; DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 24-411, USE LIST; DIVISION 12, GENERAL INDUSTRIAL, M-2, SECTION 24-436, USE LIST; DIVISION 13, RESEARCH AND TECHNOLOGY DISTRICT, RT, SECTION 24-461, USE LIST; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, PUD, SECTION 24-493, USE LIST; DIVISION 15, MIXED USE, MU, SECTION 24-518, USE LIST; DIVISION 16, PUBLIC LAND DISTRICT, PL, SECTION 24-535.1, PERMITTED USES, AND SECTION 24-535.2, USES PERMITTED BY SPECIAL USE PERMIT ONLY; AND DIVISION 17, ECONOMIC OPPORTUNITY, EO, SECTION 24-536.4, USE LIST.

BE IT ORDAINED by the Board of Supervisors of the County of James City Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; and by amending Article II, Special Regulations, Division 6, Communications Facilities; Section 24-122, Antenna mounting; Section 24-123, General requirements; Section 24-124, Performance standards; Section 24-126, Public safety considerations; Section 24-127, Permit limitations; Section 24-128, Processing and submittal requirements for eligible facilities requests and small cell facility applications; and Section 24-128.1, Processing and submittal requirements for all other new CATS and modifications; and by amending Article V, Districts; Division 2, General Agricultural District, A-1, Section 24-212, Use list; Division 3, Limited Residential District, R-1, Section 24-232, Use list; Division 4, General Residential District, R-2, Section 24-252, Use list; Division 4.1, Residential Redevelopment District, R-3, Section 24-273.2, Use list; Division 5, Residential Planned Community District, R-4, Section 24-281, Use list; Division 6, Multifamily Residential District, R-5, Section 24-305, Use list; Division 7, Low Density Residential District, R-6, Section 24-328, Permitted uses, and Section 24-329, Uses permitted by special use permit only; Division 8, Rural Residential District, Section 24-348, Use list; Division 9, Limited Business District, LB, Section 24-368, Use list; Division 10, General Business District, B-1, Section 24-390, Use list; Division 11, Limited Business/Industrial District, M-1, Section 24-411, Use list; Division 12, General Industrial District, M-2, Section 24-436, Use list; Division 13, Research and Technology District, RT, Section 24-461, Use list; Division 14, Planned Unit Development Districts, PUD, Section 24-493, Use list; Division 16, Mixed Use, MU, Section 24-518, Use list; Division 16, Public Land District, PL, Section 24-535.1, Permitted uses, and Section 24-535.2, Uses permitted by special use permit only; and Division 17, Economic Opportunity, Section 24-536.4, Use list.

Chapter 24. Zoning

Article I. In General

Sec. 24-2. Definitions.

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

A

Administrative review-eligible project (AREP). Solely for the purposes of article II, special regulations, division 6, communications facilities, antennas, towers and support structures only, either:

(1) The installation or construction of a new structure that is not more than 50 feet above ground level, provided that the structure with attached communications facilities is (i) not more than 10 feet above the tallest existing utility pole located within 500 feet of the new structure within the same public right-of-way or within the existing line of utility poles; (ii) not located within the boundaries of a local, state, or federal historic district; and (iii) designed to support small cell facilities (referred to as "AREP-1"); or

(2) The co-location on any existing structure of a communications facility that is not a small cell facility (referred to as "AREP-2").

Antenna. A device of which the surface is used to capture an incoming and/or to transmit an outgoing radio-frequency signal. Antennas shall include the following types:

- (1) Omni directional (or 'whip') antenna. An antenna that receives and transmits signals in a 360-degree pattern.
- (2) Directional (or 'panel') antenna. An antenna that receives and transmits signals in a directional pattern typically encompassing an arc of 120 degrees.
- (3) Dish (or parabolic) antenna. A bowl shaped device, less than two meters in diameter, that receives and transmits signals in a specific directional pattern.

B

Base station. For the purposes of article II, special regulations, division 6, communications facilities, antennas, towers and support structures only, base station shall be defined as a structure or equipment at a fixed location that enables Federal Communications Commission (FCC)-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base stations include, without limitation:

- (1) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless service and fixed wireless services such as microwave backhaul.
- (2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration, including distributed antenna systems and small-cell networks.
- (3) Any structure other than a tower that, at the time the relevant application is filed with the county, supports or houses equipment described in paragraphs (1) and (2) of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support. The term does not include any structure that, at the time the relevant application is filed with the county, does not support or house equipment described in paragraphs (1) and (2) of this definition.

C

CATS. Acronym for Communications facilities, Antennas, Towers and/or Support structures, each of which is separately defined in this section.

Co-location. The mounting, ~~or~~ installation, maintenance, modification, operation, or replacement of communications facilities on, under, within, or adjacent to a base station, building, existing structure, utility pole, or support structure ~~of transmission equipment on an existing tower or existing base station for the~~

purpose of transmitting and/or receiving radio frequency signals *or other wireless data* for communications purposes. *"Co-locate" has a corresponding meaning.*

Communications facility. ~~A facility for the transmission or reception of radio signals licensed or authorized by the FCC, including facilities associated with radio and television broadcasting.~~ *Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.* Communications facilities shall not include facilities used for transmitting or receiving signals by governmental agencies or amateur radio or citizens band radio.

Concealment element. Any condition of approval, including any applicable requirements of article II, special regulations, division 6, communications facilities, antennas, towers and support structures, in effect at the time of approval, established and imposed on a communications facility as a concealment technique designed to render the facility minimally visible to the casual observer or otherwise not having the appearance of an antenna or a tower, including conditions or regulations pertaining to antenna size, color of the structure and all equipment, antenna mounting techniques, maximum tower diameters, limitations on tower height relative to a reference tree, screening by trees, including the restrictions on removing trees that are screening the tower, and the size, location, design and screening for ground based equipment.

E

Eligible facilities request. Any request for modification of an existing tower or existing base station that does not substantially change the physical dimensions of such tower or base station, involving:

- (1) ~~Col-~~location of new ~~transmission equipment~~ *communications facilities*.
- (2) Removal of ~~transmission equipment~~ *communications facilities*.
- (3) Replacement of ~~transmission equipment~~ *communications facilities*.

Eligible support structure. Any tower or base station, provided that it is existing at the time the relevant application is filed with the county.

Equipment enclosure. A small building, cabinet, or vault used to house and protect the electronic equipment necessary to process wireless communications signals. Associated equipment may include air conditioners and emergency generators.

Existing. Having been reviewed and approved under the applicable zoning process. A tower or base station that has not been reviewed and approved because it was not required to be reviewed when it was built, but was lawfully constructed, shall also be deemed "existing."

Existing structure. (i) Solely for the purposes of Article VI, Overlay District, Division 3, Floodplain Area Regulations, this term shall mean structures for which the start of construction commenced before the effective date of the FIRM on or before February 6, 1991. (ii) *Solely for the purposes of article II, special regulations, division 6, communications facilities, antennas, towers and support structures only, this term shall mean any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to the locality of an agreement with the owner of the structure to co-locate equipment on that structure. "Existing structure" includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of communications facilities, including towers, buildings, utility poles, light poles, flag poles, signs, and water towers.*

H

Historic and scenic resource area. Land managed by Colonial Williamsburg, the Jamestown-Yorktown Foundation, the National Park Service, York River State Park, the Virginia Association for Preservation of Antiquities, the Williamsburg Land Conservancy, or properties listed in the National Register, Virginia Historic Landmarks Register, or locally designated historic structures or districts, or Community Character Areas as defined in the Comprehensive Plan.

Historic structure. Solely for the purposes of Article VI, Overlay District, Division 3, Floodplain Area Regulations, this term shall also mean any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation program which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

M

Micro-wireless facility. A small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.

Monopole. A communications facility tower used to deploy antennas defined as self-supporting with a single shaft of wood, steel or concrete.

Multi-antenna system. Communications facilities networked together and connected to a wireless service source so that one or more multiple provisioning (high-powered) antennae which would normally be mounted on a tower to serve a given area are replaced or prevented by a group of lower-power antennas to serve the same geographic area.

Multiple provisioning antenna. Antennas used as part of an overall network such as distributive antenna systems that transmit and/or receive radio signals from multiple points and multiple users in a prescribed geographic area.

N

Noninterference/intermodulation study. A study prepared by a licensed engineer indicating potential interference of communications facilities with public safety communication equipment.

P

Portable cellular transmission facility (PCTF). A portable, self contained transmission tower that can be moved to a location and set up to provide wireless service on a temporary or emergency basis. A PCTF is normally vehicle-mounted and may contain a telescoping boom as the antenna support structure. PCTFs include, but are not limited to, Cells-on-Wheels (COW), Site-on-Wheels (SOW), Cell in a Box (CIAB) and Cell on Light Trucks (COLT) or other portable devices as determined by the zoning administrator.

R

Radio frequency (RF) report. A statement from a registered engineer demonstrating that electromagnetic radiation emitted from communications facilities, including all facilities that may already be attached, does or does not result in "public" exposure level outside the communications facilities that exceeds relevant FCC standards.

S

Scenic resource corridor. Community Character Corridors as defined in the Comprehensive Plan; Virginia Byways.

Small cell facility. A communications facility installed on an existing structure that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other transmission equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

Slick stick. A monopole where all antenna arrays are concealed within the tower.

Substantial change. For the purposes of article II, special regulations, division 6, communications facilities, antennas, towers and support structures, substantial change shall be defined as modification to an eligible support structure which meets any of the following criteria:

- (1) *Increase in height.* For towers other than towers in the public rights-of-way, the modification increases the height of the tower by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, the modification increase the height of the structure by more than ten percent or more than ten feet, whichever is greater. Changes in height shall be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on building rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.
- (2) *Increase in width.* For towers other than towers in the public rights-of-way, the modification involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, the modification involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.

- (3) *Excessive equipment cabinets.* For any eligible support structure, the modification involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public-rights-of-way and base stations, the modification involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure.
- (4) *Expands tower site.* The modification entails any excavation or deployment outside the current site.
- (5) *Defeats concealment elements.* The modification would defeat the concealment elements of the eligible support structure.
- (6) *Does not comply with conditions of approval.* The modification does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in paragraphs (1) through (4) of this section.

Support structure. The structure to which antenna and other necessary hardware is mounted. Support structures shall include the following:

- (1) *Tower.* A pole or latticed structure designed for the attachment of one or more FFC-licensed or -authorized antenna as the primary use of the structure. This term does not include a base station.
- (2) *Alternative mounting structure.* Light poles, utility transmission structures, water towers, buildings, and other structures other than towers or camouflaged communications facilities which are not primarily designed to support antenna nor are designed taller in order to accommodate antenna.
- (3) *Camouflaged structure.* Any communications facility disguised or hidden by utilizing concealment elements so that all of its components are unnoticeable to the casual observer, or otherwise not having the appearance of an antenna or a tower.
- (4) *Antenna support structures for multi-antenna systems.* Structures whose primary function is to deploy an antenna as part of a multi-antenna system arrangement.

U

Usable satellite signal. A satellite signal which, when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations by use of an outdoor antenna.

V

Variance. In the application of the zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land, or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

W

Wireless infrastructure provider. Any person that builds or installs transmission equipment, communications facilities, or support structures, but that is not a wireless services provider.

Wireless service. Any service that is (i) "personal wireless services" as defined in 47 U.S.C. § 332(c)(7)(C)(i); (ii) provided over "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial mobile services as defined in 47 U.S.C. § 332(d), to personal mobile communication devices through communications facilities; and (iii) any other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using communications facilities.

Wireless services provider. Any person that provides wireless services.

Article II. Special Regulations

Division 6. Communication Facilities

Sec. 24-121. Statement of intent.

The purpose of this article is to provide guidance for the deployment and usage of communications facilities, antennas, towers and/or support structures (CATS).

- (a) The goals for the placement of CATS are to:
 - 1. Protect viewsheds and the scenic beauty of James City County.
 - 2. Deploy CATS in a manner that will not adversely impact property values.
- (b) The objectives for the CATS are to:
 - 1. Ensure that the deployment of CATS will accommodate existing and future technologies by providing sufficient height and facility expansion capabilities to accommodate the needs of the current and future residential, commercial, and industrial marketplace.
 - 2. Ensure all antenna deployments provide substantial coverage area.
 - 3. Promote the use of camouflaged, alternatively mounted and low-rise CATS.

Sec. 24-122. Antenna mounting.

- (a) ~~Antenna mounting categories~~ *CATS application types*.

~~There are five categories of antenna mounting:~~

- 1. *Standard Process Projects:*
 - a. Tower (*see "Support Structure" definition*). Requirements for this mounting category are found in section 24-122(b)(1).
- ~~2.~~ b. Alternative Mounting CATS (*see "Support Structure" definition*). Requirements for this mounting category are found in section 24-122(b)(2).
- ~~3.~~ c. Camouflaged CATS (*see "Support Structure" definition*). Requirements for this mounting category are found in section 24-122(b)(3).
- 4. d. Multi-Antenna Systems (*see "Support Structure" definition*). Requirements for this mounting category are found in section 24-122(b)(4).
- ~~5.~~ 2. Portable Transmission Facility (PTF) (*see "Support Structure" definition*). Requirements for this ~~mounting category~~ *application type* are found in section 24-122(b)(5).
- 3. *Small Cell Facilities, as defined. Requirements for this application type are found in section 24-122(b)(6).*
- 4. *Administrative Review-Eligible Projects, as defined. Requirements for this application type are found in section 24-122(b)(7).*
- 5. *Eligible Facilities Requests, as defined. Modifications to CATS determined by the planning director to be an eligible facilities request shall be processed in accordance with section 24-128.*

(b) Communications facilities, antennas, towers and/or support structures.

1. Tower-mounted communications facility. Tower-mounted communications facilities shall be allowed as shown on Table 1.

Table 1: Tower mounted communications facilities

Zoning District	Maximum By Right Tower Height	SUP Required
General Agricultural, A-1	Not Permitted	All Towers
Rural Residential, R-8	Not Permitted	All Towers
Limited Residential, R-1	Not Permitted	Not Permitted
General Residential, R-2	Not Permitted	Not Permitted
Residential Redevelopment, R-3	Not Permitted	Not Permitted
Residential Planned Community, R-4 with a designation other than residential on a Board adopted master plan	Not Permitted	All Towers
Residential Planned Community, R-4 with a residential designation on a Board adopted master plan	Not Permitted	Not Permitted
Multifamily Residential, R-5	Not Permitted	Not Permitted
Low-Density Residential, R-6	Not Permitted	Not Permitted
Limited Business, LB	Not Permitted	All Towers
General Business, B-1	≤40'	>40'
Limited Business/Industrial, M-1	≤40'	>40'
General Industrial, M-2	≤40'	>40'
Planned Unit Development, PUD	Not Permitted	All Towers
Mixed Use, MU	Not Permitted	All Towers
Economic Opportunity, EO	Not Permitted	All Towers
Public Lands, PL	≤40'	>40'
Research and Technology District, RT	≤40'	>40'

- a. Tower-mounted communications facilities shall meet the requirements in Table 1 above and the requirements in sections 24-123 through 24-128.1.

2. Alternative mounting structure - CATS. CATS determined by the planning director to be utilizing alternative mounting structures as a concealment element as defined by this ordinance shall be permitted in all zoning districts and shall conform to the following criteria:
 - a. The principal use of the structure to be used for the placement of the antenna shall be for a use not associated with the communications facility as determined by the planning director.
 - b. The principal structure shall be permitted in accordance with the height limitations of the underlying zoning district. Height limitation waivers for CATS may be issued by the board of supervisors upon finding that the proposal is in accordance with the criteria identified in the height limitation section of the underlying zoning district. CATS utilizing alternative mounting structures shall conform to the following height requirements:
 - (1) On alternative mounting structures without a height limitation waiver. CATS utilizing alternative mounting structures may be erected to a total height of 60 feet from grade. CATS utilizing alternative mounting structures in excess of 60 feet, but not to exceed 100 feet, from grade may be permitted by issuance of a height limitation waiver from the board of supervisors.
 - (2) On alternative mounting structures with height limitation waiver. CATS utilizing alternative mounting structures may be erected to a total height of 60 feet from grade. Antennas may be erected in excess of 60 feet from grade on structures that have received a height limitation waiver from the board of supervisors. Such antennas shall be permitted by-right provided that the antenna does not exceed the maximum approved height of the structure to which it is mounted. An antenna may be permitted to exceed the maximum approved height of the structure upon issuance of a separate height limitation waiver from the board of supervisors, but shall not exceed a total height of 100 feet from grade.
 - c. The antennas mounted on alternative mounting structures shall also conform to the following requirements:
 - (1) All panel antenna shall be no more than five feet measured to the outermost point of the panel antenna from any surface of the existing structure at the point of attachment.
 - (2) All whip antenna shall be no more than ten feet measured to the tip of the whip antenna above the mounting surface of the existing structure at the point of attachment.
 - (3) All parabolic or dish antenna shall be no more than five feet measured to the outermost point of the dish from any surface of the existing structure at the point of attachment.
 - (4) Building-mounted antennas shall be mounted in a manner that is architecturally compatible with the structure on which they are located as determined by the planning director. Building-mounted antennas (excluding whip antennas under five feet in height) shall be completely screened or camouflaged from view from residentially zoned areas or adjacent roadways.
 - (5) Equipment enclosures shall be camouflaged or screened from view by landscaping or a wall or fence.
 - (6) CATS shall meet the requirements in sections 24-123 through 24-128.1.
3. Camouflaged communications facility. Camouflaged CATS as defined by this ordinance shall be permitted pursuant to Table 1.1 below.

Table 1.1 Camouflaged CATS Determinations

Zoning District	Planning Director	SUP Required
General Agricultural, A-1	✓	
Rural Residential, R-8		✓
Limited Residential, R-1		✓
General Residential, R-2		✓
Residential Redevelopment, R-3		✓
Residential Planned Community, R-4		✓
Multifamily Residential, R-5		✓
Low-Density Residential, R-6		✓
Limited Business, LB	✓	
General Business, B-1	✓	
Limited Business/Industrial, M-1	✓	
General Industrial, M-2	✓	
Planned Unit Development - Residential, PUD-R*		✓
Planned Unit Development - Commercial, PUD-C* <i>with a designation other than residential on an adopted Master Plan</i>	✓	
Mixed Use, MU	✓	
Economic Opportunity, EO	✓	
Public Lands, PL	✓	
Research and Technology District, RT	✓	
* or similar use designation on a Board adopted master plan zoned PUD		

Upon application for a special use permit for a camouflaged CATS in a residential district, the board of supervisors shall make a determination pursuant to section 24-122(b)(3) whether a proposed tower is camouflaged. Upon application for a by-right camouflaged CATS, the planning director shall make a determination pursuant to section 24-122(b)(3) whether a proposed tower is camouflaged. An appeal of a planning director determination shall be made to the development review committee which shall forward a recommendation to the planning commission. Written notice of the appeal must be received by the planning division within 30 days of the date of the planning director's determination.

4. Applicants may apply for any of the three categories of camouflaged CATS as defined below:

- a. *Architecturally compatible.* The CATS has the appearance, scale and height of other structures that are generally permitted in the district in which it is to be located. When an architecturally compatible CATS is proposed the following requirements shall be met:
 - (1) The CATS shall use materials best suited to camouflage as determined by the planning director to create the appearance, scale and height of other structures that are generally permitted in the district in which it is to be located;
 - (2) The architecturally compatible CATS shall be placed in the vicinity of another structure that the proposed CATS intends to replicate and be unnoticeable to the casual observer that the primary use of the structure is for a CATS;
 - (3) The architecturally compatible CATS should be no taller than twice the permitted height of the replicated structure up to 70 feet;
 - (4) Professional design requirements:
 - i. All CATS shall include a detailed landscaping plan with plan and profile views encompassing native tree buffer, native vegetation, correct ratio to proportion of existing tree buffers or structures, and view of the proposed CATS in profile;
 - ii. The landscape architect providing the landscape plan shall be professionally licensed in the Commonwealth of Virginia;
 - (5) Meet the requirements in sections 24-123 through 24-128.1;
 - (6) Reserved.
- b. *Native vegetation.* The structure has the appearance of vegetation native to eastern Virginia. Where a native vegetation CATS is proposed the following requirements shall be met:
 - (1) Should the CATS be taller than nearby trees, it shall be buffered with existing mature trees in a manner such that it will not appear out of scale with existing natural vegetation from an off-site view.
 - (2) The CATS shall include a detailed landscaping plan with plan and profile views encompassing native tree buffer, native vegetation, correct ratio in proportion to existing tree buffers or structures, and artistic view of the proposed facility in profile.
 - (3) The landscape architect providing the landscape plan shall be professionally licensed in the Commonwealth of Virginia.
 - (4) The CATS shall use materials best suited to camouflage as determined by the planning director to appear as native vegetation and be unnoticeable to the casual observer that the function of structure is for a CATS.
 - (5) Access drives shall be designed and located in a manner that obscures views of the CATS base or related facilities from the road point of ingress.
 - (6) Meet the requirements in sections 24-123 through 24-128.1.
 - (7) Shall not exceed 120 feet in height.
- c. *Buffered.* The structure is well buffered by tall vegetation and/or other structures. Where a buffered CATS is proposed, the following requirements shall be met:

- (1) A minimum of a 100-foot, undisturbed buffer of mature trees, or a buffer consisting of other elements such as evergreen trees, buildings, or topography that provide at least the equivalent visual effect of a 100-foot undisturbed buffer of mature deciduous trees, that in combination with the design and color of the structure renders the CATS generally unnoticeable to the off-site casual observer as determined by the planning director.
 - (2) Shall be set back from any off-site existing residential structure no less than 400 feet.
 - (3) The buffer shall remain undisturbed except for any access drives and utilities necessary for the CATS and other improvements or timbering activities that do not alter the visual effect of the buffer as determined by the planning director. The buffer shall be located in an on-site or off-site area that:
 - i. The planning director determines is not likely to be altered such that the visual effect of the buffer would be diminished while the CATS would be in existence, such as lands protected by the Chesapeake Bay Ordinance or other environmental regulations or conservation areas or community character corridors or property depicted as conservation area on the Comprehensive Plan; or
 - ii. Such areas where the CATS owner has guaranteed the buffer will remain undisturbed while the CATS is in existence by way of lease agreement, recorded easement or other means acceptable to the planning director. Such leases and easements shall be in effect until such time as the CATS is removed.
 - (4) Professional design requirements:
 - i. CATS shall include a detailed landscaping plan with plan and profile views encompassing native tree buffer, native vegetation, correct ratio in proportion of existing tree buffers or structures, and artistic view of the proposed facility in profile.
 - ii. The landscape architect preparing the landscape plan shall be professionally licensed in the Commonwealth of Virginia.
 - iii. Access drives shall be designed and located in a manner that obscures view of the CATS base or related facilities from the point of ingress.
 - (5) Meet the requirements in sections 24-123 through 24-128.1.
 - (6) Shall not exceed 120 feet in height.
4. *Multi-antenna system.* A multi-antenna system such as Distributed Antenna System (DAS) or others as determined by the zoning administrator shall utilize concealment elements and be permitted as shown on Table 2.

Table 2: Multi-antenna system. Antennas shall be mounted no higher than stated below unless approved by the board of supervisors. Multi-antenna systems are permitted in the following zoning districts:

Zoning District	Maximum By-Right Antenna Mounting Height	SUP Required
General Agricultural, A-1	≤35'	>35'
Rural Residential, R-8	≤35'	>35'
Limited Residential, R-1	Not Permitted	All Applications
General Residential, R-2	Not Permitted	All Applications
Residential Redevelopment, R-3	Not Permitted	All Applications
Residential Planned Community, R-4	Not Permitted	All Applications
Multifamily Residential, R-5	Not Permitted	All Applications
Low-Density Residential, R-6	Not Permitted	All Applications
Limited Business, LB	Not Permitted	All Applications
General Business, B-1	≤60'	>60'
Limited Business/Industrial, M-1	≤60'	>60'
General Industrial, M-2	≤60'	>60'
Planned Unit Development, PUD	Not Permitted	All Applications
Mixed Use, MU	Not Permitted	All Applications
Public Lands, PL	≤60'	>60'
Economic Opportunity, EO	≤60'	>60'
Research and Technology District, RT	≤60'	>60'

Concealment requirements for antenna mounting of multi-antenna systems:

- a. To the greatest extent possible, antennas should be mounted on structures not originally associated with the communications facility as determined by the zoning administrator.
 - b. Antennas shall be generally unnoticeable to the casual observer and/or screened from view as determined by the planning director.
 - c. Equipment enclosures shall be camouflaged or screened from view by landscaping, walls or fencing.
 - d. Antenna support structures for multi-antenna systems shall be designed to appear as native vegetation or other typical features of the zoning district (such as a light/telephone pole).
 - e. Meet the requirements in sections 24-123 through 24-128.1.
5. *Portable Transmission Facility (PTF).*
- a. A PTF shall be permitted for a maximum of 90 days in any 365-day period or longer during an emergency as determined by the county administrator or his designee.

- (1) Any applicant who is aggrieved by the time limitations for a PTF may petition the board of supervisors for an extension. If additional time is determined to be in the interest of the public, the board of supervisors may grant an extension.
 - b. The PTF shall be set back at least two times the height of the PTF from any residential or public structure.
 - c. The maximum height of the PTF shall be 120 feet.
 - d. The applicant shall submit a conceptual plan of the structure pursuant to section 24-144, an RF report and a noninterference/intermodulation study no fewer than seven business days prior to deployment stating how long the PTF will be in use and demonstrate a public health or safety need. Upon review of the application, the zoning administrator may request additional information, deny the application because of an ordinance violation, or approve the use of the PTF at the location and time duration indicated on the conceptual plan.
6. *Small Cell Facilities. CATS determined by the planning director to be small cell facilities shall be permitted in all zoning districts and shall conform to the following criteria:*
 - a. *Applications for small cell facilities as permitted under this subsection shall be processed in accordance with section 24-128.*
 - b. *Any application for a small cell facility that also meets the criteria for an eligible facility request shall be processed as an eligible facility request.*
 - c. *The installation, placement, maintenance, or replacement of micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes shall be exempt from permitting requirements and fees. Evidence of qualification for this exemption shall be provided through a conceptual plan, site plan, building permit plans, or otherwise.*
7. *Administrative Review-Eligible Projects (AREPs). CATS determined by the planning director to be AREPs shall be permitted in all zoning districts and shall be processed in accordance with section 24-128.1. Any application for an AREP-2 that qualifies as an eligible facilities request shall be processed as an eligible facilities request under section 24-128.*

Sec. 24-123. General requirements.

The following requirements shall apply to all CATS, except for eligible facilities requests *and small cell facility applications*, to the extent noted in section 24-128.1:

- (a) ~~Setbacks. In addition to meeting the requirements of the underlying zoning district, tower mounted communications facilities (including camouflaged CATS) shall conform to the following setback requirements:~~
 - (1) ~~All towers shall be set back from any off site existing residential structure by no less than 400 feet. All towers shall be located no closer than 400 feet from an occupied school or building used primarily for daycare.~~
 - (2) ~~All towers shall meet the structural requirements set forth in standard of the "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," or its successors as determined by the building official.~~

- ~~(3) All towers shall comply with the Virginia Uniform Statewide Building Code.~~
- ~~(4) All towers shall be set back from all property lines a minimum of 110 percent of the documented collapse radius.~~
- ~~(5) All setbacks from a public right of way shall take into account any planned public right of way designated on the Six Year Primary and Secondary Road Plans or the Comprehensive Plan.~~
- (ba)** *Appearance.* Towers, all CATS equipment enclosures, and security fences shall conform to the following requirements:

 - (1) Lighting installed at all CATS, other than low-intensity lighting installed for the purpose of site security, shall be only that required to meet the minimum requirements set forth in the Federal Aviation Administration Advisory Circular AC 70/7460-1J, or its successors. If lighting is required, the planning director shall review the available lighting alternatives and approve the lighting design. Such lighting shall minimize impacts on adjacent property and be located and designed to minimize visibility of the light source from the ground.
 - (2) Towers shall be gray in color unless otherwise approved by the planning director and in compliance with the Federal Aviation Administration Advisory Circular AC 70/7460-1J, or its successors.
 - (3) No signage of any kind shall be displayed at or on a tower that advertises a product, service or business activity or institution.
 - (4) All equipment enclosures shall be screened from public view with fencing and landscaping unless the enclosure is of a similar design and material to that used for a single-family residence and approved by the planning director.
- (eb)** *Security.* Except where otherwise noted, the following security requirements shall apply to all CATS:

 - (1) All CATS using alternative mounting structures, and camouflaged CATS shall be equipped with an anti-climbing device, or be designed in a manner that precludes climbing without the use of additional equipment.
 - (2) Security fencing, if used, shall conform to the following:
 - a) Security fencing shall be screened from view with landscaping.
 - b) Chain-link fences shall be of a black or green color.
 - c) No fence shall exceed six feet in height and it shall contain no barb wire or similar barrier.
- (ec)** *Satellite earth station antenna.* In addition to the requirements of this section, satellite earth station antennas and other types of incidental antenna shall be provided in accordance with Section 23-34, Special requirements for antennas.
- (ed)** *Special requirements for certain antenna.* Installation or replacement of any antenna on a tower shall require a special use permit if all of the following conditions apply:

 - (1) The tower on which it is to be placed was constructed after the effective date of this ordinance, May 26, 1998;
 - (2) The tower on which it is to be placed is higher than the thresholds for towers requiring a special use permit identified on Table 1; and

- (3) A special use permit does not already exist which would permit the construction of that tower or the installation of additional antenna on that tower.

Sec. 24-124. Performance standards.

In considering an application for a special use permit for a CATS, the planning director shall prepare a composite report identifying the extent to which the application is in compliance with the “Performance Standards for Communications Facilities, Antennas, Towers and Support Structures (CATS) That Require a Special Use Permit,” ~~revised as of July 14 2020~~ ^{dated November 8, 2016}, and endorsed by the board of supervisors. Such report shall be submitted to the planning commission and board of supervisors prior to the date of the public hearing on the special use permit application. In general, it is expected that all facilities shall substantially meet the provisions of the above performance standards.

Sec. 24-125. Radio frequency standards.

- (a) *Federal Communications Commission emissions standards.* The CATS shall comply with Federal Communications Commission (FCC) standards for all electromagnetic emissions.
- (b) *Noninterference/intermodulation with local broadcasts.* The applicant shall ensure that the CATS will not cause localized interference/intermodulation with the transmittance or reception of area television or radio authorized FCC broadcasts. Prior to preliminary site plan approval of the CATS, a noninterference/intermodulation study shall be submitted to and approved by the planning director indicating that no interference with any communications equipment will take place. If such interference/intermodulation is detected at any time, and is not corrected within 60 days, the special use permit or any other permits may be modified or revoked.

Sec. 24-126. Public safety considerations.

- (a) *Noninterference with public safety communications.* The applicant shall ensure that the CATS will not interfere with public safety communications. If such interference is detected, and not corrected or ceased within 24 hours, operation of the CATS shall be terminated and the special use permit or any other permits may be modified or revoked.
- ~~(b) *Antenna mountings for public safety communications.* Applicants shall be required to negotiate in good faith with public safety agencies regarding vacant antenna locations on CATS prior to making these locations available to other providers. The applicant shall provide evidence of these negotiations acceptable to the planning director prior to preliminary site plan approval. In instances where a potential need for the antenna location is identified by a public safety agency, said agency shall have the right of first refusal for said antenna location for a period of 90 days after the date of final site plan approval.~~
- ~~(c)~~ *(eb)* All CATS providing voice service shall be reported to the county dispatch center to ensure that all wireless E-911 calls placed within the boundaries of the county are routed to the county dispatch center.

Sec. 24-127. Permit limitations.

- (a) *Guarantee of Abandonment and removal.* Prior to final site plan approval, the owner of the property on which a CATS is located shall post a performance bond, cash surety, or letter of credit in an amount sufficient to fund removal of an abandoned or unused CATS or any disused portion thereof, and site restoration. This bond or other financial mechanism shall remain in effect throughout the life of the CATS. A CATS shall be considered abandoned or unused if it is not being utilized for the purpose of providing communications services for a period of six months. At such time the CATS shall be removed, except where the CATS is used by the county or deemed necessary by the county for placement of its communications equipment.
- (b) *Right of access.* The county shall be granted access to the CATS for the life of the facility for the purposes of inspection and, in the event a CATS is abandoned or unused, removal.
- (c) *Site restoration.* The site of a removed CATS shall be restored to its original state, except that any installed landscaping shall remain in place.

Sec. 24-128. Processing and submittal requirements for eligible facilities requests and small cell facility applications.

(a) The following shall apply to eligible facilities requests, as that term is defined in section 24-2:

- ~~(a)~~ (1) *Conceptual plan.* A site plan, drawn to scale, shall be submitted that depicts the location of support structure(s), equipment enclosures, landscaped/vegetative buffer areas, the potential location of additional towers or replacement communications facilities or support structures on the site, and fences, access, and ownership and use of adjacent properties. This plan should also include elevation or profile views.

a) Any eligible facilities request that consists solely of the replacement of communications facilities or support structures within a six-foot perimeter with communications facilities or support structures that are substantially similar or the same size or smaller shall only be required to submit a conceptual plan as required by this subsection to demonstrate that zoning approval is not required, and a noninterference/intermodulation study indicating no potential interference with public safety communications for review by the fire department. The further requirements of this section shall not apply to such eligible facilities requests.

- ~~(b)~~ (2) *Evidence of eligible support structure.* The applicant shall provide evidence of prior approval letters or actions from the county authorizing the initial construction of the support structure. If no approvals were granted by the county for the structure, the applicant shall provide copies of site plan and building permit approvals as evidence that the structure was constructed lawfully.

- ~~(c)~~ (3) *Evidence of eligible request.* The applicant shall provide certification by a Virginia-registered professional engineer specifying the following information in order to verify that the proposal will not result in a substantial change to the existing eligible support structure:

- ~~(1)~~ a) Location and dimensions of all existing and proposed improvements to the structure, including appurtenances, ground equipment and enclosures, landscaped/vegetative buffer areas, fences and access ways. This plan should include elevation or profile views.

- ~~(2)~~ b) Identification of the color of the existing structure and any new appurtenances or fencing.

- (3) ~~c~~ Depiction of the facility illustrating the maximum height above ground and maximum width of the structure permitted without triggering a substantial change to the facility.

(b) The following shall apply to small cell facility applications:

- (1) The applicant shall submit a site plan, drawn to scale, that depicts the location of the existing structure(s) serving as support structure(s), equipment enclosures, landscaped/vegetative buffer areas, the location of communications facilities on the existing structures, and fences. This plan should also include elevation or profile views.*
- (2) The applicant shall provide certification by a Virginia-registered professional engineer specifying the location and dimensions of all existing and proposed communications facilities and support structures, including appurtenances, ground equipment and enclosures, in order to verify that the proposed communications facilities are small cell facilities.*
- (3) The applicant shall provide evidence of permission from the owner of the existing structure to locate the small cell facilities on that existing structure.*
- (4) An applicant may voluntarily submit any conditions that address potential visual or aesthetic effects resulting from the placement of small cell facilities.*
- (5) Each application may include up to 35 small cell facilities.*

(c) The following shall apply to eligible facilities requests and small cell facility applications:

- ~~(d1)~~ *Public safety.* The applicant shall provide certification by a Virginia-registered professional engineer specifying the following information in order to verify that the proposal will not adversely impact public safety:

~~(1a)~~ Compliance with all structural and safety requirements of the Virginia Uniform Statewide Building Code, including the BOCA Basic Building Code and section 222(F) of the standards adopted by the Electronics Industry Association, and all amendments thereto, and the National Electrical Code.

~~(2b)~~ A radio frequency (RF) report indicating compliance with FCC standards for electromagnetic emissions.

~~(3c)~~ A noninterference/intermodulation study indicating no potential interference with public safety communications shall be provided in a manner acceptable to the planning director.

- ~~(e2)~~ *Timing.* The county will act on eligible facilities requests *and small cell facility applications* within 60 days, adjusted for any tolling ~~due to requests for additional information or mutually agreed upon~~ or extensions of time.

~~(1a)~~ The timeframe for review of an eligible facilities request shall begin to run when the application is submitted, but shall be tolled if the county finds the application is incomplete and requests that the applicant submit additional information to complete the application. Such requests shall be made *by electronic mail to a valid address provided in the application* within ~~30~~ *ten* days of submission of the application *and specify any missing information*. After submission of additional information *by the applicant*, the county will notify the applicant within ten days of this submission if the additional information failed to complete the application.

(b) *For review of a small cell facility application that is not a colocation, the 60-day period may be extended by the county in writing for a period not to exceed an additional 30 days. For review of a small cell facility application that is a colocation, the 60-day period may be extended by the written mutual agreement of the county and the applicant for a period not to exceed an additional 30 days.*

(2c) ~~If the county determines that an application for modification of an existing eligible support structure does not qualify as an eligible facilities request or a small cell facility, the county will notify the applicant of that determination in writing and will process the application in accordance with section 24-128.1.~~

(3d) *To the extent federal law and regulations provide a “deemed granted” remedy for eligible facilities requests not acted on within 60 days, or state law provides a “deemed approved” remedy for small cell facilities not acted upon within the appropriate timeframe, no such application shall be deemed granted or deemed approved until the applicant provides notice to the county, in writing.*

(4e) *Any request that is deemed granted or deemed approved by operation of federal law shall be subject to the applicant’s compliance with the applicable requirements of sections 24-122, 24-125, and 24-127.*

(d) *The county may disapprove of the proposed location or installation of a small cell facility for:*

- (1) *Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities;*
- (2) *Public safety or other critical public service needs;*
- (3) *In the case of an installation on or in publicly owned or publicly controlled property, an aesthetic impact or lack of any required approvals from all departments, authorities, and agencies with jurisdiction over such property;*
- (4) *Conflict with an applicable local ordinance adopted pursuant to Virginia Code § 15.2-2306, or pursuant to local charter on a historic property that is not eligible for the review process established under 54 U.S.C. § 306.108.*

Sec. 24-128.1. Processing and submittal requirements for all other new ~~cats~~CATS and modifications.

- (a) The following shall apply to applications for new CATS and/or for modifications to eligible support structures that are not eligible facilities requests *or small cell facility applications*:
- (1) *Conceptual plan.* A site plan, drawn to scale, shall be submitted that depicts the location of support structure(s), equipment enclosures, landscaped/vegetative buffer areas, the potential location of additional towers on the site, fences, access, and ownership and use of adjacent properties. This plan should also include elevation or profile views.
 - (2) *Preapplication meeting.* Prior to formal application for a camouflaged CATS, multi-antenna system, or a tower submittal, the prospective permittee or its representative shall attend a pre-

application meeting with the planning director or his representative. The purpose of this meeting will be to discuss future service plans of the provider, the proposed CATS location, the configuration of the proposed CATS, the feasibility of co-location, the feasibility of alternative tower locations, and the feasibility of a building-mounted CATS, utilizing an alternative mounting structure or a camouflaged CATS. The planning director may request a tower simulation (balloon test) for a camouflaged determination.

- (3) *Professional certification.* The applicant shall provide certification by a Virginia-registered engineer specifying the following information prior to preliminary site plan approval:

- a. Antenna height, design, structure and capacity, including the number, type, and mounting elevations of antenna that could be accommodated. Applications for new CATS shall include a scaled depiction of the maximum permitted increase in the physical dimensions of the proposed project that would be permitted according to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 and FCC implementing regulations, using the proposed project as a baseline.
- b. Compliance with all structural and safety requirements of the Virginia Uniform Statewide Building Code, including the BOCA Basic Building Code and section 222(F) of the standards adopted by the Electronics Industry Association, and all amendments thereto and the National Electrical Code.
- c. A RF report indicating compliance with FCC standards for electromagnetic emissions.
- d. A noninterference/intermodulation study indicating no potential interference with public safety communications shall be provided in a manner acceptable to the planning director.

- (4) *Aesthetics. The applicant may voluntarily submit any conditions that address potential visual or aesthetic effects resulting from the placement of new CATS.*

- (5) *Disapproval. The county may disapprove any application that proposes to locate a new structure, or to co-locate a communications facility, in an area where all cable and public utility facilities are required to be placed underground by a date certain or encouraged to be undergrounded as part of a transportation improvement project or rezoning proceeding as set forth in objectives contained in a comprehensive plan. The county may disapprove any application, other than an AREP, on the basis of the availability of existing support structures within a reasonable distance that could be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant. The county may disapprove any new structure AREP-1 or a standard process project if the applicant has not given written notice to adjacent landowners at least 15 days before applying to locate a new structure in the area.*

- (b) In addition to meeting all other processing and submittal requirements for site plans, any application for a special use permit for the installation of CATS shall comply with the following, and the application shall not be deemed complete until accompanied by these materials, which shall be submitted six weeks prior to the planning commission meeting:

- (1) *Federal approval. The applicant shall provide a copy of any approval granted by a federal agency, including conditions imposed by that agency. ~~Search and service area mapping. The applicant shall provide mapping, deemed suitable by the planning director, depicting the following:~~*

- a. ~~The search area for the proposed CATS along with underlying property lines and divisions. The map shall be of a clearly indicated scale and municipal boundaries and all primary and secondary highways within the search area shall be delineated.~~

- b. ~~The intended service area of the proposed CATS with a radio signal propagation map to include information such as building, car, and ambient coverage or other suitable graphic, depicting the level of signal coverage with and without the proposed CATS. At least one other graphic shall also be provided that shows the relationship of this coverage to that of existing and proposed CATS operated by the same provider and future service plans, within the county and within five miles of the border thereof.~~
- (2) *Evidence of attempts at co-location and using alternative locations, designs, and operating procedures.* ~~The applicant shall allow other users to locate on the tower and site and shall provide the county, upon request, verifiable evidence of having made good faith efforts to allow such locations. To this end, the applicant shall execute a letter of intent prior to final site plan approval stating that the applicant will make every reasonable effort to accommodate all future requests to share space and that the applicant will negotiate in good faith with any party requesting space on the tower or site, and copies of said letters shall be sent to all communications facilities service providers licensed to serve the county and a copy of their response, if any, shall be provided to the planning director. The planning director may waive this requirement for camouflaged CATS where co-location would preclude the CATS from meeting ordinance requirements for such facilities, and for communications facilities that utilize alternative mounting structures, or are building-mounted. The applicant shall provide a copy of its co-location policy and the following evidence of attempts to co-locate and attempts to utilize alternative locations, designs, and operating procedures in a manner acceptable to the planning director:~~
- a. ~~The applicant shall indicate on a map provided by the planning department all existing tower and building mounted CATS, and alternative mounting structures and buildings more than 60 feet tall within a three-mile radius of the proposed new location. The planning director may reduce the radius of this study area where the intended coverage of the proposed CATS is less than three miles.~~
 - b. ~~Applicants shall provide evidence acceptable to the planning director, including radio signal propagation plottings, that all existing towers, and alternative mounting structures and buildings more than 60 feet tall within a three-mile radius of the site of a proposed CATS have been evaluated with respect to their ability to provide adequate service coverage and antenna-mounting opportunity, and evidence acceptable to the planning director that adequate service coverage cannot be provided through an increase in transmission power, or through the use of camouflaged CATS, alternative mounting structures, building-mounted CATS, or a system that uses lower antenna heights than proposed. The planning director may waive these requirements where documented evidence, satisfactory to the planning director is available that indicates alternative locations and designs are not feasible, and where the intended coverage of the proposed CATS is less than three miles.~~
 - c. ~~The applicant shall provide evidence deemed suitable by the planning director that good faith negotiations have taken place to use existing CATS, and existing alternative mounting structures and buildings, including copies of letters sent to other service providers and their response, if any, on a request to co-locate on their facility.~~
 - d. ~~The applicant shall provide verifiable written evidence, deemed suitable by the planning director, of the feasibility of replacing all existing CATS within a three-mile radius of the site of the proposed CATS in order to accommodate the proposed CATS.~~
- (3) *Public safety communications antenna requirements.* ~~The applicant shall provide written evidence, deemed suitable by the planning director, of consultation with the relevant public safety agencies~~

~~regarding their need for antenna space at any newly proposed communications facility support structure.~~

- (43) *Balloon test.* At least three weeks prior to the planning commission meeting, the applicant shall conduct a balloon test that simulates both the height of the proposed CATS, and the maximum increase in the physical dimensions of the proposed project permitted according to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 and FCC implementing regulations. The balloon test shall be scheduled within the first week following application submittal. The planning director may also require the balloon to be flown at other altitudes to determine impacts. The planning director shall give notice of the balloon test at least seven days prior to the day of the test in a newspaper having a general circulation in the county. The results of the balloon test providing representative photographic evidence of the views of a proposed CATS from residential areas, public rights-of-way, and other sensitive areas identified by the planning director or his representative shall be provided to the planning director at least two weeks prior to the planning commission meeting. Other scaled graphical simulations of potential views encompassing a proposed CATS may be substituted for the balloon test results or required in addition to the balloon test results at the discretion of the planning director.
- (c) *Timing.* The county will act on *applications for an AREP-2 and* proposed modifications to CATS that are not eligible facilities requests within 90 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time. The county will act on *any applications for an AREP-1 or* new CATS within 150 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time. *Any period specified in this subsection for the county to approve or disapprove an application may be extended by mutual agreement between the applicant and the county.*
- (1) The timeframe for review shall begin to run when the application is submitted, but shall be tolled if the county finds the application is incomplete and requests that the applicant submit additional information to complete the application. *The county shall make* ~~Such requests shall be made by~~ *electronic mail to a valid address provided in the application* within ~~30~~ *ten* days of submission of the application *and specify any missing information.* After submission of additional information, the county will notify the applicant within ten days of this submission if the additional information failed to complete the application.
- (2) If the county denies an application submitted pursuant to this section, the county will notify the applicant of the denial in writing of the reasons for the denial. *If the county is aware of any modifications to the project as described in the application that if made would permit the locality to approve the proposed project, the county shall identify them in the written statement of denial. The county's action on disapproval shall be supported by substantial record evidence contained in a written record publicly released within thirty days of the disapproval.*
- (3) *To the extent federal law and regulations provide a "deemed granted" remedy, or state law provides a "deemed approved" remedy for applications not acted upon within the appropriate timeframe, no such application shall be deemed granted or deemed approved until the applicant provides notice to the county, in writing.*

Article V. Districts

Division 2. General Agricultural, A-1

Sec. 24-212. Use list.

Utility Uses	Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures; or multi-antenna systems greater than a height of 35 feet. All facilities shall in comply ance with article II, division 6 of this chapter.		SUP
	Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures that utilize alternative mounting structures; are camouflaged; or multi-antenna systems up to a height of 35 feet. All facilities shall in comply ance with article II, division 6 of this chapter.	P	

Division 3. Limited Residential District, R-1

Sec. 24-232. Use list.

Utility Uses	Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures. All facilities shall in comply ance with article II, division 6 of this chapter.	P	
	Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that are camouflaged; or multi-antenna systems. All facilities shall in comply ance with article II, division 6 of this chapter.		SUP

Division 4. General Residential District, R-2

Sec. 24-252. Use list.

Utility Uses	Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures. All facilities shall in comply ance with article II, division 6 of this chapter.	P	
	Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that are camouflaged; or multi-antenna systems. All facilities shall in comply ance with article II, division 6 of this chapter.		SUP

Division 4.1. Residential Redevelopment District, R-3

Sec. 24-273.2. Use list.

Utility Uses	Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures. All facilities shall in comply ance with article II, division 6 of this chapter.	P	
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	Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that are camouflaged; or multi-antenna systems All facilities shall <i>in compliance</i> with article II, division 6 of this chapter.		SUP
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Division 5. Residential Planned Community District, R-4

Sec. 24-281. Use list.

Utility Uses	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that utilize alternative mounting structures and <i>in compliance</i> comply with article II, division 6 of this chapter.	P	
	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that comply with article II, division 6 of this chapter, only in areas with a designation other than residential on a board adopted master plan		SUP
	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that are camouflaged; or multi-antenna systems All facilities shall <i>in compliance</i> with article II, division 6 of this chapter.		SUP

Division 6. Multifamily Residential District, R-5

Sec. 24-305. Use list.

Utility	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that utilize alternative mounting structures All facilities shall <i>in compliance</i> with article II, division 6 of this chapter.	P	
	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that are camouflaged; or multi-antenna systems All facilities shall <i>in compliance</i> with article II, division 6 of this chapter.		SUP

Division 7. Low-Density Residential District, R-6

Sec. 24-328. Permitted uses.

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

Communications facilities (public or private), ~~including, but not limited to, antennas, towers and support structures, that utilize alternative mounting structures~~ All facilities shall *in compliance* with article II, division 6 of this chapter.

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

Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that are camouflaged; or multi-antenna systems. All facilities shall in compliance with article II, division 6 of this chapter.

Division 8. Rural Residential District, R-8

Sec. 24-348. Use list.

Utility Uses	Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities. Communications facilities (public or private) in compliance with article II, division 6 of this chapter.		SUP
	Communication towers and tower mounted wireless communication facilities, up to a height of 35 feet. Communications facilities (public or private) in compliance with article II, division 6 of this chapter.	P	
	Communication towers over 35 feet in height.		SUP

Division 9. Limited Business District, LB

Sec. 24-368. Use list.

Utility	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that utilize alternative mounting structures and/or are camouflaged. All facilities shall in compliance with article II, division 6 of this chapter.	P	
	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures; or multi-antenna systems. All facilities shall in compliance with article II, division 6 of this chapter.		SUP

Division 10. General Business District, B-1

Sec. 24-390. Use list.

Utility	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures up to a height of 40 feet; or multi-antenna systems up to a height of 60 feet. All facilities shall in compliance with article II, division 6 of this chapter.	P	
	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures greater than a height of 40 feet; or multi-antenna systems		SUP

	greater than a height of 60 feet. All facilities shall in compliance with article II, division 6 of this chapter.		
	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that utilize alternative mounting structures and/or are camouflaged. All facilities shall comply with article II, division 6 of this chapter.	P	

Division 11. Limited Business/Industrial District, M-1

Sec. 24-411. Use list.

Utility	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures up to a height of 40 feet; or multi-antenna systems up to a height of 60 feet. All facilities shall in compliance with article II, division 6 of this chapter.	P	
	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures greater than a height of 40 feet; or multi-antenna systems greater than a height of 60 feet. All facilities shall in compliance with article II, division 6 of this chapter.		SUP
	Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and/or are camouflaged. All facilities shall comply with article II, division 6 of this chapter.	P	

Division 12. General Industrial District, M-2

Sec. 24-436. Use list.

Utility	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures up to a height of 40 feet; or multi-antenna systems up to a height of 60 feet. All facilities shall in compliance with article II, division 6 of this chapter.	P	
	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures greater than a height of 40 feet; or multi-antenna systems greater than a height of 60 feet. All facilities shall in compliance with article II, division 6 of this chapter.		SUP
	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that utilize alternative mounting structures and/or are camouflaged. All facilities shall comply with article II, division 6 of this chapter.	P	

Division 13. Research and Technology District, RT

Sec. 24-461. Use list.

Utility	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that utilize alternative mounting structures and/or are camouflaged. All facilities shall in comply ance with article II, division 6 of this chapter.	P	
	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures up to a height of 40 feet; or multi-antenna systems up to a height of 60 feet. All facilities shall comply with article II, division 6 of this chapter.	P	
	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, greater than a height of 40 feet; or multi-antenna systems greater than a height of 60 feet. All facilities shall in comply ance with article II, division 6 of this chapter.		SUP

Division 14. Planned Unit Development Districts, PUD

Sec. 24-493. Use list.

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

Utility Uses	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures; or multi-antenna systems. All facilities shall in comply ance with article II, division 6 of this chapter.		SUP
	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that are camouflaged. All facilities shall comply with article II, division 6 of this chapter.		SUP
	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that utilize alternative mounting structures. All facilities shall in comply ance with article II, division 6 of this chapter.	P	

(b) In the planned unit development district, commercial (PUD-C), all structures to be erected or land to be used shall be for one or more of the following uses:

	Utility uses as listed in (a) above.		
Utility Uses	Communication facilities, antennas, towers and support structures that are camouflaged, for a non-residential use and part of a Board approved master plan. <i>Communications facilities (public or private)</i> All facilities shall <i>in</i> compliance with article II, division 6 of this chapter.	P	
	Communication facilities, antennas, towers and support structures, including multi-antenna systems. <i>Communications facilities (public or private)</i> All facilities shall <i>in</i> compliance with article II, division 6 of this chapter.		SUP

Division 15. Mixed Use, MU

Sec. 24-518. Use list.

Utility Uses	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures; or multi-antenna systems. All facilities shall <i>in</i> compliance with article II, division 6 of this chapter.		SUP
	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that utilize alternative mounting structures and/or are camouflaged, and <i>in</i> compliance with article II, division 6 of this chapter.	P	

Division 16. Public Land District, PL

Sec. 24-535.1. Permitted uses.

~~Communications facilities (public or private), including, but not limited to, antennas, towers and support structures up to a height of 40 feet; or multi-antenna systems up to a height of 60 feet. All facilities shall *in* compliance~~ with article II, division 6 of this chapter.

~~Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that utilize alternative mounting structures and/or are camouflaged. All facilities shall comply with article II, division 6 of this chapter.~~

~~Communication towers and tower mounted wireless communication facilities, up to a height of 35 feet.~~

Sec. 24-535.2. Uses permitted by special use permit only.

Communications facilities (public or private), ~~including, but not limited to, antennas, towers, and support structures greater than a height of 40 feet; or multi-antenna systems greater than a height of 60 feet.~~ All facilities shall **in compliance** with article II, division 6 of this chapter.

~~Communication towers over 35 feet in height.~~

Division 17. Economic Opportunity, EO

Sec. 24-536.4. Use list.

Utility	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that utilize alternative mounting structures and/or are camouflaged; or multi-antenna systems up to a height of 60 feet. All facilities shall in compliance with article II, division 6 of this chapter.	P
	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures; or multi-antenna systems greater than a height of 60 feet. All facilities shall in compliance with article II, division 6 of this chapter.	SUP

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

ATTEST:

VOTES

AYE NAY ABSTAIN

SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2020.

ORD20-08AmndWCF-ord

RESOLUTION

PERFORMANCE STANDARDS FOR COMMUNICATIONS FACILITIES, ANTENNAS,

TOWERS, AND SUPPORT STRUCTURES THAT REQUIRE A SPECIAL USE PERMIT

- WHEREAS, the Performance Standards for Wireless Communications Facilities that require a Special Use Permit (the "Policy") is designed to assist the Board of Supervisors in determining the acceptability of certain proposed communication facilities; and
- WHEREAS, the Policy has been renamed "Performance Standards for Communications Facilities, Antennas, Towers, and Support Structures (CATS)," and revised to address Federal Communications Commission and State Code changes and remove text that is covered by the Zoning Ordinance; and
- WHEREAS, the James City County Planning Commission's Policy Committee endorsed the revised policy on February 13, 2020; and
- WHEREAS, on June 3, 2020, the James City County Planning Commission, after a public hearing, recommended approval of the revised policy by a vote of 6-1.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the Performance Standards for Communications Facilities, Antennas, Towers, and Support Structures (CATS) dated July 14, 2020, and attached hereto.

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2020.

ORD20-08AmndWCF-res

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING OF THE CODE OF JAMES CITY COUNTY TO COMPLY WITH FEDERAL COMMUNICATIONS COMMISSION AND STATE CODE REQUIREMENTS FOR WIRELESS COMMUNICATIONS FACILITIES BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; AND BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 6, COMMUNICATIONS FACILITIES BY AMENDING SECTION 24-122, ANTENNA MOUNTING; SECTION 24-123, GENERAL REQUIREMENTS; SECTION 24-124, PERFORMANCE STANDARDS; SECTION 24-126, PUBLIC SAFETY CONSIDERATIONS; SECTION 24-127, PERMIT LIMITATIONS; BY AMENDING AND RENAMING SECTION 24-128, PROCESSING AND SUBMITTAL REQUIREMENTS FOR ELIGIBLE FACILITIES REQUESTS WITH NEW NAME PROCESSING AND SUBMITTAL REQUIREMENTS FOR ELIGIBLE FACILITIES REQUESTS AND SMALL CELL FACILITY APPLICATIONS; AND BY AMENDING 24-128.1, PROCESSING AND SUBMITTAL REQUIREMENTS FOR ALL OTHER NEW CATS AND MODIFICATIONS; AND BY AMENDING ARTICLE V, DISTRICTS BY AMENDING DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 24-212, USE LIST; DIVISION 3, LIMITED RESIDENTIAL DISTRICT, R-1, SECTION 24-232, USE LIST; DIVISION 4, GENERAL RESIDENTIAL DISTRICT, R-2, SECTION 24-252, USE LIST; DIVISION 4.1, RESIDENTIAL REDEVELOPMENT DISTRICT, R-3, SECTION 24-273.2, USE LIST; DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-281, USE LIST; DIVISION 6, MULTIFAMILY RESIDENTIAL DISTRICT, R-5, SECTION 24-305, USE LIST; DIVISION 7, LOW DENSITY RESIDENTIAL DISTRICT, R-6, SECTION 24-328, PERMITTED USES, AND SECTION 24-329, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8, SECTION 24-348, USE LIST; DIVISION 9, LIMITED BUSINESS DISTRICT, LB, SECTION 24-368, USE LIST; DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 24-390, USE LIST; DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 24-411, USE LIST; DIVISION 12, GENERAL INDUSTRIAL, M-2, SECTION 24-436, USE LIST; DIVISION 13, RESEARCH AND TECHNOLOGY DISTRICT, RT, SECTION 24-461, USE LIST; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, PUD, SECTION 24-493, USE LIST; DIVISION 15, MIXED USE, MU, SECTION 24-518, USE LIST; DIVISION 16, PUBLIC LAND DISTRICT, PL, SECTION 24-535.1, PERMITTED USES, AND SECTION 24-535.2, USES PERMITTED BY SPECIAL USE PERMIT ONLY; AND DIVISION 17, ECONOMIC OPPORTUNITY, EO, SECTION 24-536.4, USE LIST.

BE IT ORDAINED by the Board of Supervisors of the County of James City Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; and by amending Article II, Special Regulations, Division 6, Communications Facilities; Section 24-122, Antenna mounting; Section 24-123, General requirements; Section 24-124, Performance standards; Section 24-126, Public safety considerations; Section 24-127, Permit limitations; Section 24-128, Processing and submittal requirements for eligible facilities requests and small cell facility applications; and Section 24-128.1, Processing and submittal requirements for all other new CATS and modifications; and by amending Article V, Districts; Division 2, General Agricultural District, A-1, Section 24-212, Use list; Division 3, Limited Residential District, R-1, Section 24-232, Use list; Division 4, General Residential District, R-2, Section 24-252, Use list; Division 4.1, Residential Redevelopment District, R-3, Section 24-273.2, Use list; Division 5, Residential Planned Community District, R-4, Section 24-281, Use list; Division 6, Multifamily Residential District, R-5, Section 24-305, Use list; Division 7, Low Density Residential District, R-6, Section 24-328, Permitted uses, and Section 24-329, Uses permitted by special use permit only; Division 8, Rural Residential District, Section 24-348, Use list; Division 9, Limited Business District, LB, Section 24-368, Use list; Division 10, General Business District, B-1, Section 24-390, Use list; Division 11, Limited Business/Industrial District, M-1, Section 24-411, Use list; Division 12, General Industrial District, M-2, Section 24-436, Use list; Division 13, Research and Technology District, RT, Section 24-461, Use list; Division 14, Planned Unit Development Districts, PUD, Section 24-493, Use list; Division 16, Mixed Use, MU, Section 24-518, Use list; Division 16, Public Land District, PL, Section 24-535.1, Permitted uses, and Section 24-535.2, Uses permitted by special use permit only; and Division 17, Economic Opportunity, Section 24-536.4, Use list.

Chapter 24. Zoning

Article I. In General

Sec. 24-2. Definitions.

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

A

Administrative review-eligible project (AREP). Solely for the purposes of article II, special regulations, division 6, communications facilities, antennas, towers and support structures only, either:

(1) The installation or construction of a new structure that is not more than 50 feet above ground level, provided that the structure with attached communications facilities is (i) not more than 10 feet above the tallest existing utility pole located within 500 feet of the new structure within the same public right-of-way or within the existing line of utility poles; (ii) not located within the boundaries of a local, state, or federal historic district; and (iii) designed to support small cell facilities (referred to as “AREP-1”); or

(2) The co-location on any existing structure of a communications facility that is not a small cell facility (referred to as “AREP-2”).

Antenna. A device of which the surface is used to capture an incoming and/or to transmit an outgoing radio-frequency signal. Antennas shall include the following types:

- (1) Omni directional (or 'whip') antenna. An antenna that receives and transmits signals in a 360-degree pattern.
- (2) Directional (or 'panel') antenna. An antenna that receives and transmits signals in a directional pattern typically encompassing an arc of 120 degrees.
- (3) Dish (or parabolic) antenna. A bowl shaped device, less than two meters in diameter, that receives and transmits signals in a specific directional pattern.

B

Base station. For the purposes of article II, special regulations, division 6, communications facilities, antennas, towers and support structures only, base station shall be defined as a structure or equipment at a fixed location that enables Federal Communications Commission (FCC)-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base stations include, without limitation:

- (1) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless service and fixed wireless services such as microwave backhaul.
- (2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration, including distributed antenna systems and small-cell networks.
- (3) Any structure other than a tower that, at the time the relevant application is filed with the county, supports or houses equipment described in paragraphs (1) and (2) of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support. The term does not include any structure that, at the time the relevant application is filed with the county, does not support or house equipment described in paragraphs (1) and (2) of this definition.

C

CATS. Acronym for Communications facilities, Antennas, Towers and/or Support structures, each of which is separately defined in this section.

Co-location. The mounting, installation, maintenance, modification, operation, or replacement of communications facilities on, under, within, or adjacent to a base station, building, existing structure, utility pole, or support structure for the purpose of transmitting and/or receiving radio frequency signals or other wireless data for communications purposes. "Co-locate" has a corresponding meaning.

Communications facility. Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Communications facilities shall not include facilities used for transmitting or receiving signals by governmental agencies or amateur radio or citizens band radio.

Concealment element. Any condition of approval, including any applicable requirements of article II, special regulations, division 6, communications facilities, antennas, towers and support structures, in effect at the time of approval, established and imposed on a communications facility as a concealment technique designed to render the facility minimally visible to the casual observer or otherwise not having the appearance of an antenna or a tower, including conditions or regulations pertaining to antenna size, color of the structure and all equipment, antenna mounting techniques, maximum tower diameters, limitations on tower height relative to a reference tree, screening by trees, including the restrictions on removing trees that are screening the tower, and the size, location, design and screening for ground based equipment.

E

Eligible facilities request. Any request for modification of an existing tower or existing base station that does not substantially change the physical dimensions of such tower or base station, involving:

- (1) Co-location of new communications facilities.
- (2) Removal of communications facilities.
- (3) Replacement of communications facilities.

Eligible support structure. Any tower or base station, provided that it is existing at the time the relevant application is filed with the county.

Equipment enclosure. A small building, cabinet, or vault used to house and protect the electronic equipment necessary to process wireless communications signals. Associated equipment may include air conditioners and emergency generators.

Existing. Having been reviewed and approved under the applicable zoning process. A tower or base station that has not been reviewed and approved because it was not required to be reviewed when it was built, but was lawfully constructed, shall also be deemed "existing."

Existing structure. (i) Solely for the purposes of Article VI, Overlay District, Division 3, Floodplain Area Regulations, this term shall mean structures for which the start of construction commenced before the effective date of the FIRM on or before February 6, 1991. (ii) Solely for the purposes of article II, special regulations, division 6, communications facilities, antennas, towers and support structures only, this term shall mean any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to the locality of an agreement with the owner of the structure to co-locate equipment on that structure. "Existing structure" includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of communications facilities, including towers, buildings, utility poles, light poles, flag poles, signs, and water towers.

H

Historic and scenic resource area. Land managed by Colonial Williamsburg, the Jamestown-Yorktown Foundation, the National Park Service, York River State Park, the Virginia Association for Preservation of Antiquities, the Williamsburg Land Conservancy, or properties listed in the National

Register, Virginia Historic Landmarks Register, or locally designated historic structures or districts, or Community Character Areas as defined in the Comprehensive Plan.

Historic structure. Solely for the purposes of Article VI, Overlay District, Division 3, Floodplain Area Regulations, this term shall also mean any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation program which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

M

Micro-wireless facility. A small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.

Monopole. A communications facility tower used to deploy antennas defined as self-supporting with a single shaft of wood, steel or concrete.

Multi-antenna system. Communications facilities networked together and connected to a wireless service source so that one or more multiple provisioning (high-powered) antennae which would normally be mounted on a tower to serve a given area are replaced or prevented by a group of lower-power antennas to serve the same geographic area.

Multiple provisioning antenna. Antennas used as part of an overall network such as distributive antenna systems that transmit and/or receive radio signals from multiple points and multiple users in a prescribed geographic area.

N

Noninterference/modulation study. A study prepared by a licensed engineer indicating potential interference of communications facilities with public safety communication equipment.

P

Portable cellular transmission facility (PCTF). A portable, self contained transmission tower that can be moved to a location and set up to provide wireless service on a temporary or emergency basis. A PCTF is normally vehicle-mounted and may contain a telescoping boom as the antenna support structure. PCTFs include, but are not limited to, Cells-on-Wheels (COW), Site-on-Wheels (SOW), Cell in a Box (CIAB) and Cell on Light Trucks (COLT) or other portable devices as determined by the zoning administrator.

R

Radio frequency (RF) report. A statement from a registered engineer demonstrating that electromagnetic radiation emitted from communications facilities, including all facilities that may already be attached, does or does not result in "public" exposure level outside the communications facilities that exceeds relevant FCC standards.

S

Scenic resource corridor. Community Character Corridors as defined in the Comprehensive Plan; Virginia Byways.

Small cell facility. A communications facility installed on an existing structure that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other transmission equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

Slick stick. A monopole where all antenna arrays are concealed within the tower.

Substantial change. For the purposes of article II, special regulations, division 6, communications facilities, antennas, towers and support structures, substantial change shall be defined as modification to an eligible support structure which meets any of the following criteria:

- (1) *Increase in height.* For towers other than towers in the public rights-of-way, the modification increases the height of the tower by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, the modification increase the height of the structure by more than ten percent or more than ten feet, whichever is greater. Changes in height shall be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on building rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.
- (2) *Increase in width.* For towers other than towers in the public rights-of-way, the modification involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, the modification involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.
- (3) *Excessive equipment cabinets.* For any eligible support structure, the modification involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public-rights-of-way and base stations, the modification involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure.

- (4) *Expands tower site.* The modification entails any excavation or deployment outside the current site.
- (5) *Defeats concealment elements.* The modification would defeat the concealment elements of the eligible support structure.
- (6) *Does not comply with conditions of approval.* The modification does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in paragraphs (1) through (4) of this section.

Support structure. The structure to which antenna and other necessary hardware is mounted. Support structures shall include the following:

- (1) *Tower.* A pole or latticed structure designed for the attachment of one or more FFC-licensed or -authorized antenna as the primary use of the structure. This term does not include a base station.
- (2) *Alternative mounting structure.* Light poles, utility transmission structures, water towers, buildings, and other structures other than towers or camouflaged communications facilities which are not primarily designed to support antenna nor are designed taller in order to accommodate antenna.
- (3) *Camouflaged structure.* Any communications facility disguised or hidden by utilizing concealment elements so that all of its components are unnoticeable to the casual observer, or otherwise not having the appearance of an antenna or a tower.
- (4) *Antenna support structures for multi-antenna systems.* Structures whose primary function is to deploy an antenna as part of a multi-antenna system arrangement.

U

Usable satellite signal. A satellite signal which, when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations by use of an outdoor antenna.

V

Variance. In the application of the zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land, or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

W

Wireless infrastructure provider. Any person that builds or installs transmission equipment, communications facilities, or support structures, but that is not a wireless services provider.

Wireless service. Any service that is (i) "personal wireless services" as defined in 47 U.S.C. § 332(c)(7)(C)(i); (ii) provided over "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial mobile services as defined in 47 U.S.C. § 332(d), to personal mobile

communication devices through communications facilities; and (iii) any other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using communications facilities.

Wireless services provider. Any person that provides wireless services.

Article II. Special Regulations

Division 6. Communication Facilities

Sec. 24-121. Statement of intent.

The purpose of this article is to provide guidance for the deployment and usage of communications facilities, antennas, towers and/or support structures (CATS).

- (a) The goals for the placement of CATS are to:
 - 1. Protect viewsheds and the scenic beauty of James City County.
 - 2. Deploy CATS in a manner that will not adversely impact property values.
- (b) The objectives for the CATS are to:
 - 1. Ensure that the deployment of CATS will accommodate existing and future technologies by providing sufficient height and facility expansion capabilities to accommodate the needs of the current and future residential, commercial, and industrial marketplace.
 - 2. Ensure all antenna deployments provide substantial coverage area.
 - 3. Promote the use of camouflaged, alternatively mounted and low-rise CATS.

Sec. 24-122. Antenna mounting.

- (a) CATS application types.
 - 1. Standard Process Projects:
 - a. Tower (see “Support Structure” definition). Requirements for this mounting category are found in section 24-122(b)(1).
 - b. Alternative Mounting CATS (see “Support Structure” definition). Requirements for this mounting category are found in section 24-122(b)(2).
 - c. Camouflaged CATS (see “Support Structure” definition). Requirements for this mounting category are found in section 24-122(b)(3).
 - d. Multi-Antenna Systems (see “Support Structure” definition). Requirements for this mounting category are found in section 24-122(b)(4).
 - 2. Portable Transmission Facility (PTF) (see “Support Structure” definition). Requirements for this application type are found in section 24-122(b)(5).
 - 3. Small Cell Facilities, as defined. Requirements for this application type are found in section 24-122(b)(6).
 - 4. Administrative Review-Eligible Projects, as defined. Requirements for this application type are found in section 24-122(b)(7).
 - 5. Eligible Facilities Requests, as defined. Modifications to CATS determined by the planning director to be an eligible facilities request shall be processed in accordance with section 24-128.
- (b) Communications facilities, antennas, towers and/or support structures.

1. Tower-mounted communications facility. Tower-mounted communications facilities shall be allowed as shown on Table 1.

Table 1: Tower mounted communications facilities

Zoning District	Maximum By Right Tower Height	SUP Required
General Agricultural, A-1	Not Permitted	All Towers
Rural Residential, R-8	Not Permitted	All Towers
Limited Residential, R-1	Not Permitted	Not Permitted
General Residential, R-2	Not Permitted	Not Permitted
Residential Redevelopment, R-3	Not Permitted	Not Permitted
Residential Planned Community, R-4 with a designation other than residential on a Board adopted master plan	Not Permitted	All Towers
Residential Planned Community, R-4 with a residential designation on a Board adopted master plan	Not Permitted	Not Permitted
Multifamily Residential, R-5	Not Permitted	Not Permitted
Low-Density Residential, R-6	Not Permitted	Not Permitted
Limited Business, LB	Not Permitted	All Towers
General Business, B-1	≤40'	>40'
Limited Business/Industrial, M-1	≤40'	>40'
General Industrial, M-2	≤40'	>40'
Planned Unit Development, PUD	Not Permitted	All Towers
Mixed Use, MU	Not Permitted	All Towers
Economic Opportunity, EO	Not Permitted	All Towers
Public Lands, PL	≤40'	>40'
Research and Technology District, RT	≤40'	>40'

- a. Tower-mounted communications facilities shall meet the requirements in Table 1 above and the requirements in sections 24-123 through 24-128.1.
2. Alternative mounting structure - CATS. CATS determined by the planning director to be utilizing alternative mounting structures as a concealment element as defined by this ordinance shall be permitted in all zoning districts and shall conform to the following criteria:

- a. The principal use of the structure to be used for the placement of the antenna shall be for a use not associated with the communications facility as determined by the planning director.
- b. The principal structure shall be permitted in accordance with the height limitations of the underlying zoning district. Height limitation waivers for CATS may be issued by the board of supervisors upon finding that the proposal is in accordance with the criteria identified in the height limitation section of the underlying zoning district. CATS utilizing alternative mounting structures shall conform to the following height requirements:
 - (1) On alternative mounting structures without a height limitation waiver. CATS utilizing alternative mounting structures may be erected to a total height of 60 feet from grade. CATS utilizing alternative mounting structures in excess of 60 feet, but not to exceed 100 feet, from grade may be permitted by issuance of a height limitation waiver from the board of supervisors.
 - (2) On alternative mounting structures with height limitation waiver. CATS utilizing alternative mounting structures may be erected to a total height of 60 feet from grade. Antennas may be erected in excess of 60 feet from grade on structures that have received a height limitation waiver from the board of supervisors. Such antennas shall be permitted by-right provided that the antenna does not exceed the maximum approved height of the structure to which it is mounted. An antenna may be permitted to exceed the maximum approved height of the structure upon issuance of a separate height limitation waiver from the board of supervisors, but shall not exceed a total height of 100 feet from grade.
- c. The antennas mounted on alternative mounting structures shall also conform to the following requirements:
 - (1) All panel antenna shall be no more than five feet measured to the outermost point of the panel antenna from any surface of the existing structure at the point of attachment.
 - (2) All whip antenna shall be no more than ten feet measured to the tip of the whip antenna above the mounting surface of the existing structure at the point of attachment.
 - (3) All parabolic or dish antenna shall be no more than five feet measured to the outermost point of the dish from any surface of the existing structure at the point of attachment.
 - (4) Building-mounted antennas shall be mounted in a manner that is architecturally compatible with the structure on which they are located as determined by the planning director. Building-mounted antennas (excluding whip antennas under five feet in height) shall be completely screened or camouflaged from view from residentially zoned areas or adjacent roadways.
 - (5) Equipment enclosures shall be camouflaged or screened from view by landscaping or a wall or fence.
 - (6) CATS shall meet the requirements in sections 24-123 through 24-128.1.
- 3. Camouflaged communications facility. Camouflaged CATS as defined by this ordinance shall be permitted pursuant to Table 1.1 below.

Table 1.1 Camouflaged CATS Determinations

Zoning District	Planning Director	SUP Required
General Agricultural, A-1	✓	
Rural Residential, R-8		✓
Limited Residential, R-1		✓
General Residential, R-2		✓
Residential Redevelopment, R-3		✓
Residential Planned Community, R-4		✓
Multifamily Residential, R-5		✓
Low-Density Residential, R-6		✓
Limited Business, LB	✓	
General Business, B-1	✓	
Limited Business/Industrial, M-1	✓	
General Industrial, M-2	✓	
Planned Unit Development - Residential, PUD-R*		✓
Planned Unit Development - Commercial, PUD-C with a designation other than residential on an adopted Master Plan	✓	
Mixed Use, MU	✓	
Economic Opportunity, EO	✓	
Public Lands, PL	✓	
Research and Technology District, RT	✓	

Upon application for a special use permit for a camouflaged CATS in a residential district, the board of supervisors shall make a determination pursuant to section 24-122(b)(3) whether a proposed tower is camouflaged. Upon application for a by-right camouflaged CATS, the planning director shall make a determination pursuant to section 24-122(b)(3) whether a proposed tower is camouflaged. An appeal of a planning director determination shall be made to the development review committee which shall forward a recommendation to the planning commission. Written notice of the appeal must be received by the planning division within 30 days of the date of the planning director's determination.

4. Applicants may apply for any of the three categories of camouflaged CATS as defined below:

- a. *Architecturally compatible.* The CATS has the appearance, scale and height of other structures that are generally permitted in the district in which it is to be located. When an architecturally compatible CATS is proposed the following requirements shall be met:
 - (1) The CATS shall use materials best suited to camouflage as determined by the planning director to create the appearance, scale and height of other structures that are generally permitted in the district in which it is to be located;
 - (2) The architecturally compatible CATS shall be placed in the vicinity of another structure that the proposed CATS intends to replicate and be unnoticeable to the casual observer that the primary use of the structure is for a CATS;
 - (3) The architecturally compatible CATS should be no taller than twice the permitted height of the replicated structure up to 70 feet;
 - (4) Professional design requirements:
 - i. All CATS shall include a detailed landscaping plan with plan and profile views encompassing native tree buffer, native vegetation, correct ratio to proportion of existing tree buffers or structures, and view of the proposed CATS in profile;
 - ii. The landscape architect providing the landscape plan shall be professionally licensed in the Commonwealth of Virginia;
 - (5) Meet the requirements in sections 24-123 through 24-128.1;
 - (6) Reserved.
- b. *Native vegetation.* The structure has the appearance of vegetation native to eastern Virginia. Where a native vegetation CATS is proposed the following requirements shall be met:
 - (1) Should the CATS be taller than nearby trees, it shall be buffered with existing mature trees in a manner such that it will not appear out of scale with existing natural vegetation from an off-site view.
 - (2) The CATS shall include a detailed landscaping plan with plan and profile views encompassing native tree buffer, native vegetation, correct ratio in proportion to existing tree buffers or structures, and artistic view of the proposed facility in profile.
 - (3) The landscape architect providing the landscape plan shall be professionally licensed in the Commonwealth of Virginia.
 - (4) The CATS shall use materials best suited to camouflage as determined by the planning director to appear as native vegetation and be unnoticeable to the casual observer that the function of structure is for a CATS.
 - (5) Access drives shall be designed and located in a manner that obscures views of the CATS base or related facilities from the road point of ingress.
 - (6) Meet the requirements in sections 24-123 through 24-128.1.
 - (7) Shall not exceed 120 feet in height.
- c. *Buffered.* The structure is well buffered by tall vegetation and/or other structures. Where a buffered CATS is proposed, the following requirements shall be met:

- (1) A minimum of a 100-foot, undisturbed buffer of mature trees, or a buffer consisting of other elements such as evergreen trees, buildings, or topography that provide at least the equivalent visual effect of a 100-foot undisturbed buffer of mature deciduous trees, that in combination with the design and color of the structure renders the CATS generally unnoticeable to the off-site casual observer as determined by the planning director.
 - (2) Shall be set back from any off-site existing residential structure no less than 400 feet.
 - (3) The buffer shall remain undisturbed except for any access drives and utilities necessary for the CATS and other improvements or timbering activities that do not alter the visual effect of the buffer as determined by the planning director. The buffer shall be located in an on-site or off-site area that:
 - i. The planning director determines is not likely to be altered such that the visual effect of the buffer would be diminished while the CATS would be in existence, such as lands protected by the Chesapeake Bay Ordinance or other environmental regulations or conservation areas or community character corridors or property depicted as conservation area on the Comprehensive Plan; or
 - ii. Such areas where the CATS owner has guaranteed the buffer will remain undisturbed while the CATS is in existence by way of lease agreement, recorded easement or other means acceptable to the planning director. Such leases and easements shall be in effect until such time as the CATS is removed.
 - (4) Professional design requirements:
 - i. CATS shall include a detailed landscaping plan with plan and profile views encompassing native tree buffer, native vegetation, correct ratio in proportion of existing tree buffers or structures, and artistic view of the proposed facility in profile.
 - ii. The landscape architect preparing the landscape plan shall be professionally licensed in the Commonwealth of Virginia.
 - iii. Access drives shall be designed and located in a manner that obscures view of the CATS base or related facilities from the point of ingress.
 - (5) Meet the requirements in sections 24-123 through 24-128.1.
 - (6) Shall not exceed 120 feet in height.
4. *Multi-antenna system.* A multi-antenna system such as Distributed Antenna System (DAS) or others as determined by the zoning administrator shall utilize concealment elements and be permitted as shown on Table 2.

Table 2: Multi-antenna system. Antennas shall be mounted no higher than stated below unless approved by the board of supervisors. Multi-antenna systems are permitted in the following zoning districts:

Zoning District	Maximum By-Right Antenna Mounting Height	SUP Required
General Agricultural, A-1	≤35'	>35'
Rural Residential, R-8	≤35'	>35'
Limited Residential, R-1	Not Permitted	All Applications
General Residential, R-2	Not Permitted	All Applications
Residential Redevelopment, R-3	Not Permitted	All Applications
Residential Planned Community, R-4	Not Permitted	All Applications
Multifamily Residential, R-5	Not Permitted	All Applications
Low-Density Residential, R-6	Not Permitted	All Applications
Limited Business, LB	Not Permitted	All Applications
General Business, B-1	≤60'	>60'
Limited Business/Industrial, M-1	≤60'	>60'
General Industrial, M-2	≤60'	>60'
Planned Unit Development, PUD	Not Permitted	All Applications
Mixed Use, MU	Not Permitted	All Applications
Public Lands, PL	≤60'	>60'
Economic Opportunity, EO	≤60'	>60'
Research and Technology District, RT	≤60'	>60'

Concealment requirements for antenna mounting of multi-antenna systems:

- a. To the greatest extent possible, antennas should be mounted on structures not originally associated with the communications facility as determined by the zoning administrator.
 - b. Antennas shall be generally unnoticeable to the casual observer and/or screened from view as determined by the planning director.
 - c. Equipment enclosures shall be camouflaged or screened from view by landscaping, walls or fencing.
 - d. Antenna support structures for multi-antenna systems shall be designed to appear as native vegetation or other typical features of the zoning district (such as a light/telephone pole).
 - e. Meet the requirements in sections 24-123 through 24-128.1.
5. *Portable Transmission Facility (PTF).*
- a. A PTF shall be permitted for a maximum of 90 days in any 365-day period or longer during an emergency as determined by the county administrator or his designee.

- (1) Any applicant who is aggrieved by the time limitations for a PTF may petition the board of supervisors for an extension. If additional time is determined to be in the interest of the public, the board of supervisors may grant an extension.
 - b. The PTF shall be set back at least two times the height of the PTF from any residential or public structure.
 - c. The maximum height of the PTF shall be 120 feet.
 - d. The applicant shall submit a conceptual plan of the structure pursuant to section 24-144, an RF report and a noninterference/intermodulation study no fewer than seven business days prior to deployment stating how long the PTF will be in use and demonstrate a public health or safety need. Upon review of the application, the zoning administrator may request additional information, deny the application because of an ordinance violation, or approve the use of the PTF at the location and time duration indicated on the conceptual plan.
6. Small Cell Facilities. CATS determined by the planning director to be small cell facilities shall be permitted in all zoning districts and shall conform to the following criteria:
 - a. Applications for small cell facilities as permitted under this subsection shall be processed in accordance with section 24-128.
 - b. Any application for a small cell facility that also meets the criteria for an eligible facility request shall be processed as an eligible facility request.
 - c. The installation, placement, maintenance, or replacement of micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes shall be exempt from permitting requirements and fees. Evidence of qualification for this exemption shall be provided through a conceptual plan, site plan, building permit plans, or otherwise.
7. Administrative Review-Eligible Projects (AREPs). CATS determined by the planning director to be AREPs shall be permitted in all zoning districts and shall be processed in accordance with section 24-128.1. Any application for an AREP-2 that qualifies as an eligible facilities request shall be processed as an eligible facilities request under section 24-128.

Sec. 24-123. General requirements.

The following requirements shall apply to all CATS, except for eligible facilities requests and small cell facility applications, to the extent noted in section 24-128.1:

- (a) *Appearance.* Towers, all CATS equipment enclosures, and security fences shall conform to the following requirements:
 - (1) Lighting installed at all CATS, other than low-intensity lighting installed for the purpose of site security, shall be only that required to meet the minimum requirements set forth in the Federal Aviation Administration Advisory Circular AC 70/7460-1J, or its successors. If lighting is required, the planning director shall review the available lighting alternatives and approve the lighting design. Such lighting shall minimize impacts on adjacent property and be located and designed to minimize visibility of the light source from the ground.

- (2) Towers shall be gray in color unless otherwise approved by the planning director and in compliance with the Federal Aviation Administration Advisory Circular AC 70/7460-1J, or its successors.
 - (3) No signage of any kind shall be displayed at or on a tower that advertises a product, service or business activity or institution.
 - (4) All equipment enclosures shall be screened from public view with fencing and landscaping unless the enclosure is of a similar design and material to that used for a single-family residence and approved by the planning director.
- (b) *Security.* Except where otherwise noted, the following security requirements shall apply to all CATS:
- (1) All CATS using alternative mounting structures, and camouflaged CATS shall be equipped with an anti-climbing device, or be designed in a manner that precludes climbing without the use of additional equipment.
 - (2) Security fencing, if used, shall conform to the following:
 - a) Security fencing shall be screened from view with landscaping.
 - b) Chain-link fences shall be of a black or green color.
 - c) No fence shall exceed six feet in height and it shall contain no barb wire or similar barrier.
- (c) *Satellite earth station antenna.* In addition to the requirements of this section, satellite earth station antennas and other types of incidental antenna shall be provided in accordance with Section 23-34, Special requirements for antennas.
- (d) *Special requirements for certain antenna.* Installation or replacement of any antenna on a tower shall require a special use permit if all of the following conditions apply:
- (1) The tower on which it is to be placed was constructed after the effective date of this ordinance, May 26, 1998;
 - (2) The tower on which it is to be placed is higher than the thresholds for towers requiring a special use permit identified on Table 1; and
 - (3) A special use permit does not already exist which would permit the construction of that tower or the installation of additional antenna on that tower.

Sec. 24-124. Performance standards.

In considering an application for a special use permit for a CATS, the planning director shall prepare a composite report identifying the extent to which the application is in compliance with the “Performance Standards for Communications Facilities, Antennas, Towers and Support Structures (CATS) That Require a Special Use Permit,” revised as of July 14 2020, and endorsed by the board of supervisors. Such report shall be submitted to the planning commission and board of supervisors prior to the date of the public hearing on the special use permit application. In general, it is expected that all facilities shall substantially meet the provisions of the above performance standards.

Sec. 24-125. Radio frequency standards.

- (a) *Federal Communications Commission emissions standards.* The CATS shall comply with Federal Communications Commission (FCC) standards for all electromagnetic emissions.
- (b) *Noninterference/intermodulation with local broadcasts.* The applicant shall ensure that the CATS will not cause localized interference/intermodulation with the transmittance or reception of area television or radio authorized FCC broadcasts. Prior to preliminary site plan approval of the CATS, a noninterference/intermodulation study shall be submitted to and approved by the planning director indicating that no interference with any communications equipment will take place. If such interference/intermodulation is detected at any time, and is not corrected within 60 days, the special use permit or any other permits may be modified or revoked.

Sec. 24-126. Public safety considerations.

- (a) *Noninterference with public safety communications.* The applicant shall ensure that the CATS will not interfere with public safety communications. If such interference is detected, and not corrected or ceased within 24 hours, operation of the CATS shall be terminated and the special use permit or any other permits may be modified or revoked.
- (b) All CATS providing voice service shall be reported to the county dispatch center to ensure that all wireless E-911 calls placed within the boundaries of the county are routed to the county dispatch center.

Sec. 24-127. Permit limitations.

- (a) *Abandonment and removal.* A CATS shall be considered abandoned or unused if it is not being utilized for the purpose of providing communications services for a period of six months. At such time the CATS shall be removed, except where the CATS is used by the county or deemed necessary by the county for placement of its communications equipment.
- (b) *Right of access.* The county shall be granted access to the CATS for the life of the facility for the purposes of inspection and, in the event a CATS is abandoned or unused, removal.
- (c) *Site restoration.* The site of a removed CATS shall be restored to its original state, except that any installed landscaping shall remain in place.

Sec. 24-128. Processing and submittal requirements for eligible facilities requests and small cell facility applications.

- (a) The following shall apply to eligible facilities requests, as that term is defined in section 24-2:

- (1) *Conceptual plan.* A site plan, drawn to scale, shall be submitted that depicts the location of support structure(s), equipment enclosures, landscaped/vegetative buffer areas, the potential location of additional or replacement communications facilities or support structures on the site, and fences. This plan should also include elevation or profile views.

a) Any eligible facilities request that consists solely of the replacement of communications facilities or support structures within a six-foot perimeter with communications facilities or support structures that are substantially similar or the same size or smaller shall only be required to submit a conceptual plan as required by this subsection to demonstrate that zoning approval is not required, and a noninterference/intermodulation study indicating no potential interference with public safety communications for review by the fire department. The further requirements of this section shall not apply to such eligible facilities requests.

(2) *Evidence of eligible support structure.* The applicant shall provide evidence of prior approval letters or actions from the county authorizing the initial construction of the support structure. If no approvals were granted by the county for the structure, the applicant shall provide copies of site plan and building permit approvals as evidence that the structure was constructed lawfully.

(3) *Evidence of eligible request.* The applicant shall provide certification by a Virginia-registered professional engineer specifying the following information in order to verify that the proposal will not result in a substantial change to the existing eligible support structure:

a) Location and dimensions of all existing and proposed improvements to the structure, including appurtenances, ground equipment and enclosures, landscaped/vegetative buffer areas, fences and access ways. This plan should include elevation or profile views.

b) Identification of the color of the existing structure and any new appurtenances or fencing.

c) Depiction of the facility illustrating the maximum height above ground and maximum width of the structure permitted without triggering a substantial change to the facility.

(b) The following shall apply to small cell facility applications:

(1) The applicant shall submit a site plan, drawn to scale, that depicts the location of the existing structure(s) serving as support structure(s), equipment enclosures, landscaped/vegetative buffer areas, the location of communications facilities on the existing structures, and fences. This plan should also include elevation or profile views.

(2) The applicant shall provide certification by a Virginia-registered professional engineer specifying the location and dimensions of all existing and proposed communications facilities and support structures, including appurtenances, ground equipment and enclosures, in order to verify that the proposed communications facilities are small cell facilities.

(3) The applicant shall provide evidence of permission from the owner of the existing structure to locate the small cell facilities on that existing structure.

(4) An applicant may voluntarily submit any conditions that address potential visual or aesthetic effects resulting from the placement of small cell facilities.

(5) Each application may include up to 35 small cell facilities.

(c) The following shall apply to eligible facilities requests and small cell facility applications:

(1) *Public safety.* The applicant shall provide certification by a Virginia-registered professional engineer specifying the following information in order to verify that the proposal will not adversely impact public safety:

- a) Compliance with all structural and safety requirements of the Virginia Uniform Statewide Building Code, including the BOCA Basic Building Code and section 222(F) of the standards adopted by the Electronics Industry Association, and all amendments thereto, and the National Electrical Code.
 - b) A radio frequency (RF) report indicating compliance with FCC standards for electromagnetic emissions.
 - c) A noninterference/intermodulation study indicating no potential interference with public safety communications shall be provided in a manner acceptable to the planning director.
- (2) *Timing.* The county will act on eligible facilities requests and small cell facility applications within 60 days, adjusted for any tolling or extensions of time.
- a) The timeframe for review shall begin to run when the application is submitted, but shall be tolled if the county finds the application is incomplete and requests that the applicant submit additional information to complete the application. Such requests shall be made by electronic mail to a valid address provided in the application within ~~30~~ ten days of submission of the application and specify any missing information. After submission of additional information by the applicant, the county will notify the applicant within ten days of this submission if the additional information failed to complete the application.
 - b) For review of a small cell facility application that is not a colocation, the 60-day period may be extended by the county in writing for a period not to exceed an additional 30 days. For review of a small cell facility application that is a colocation, the 60-day period may be extended by the written mutual agreement of the county and the applicant for a period not to exceed an additional 30 days.
 - c) If the county determines that an application does not qualify as an eligible facilities request or a small cell facility, the county will notify the applicant of that determination in writing and will process the application in accordance with section 24-128.1.
 - d) To the extent federal law and regulations provide a “deemed granted” remedy for eligible facilities requests not acted on within 60 days, or state law provides a “deemed approved” remedy for small cell facilities not acted upon within the appropriate timeframe, no such application shall be deemed granted or deemed approved until the applicant provides notice to the county, in writing.
 - e) Any request that is deemed granted or deemed approved by operation of ~~federal~~ law shall be subject to the applicant’s compliance with the applicable requirements of sections 24-122, 24-125, and 24-127.
- (d) The county may disapprove of the proposed location or installation of a small cell facility for:
- (1) Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities;
 - (2) Public safety or other critical public service needs;

- (3) In the case of an installation on or in publicly owned or publicly controlled property, an aesthetic impact or lack of any required approvals from all departments, authorities, and agencies with jurisdiction over such property;
- (4) Conflict with an applicable local ordinance adopted pursuant to Virginia Code § 15.2-2306, or pursuant to local charter on a historic property that is not eligible for the review process established under 54 U.S.C. § 306.108.

Sec. 24-128.1. Processing and submittal requirements for all other new CATS and modifications.

- (a) The following shall apply to applications for new CATS and/or for modifications to eligible support structures that are not eligible facilities requests or small cell facility applications:
 - (1) *Conceptual plan.* A site plan, drawn to scale, shall be submitted that depicts the location of support structure(s), equipment enclosures, landscaped/vegetative buffer areas, the potential location of additional towers on the site, fences, access, and ownership and use of adjacent properties. This plan should also include elevation or profile views.
 - (2) *Preapplication meeting.* Prior to formal application for a camouflaged CATS, multi-antenna system, or a tower submittal, the prospective permittee or its representative shall attend a pre-application meeting with the planning director or his representative. The purpose of this meeting will be to discuss future service plans of the provider, the proposed CATS location, the configuration of the proposed CATS, the feasibility of co-location, the feasibility of alternative tower locations, and the feasibility of a building-mounted CATS, utilizing an alternative mounting structure or a camouflaged CATS. The planning director may request a tower simulation (balloon test) for a camouflaged determination.
 - (3) *Professional certification.* The applicant shall provide certification by a Virginia-registered engineer specifying the following information prior to preliminary site plan approval:
 - a. Antenna height, design, structure and capacity, including the number, type, and mounting elevations of antenna that could be accommodated. Applications for new CATS shall include a scaled depiction of the maximum permitted increase in the physical dimensions of the proposed project that would be permitted according to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 and FCC implementing regulations, using the proposed project as a baseline.
 - b. Compliance with all structural and safety requirements of the Virginia Uniform Statewide Building Code, including the BOCA Basic Building Code and section 222(F) of the standards adopted by the Electronics Industry Association, and all amendments thereto and the National Electrical Code.
 - c. A RF report indicating compliance with FCC standards for electromagnetic emissions.
 - d. A noninterference/intermodulation study indicating no potential interference with public safety communications shall be provided in a manner acceptable to the planning director.
 - (4) *Aesthetics.* The applicant may voluntarily submit any conditions that address potential visual or aesthetic effects resulting from the placement of new CATS.
 - (5) *Disapproval.* The county may disapprove any application that proposes to locate a new structure, or to co-locate a communications facility, in an area where all cable and public utility facilities

are required to be placed underground by a date certain or encouraged to be undergrounded as part of a transportation improvement project or rezoning proceeding as set forth in objectives contained in a comprehensive plan. The county may disapprove any application, other than an AREP, on the basis of the availability of existing support structures within a reasonable distance that could be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant. The county may disapprove any new structure AREP-1 or a standard process project if the applicant has not given written notice to adjacent landowners at least 15 days before applying to locate a new structure in the area.

- (b) In addition to meeting all other processing and submittal requirements for site plans, any application for a special use permit for the installation of CATS shall comply with the following, and the application shall not be deemed complete until accompanied by these materials, which shall be submitted six weeks prior to the planning commission meeting:
- (1) *Federal approval.* The applicant shall provide a copy of any approval granted by a federal agency, including conditions imposed by that agency.
 - (2) *Evidence of attempts at co-location and using alternative locations, designs, and operating procedures.* The applicant shall provide a copy of its co-location policy and the following evidence of attempts to co-locate and attempts to utilize alternative locations, designs, and operating procedures in a manner acceptable to the planning director:
 - a. The applicant shall indicate on a map provided by the planning department all existing tower and building mounted CATS, and alternative mounting structures and buildings more than 60 feet tall within a three-mile radius of the proposed new location. The planning director may reduce the radius of this study area where the intended coverage of the proposed CATS is less than three miles.
 - b. Applicants shall provide evidence acceptable to the planning director that all existing towers, and alternative mounting structures and buildings more than 60 feet tall within a three-mile radius of the site of a proposed CATS have been evaluated with respect to their ability to provide adequate service coverage and antenna-mounting opportunity, and evidence acceptable to the planning director that adequate service coverage cannot be provided through an increase in transmission power, or through the use of camouflaged CATS, alternative mounting structures, building-mounted CATS, or a system that uses lower antenna heights than proposed. The planning director may waive these requirements where documented evidence, satisfactory to the planning director is available that indicates alternative locations and designs are not feasible, and where the intended coverage of the proposed CATS is less than three miles.
 - c. The applicant shall provide evidence deemed suitable by the planning director that good faith negotiations have taken place to use existing CATS, and existing alternative mounting structures and buildings, including copies of letters sent to other service providers and their response, if any, on a request to co-locate on their facility.
 - (3) *Balloon test.* At least three weeks prior to the planning commission meeting, the applicant shall conduct a balloon test that simulates both the height of the proposed CATS, and the maximum increase in the physical dimensions of the proposed project permitted according to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 and FCC implementing regulations. The balloon test shall be scheduled within the first week following application submittal. The planning director may also require the balloon to be flown at other altitudes to determine impacts. The planning director shall give notice of the balloon test at least seven days

prior to the day of the test in a newspaper having a general circulation in the county. The results of the balloon test providing representative photographic evidence of the views of a proposed CATS from residential areas, public rights-of-way, and other sensitive areas identified by the planning director or his representative shall be provided to the planning director at least two weeks prior to the planning commission meeting. Other scaled graphical simulations of potential views encompassing a proposed CATS may be substituted for the balloon test results or required in addition to the balloon test results at the discretion of the planning director.

- (c) *Timing.* The county will act on applications for an AREP-2 and proposed modifications to CATS that are not eligible facilities requests within 90 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time. The county will act on any applications for an AREP-1 or new CATS within 150 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time. Any period specified in this subsection for the county to approve or disapprove an application may be extended by mutual agreement between the applicant and the county.
- (1) The timeframe for review shall begin to run when the application is submitted, but shall be tolled if the county finds the application is incomplete and requests that the applicant submit additional information to complete the application. The county shall make such requests by electronic mail to a valid address provided in the application within ten days of submission of the application and specify any missing information. After submission of additional information, the county will notify the applicant within ten days of this submission if the additional information failed to complete the application.
 - (2) If the county denies an application submitted pursuant to this section, the county will notify the applicant of the denial in writing of the reasons for the denial. If the county is aware of any modifications to the project as described in the application that if made would permit the locality to approve the proposed project, the county shall identify them in the written statement of denial. The county's action on disapproval shall be supported by substantial record evidence contained in a written record publicly released within thirty days of the disapproval.
 - (3) To the extent federal law and regulations provide a "deemed granted" remedy, or state law provides a "deemed approved" remedy for applications not acted upon within the appropriate timeframe, no such application shall be deemed granted or deemed approved until the applicant provides notice to the county, in writing.

Article V. Districts

Division 2. General Agricultural, A-1

Sec. 24-212. Use list.

Utility Uses	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.		SUP
	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.	P	

Division 3. Limited Residential District, R-1

Sec. 24-232. Use list.

Utility Uses	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.	P	
	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.		SUP

Division 4. General Residential District, R-2

Sec. 24-252. Use list.

Utility Uses	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.	P	
	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.		SUP

Division 4.1. Residential Redevelopment District, R-3

Sec. 24-273.2. Use list.

Utility Uses	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.	P	
	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.		SUP

Division 5. Residential Planned Community District, R-4

Sec. 24-281. Use list.

Utility Uses	Communications facilities (public or private) in compliance comply with article II, division 6 of this chapter.	P	
	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.		SUP

Division 6. Multifamily Residential District, R-5

Sec. 24-305. Use list.

Utility	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.	P	
	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.		SUP

Division 7. Low-Density Residential District, R-6

Sec. 24-328. Permitted uses.

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

Communications facilities (public or private) in compliance with article II, division 6 of this chapter.

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

Communications facilities (public or private) in compliance with article II, division 6 of this chapter.

Division 8. Rural Residential District, R-8

Sec. 24-348. Use list.

Utility Uses	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.		SUP
	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.	P	

Division 9. Limited Business District, LB

Sec. 24-368. Use list.

Utility	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.	P	
	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.		SUP

Division 10. General Business District, B-1

Sec. 24-390. Use list.

Utility	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.	P	
	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.		SUP

Division 11. Limited Business/Industrial District, M-1

Sec. 24-411. Use list.

Utility	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.	P	
	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.		SUP

Division 12. General Industrial District, M-2

Sec. 24-436. Use list.

Utility	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.	P	
	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.		SUP

Division 13. Research and Technology District, RT

Sec. 24-461. Use list.

Utility	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.	P	
	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.		SUP

Division 14. Planned Unit Development Districts, PUD

Sec. 24-493. Use list.

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

Utility Uses	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.		SUP
	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.	P	

(b) In the planned unit development district, commercial (PUD-C), all structures to be erected or land to be used shall be for one or more of the following uses:

Utility Uses	Utility uses as listed in (a) above.		
	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.	P	
	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.		SUP

Division 15. Mixed Use, MU

Sec. 24-518. Use list.

Utility Uses	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.		SUP
	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.	P	

Division 16. Public Land District, PL

Sec. 24-535.1. Permitted uses.

Communications facilities (public or private) in compliance with article II, division 6 of this chapter.

Sec. 24-535.2. Uses permitted by special use permit only.

Communications facilities (public or private) in compliance with article II, division 6 of this chapter.

Division 17. Economic Opportunity, EO

Sec. 24-536.4. Use list.

Utility	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.	P	
	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.		SUP

**PERFORMANCE STANDARDS FOR COMMUNICATIONS FACILITIES, ANTENNAS,
TOWERS AND SUPPORT STRUCTURES (CATS) THAT REQUIRE A SPECIAL USE PERMIT**

~~November 8, 2016~~ July 14, 2020

In order to maintain the integrity of James City County's significant historic, natural, rural and scenic resources, to preserve its existing aesthetic quality and its landscape, to maintain its quality of life, and to protect its health, safety, general welfare, and property values, communications, antennas, towers and support structures (CATS) should be located and designed in a manner that minimizes their impacts to the maximum extent possible and minimizes their presence in areas where they would depart from existing and future patterns of development. To implement these goals, the Planning Commission and the Board of Supervisors have adopted these performance standards for use in evaluating special use permit applications for CATS. While all of the standards support these goals, some may be more critical to the County's ability to achieve these goals on a case by case basis. Therefore, some standards may be weighed more heavily in any recommendation or decision on a special use permit, and cases that meet a majority of the standards may or may not be approved. The terms used in these standards shall have the same definition as those same terms in the Zoning Ordinance. In considering an application for a special use permit, the Planning Commission and the Board of Supervisors will consider the extent to which an application meets the following performance standards. When considering these applications, the Planning Commission and the Board of Supervisors will evaluate the proposal based on both the initial height of the proposed CATS and the maximum increase in the physical dimension of the proposed project permitted by Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 and the FCC's implementing regulations.

~~A. Collocation and Alternatives Analysis~~

- ~~1. Applicants should provide verifiable evidence that they have cooperated with others in co-locating additional antenna on both existing and proposed structures and replacing existing towers with ones with greater co-location capabilities. It should be demonstrated by verifiable evidence that such co-locations or existing tower replacements are not feasible and that proposed new sites contribute to the goal of minimizing new tower sites.~~
- ~~2. Applicants should demonstrate the following:~~
 - ~~a. That all existing CATS and potential alternative mounting structures more than 60 feet tall within a three mile radius of the proposed site for a new CATS cannot provide adequate service coverage or an antenna mounting opportunity.~~
 - ~~b. That adequate service coverage cannot be provided through an increase in transmission power, replacement of an existing CATS within a three mile radius of the site of the proposed CATS, or through the use of a camouflaged CATS, alternative mounting structure, multi antenna system or a system that uses lower antenna heights than proposed.~~
 - ~~c. The radii of these study areas may be reduced where the intended coverage of the proposed WCF CATS is less than three miles.~~
- ~~3. Towers should be sited in a manner that allows placement of additional CATS facilities. A minimum of two tower locations, each meeting all of the requirements of the Zoning Ordinance and these standards, should be provided at all newly approved tower sites.~~

4. ~~All newly permitted towers should be capable of accommodating enough antennas for at least three service providers or two service providers and one government agency. Exceptions may be made where shorter heights are used to achieve minimal intrusion of the tower as described in Section B.2. below.~~

B.4. Location and Design

1. CATS should be consistent with existing and future surrounding development and the Comprehensive Plan. While the Comprehensive Plan should be consulted to determine all applicable land use principles, goals, objectives, strategies, development standards, and other policies, certain policies in the Plan will frequently apply. Some of these include the following: (1) CATS should be compatible with the use, scale, height, size, design and character of surrounding existing and future uses, and such uses that are generally located in the land use designation in which the CATS would be located; and (2) CATS should be located and designed in a manner that protects the character of the County's Community Character Corridors and historic and scenic resource areas and their view sheds.
2. CATS should be located and designed consistent with the following criteria:

<i>Proposed Location of CATS</i>	<i>Impact Criteria</i>
<i>a. Within a residential zone or residential designation in the Comprehensive Plan</i>	<i>Use a camouflage design, a well buffered slickstick, Multi-Antenna system, or have a minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or community character corridors.</i>
<i>b. Near a historic or scenic resource area or on a Community Character Corridor</i>	<i>Use a camouflaged design or slicksticks that have minimal intrusion on to residential areas, historic and scenic resources areas or on community character corridors.</i>
<i>c. Within a rural lands designation in the Comprehensive Plan</i>	<i>For areas designated rural lands in the Comprehensive Plan that are within 1,500 feet from the tower, use a well buffered monopole, a camouflaged design, or other design that has minimal intrusion on to residential areas or community character corridors. For rural lands more than 1,500 feet from the tower, no more than the upper 25% of the tower should be visible.</i>
<i>d. Within a commercial or in an industrial designation in the Comprehensive Plan</i>	<i>Use a camouflage design, well buffered monopole, or other design that has minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas or community character corridors.</i>

Notes for the above table:

1. Exceptions to these criteria may be made on a case by case basis where the impact of the proposed CATS is only on the following areas: (1) An area designated residential on the Comprehensive Plan or zoning map which is not a logical extension of a residential subdivision or which is a transitional area between residential and nonresidential uses, (2) a golf course or a

golf course and some combination of commercial areas, industrial areas or utility easements, provided the tower is located on the golf course property, or (3) a scenic easement.

2. A CATS will meet the minimal intrusion criteria if it is not visible off site above the tree line. Such CATS should only be visible off-site when viewed through surrounding trees that have shed their leaves.
3. Camouflaged towers having the design of a tree should be compatible in scale and species with surrounding natural trees or trees native to Eastern Virginia.
4. ~~WCFs~~ CATS should be less than 200 feet in height in order to avoid the need for lighting. Taller heights may be acceptable where views of the CATS from residential areas and public roads are very limited. At a minimum, CATS 200 feet or more in height should exceed the location standards listed above.
5. Towers should be freestanding and not supported with guy wires.
6. Any modification to CATS should adopt the same camouflaging and screening measures as the original structure.

~~CB.~~ Buffering ~~Screening~~

1. CATS should be placed on a site in a manner that takes maximum advantage of existing trees, vegetation and structures so as to screen as much of the entire CATS as possible from view from adjacent properties and public roads. Access drives should be designed in a manner that provides no view of the CATS base or related facilities.



Figure 1: Example of a well screened slickstick with minimal intrusion

2. Towers should be screened from adjacent land uses and public roads as much as possible. Following buffer widths and standards should be met:

- a. In or adjacent to residential or agricultural zoning districts, areas designated residential or rural lands on the Comprehensive Plan, historic or scenic resource areas or community character corridors, an undisturbed, completely wooded buffer consisting of existing mature trees at least 100-feet-wide should be provided around the tower.
- b. In or adjacent to all other areas, at least a 50-foot-wide vegetative buffer consisting of a mix of deciduous and evergreen trees native to Eastern Virginia should be provided.

PerformanceStand-ord

**PERFORMANCE STANDARDS FOR COMMUNICATIONS FACILITIES, ANTENNAS,
TOWERS AND SUPPORT STRUCTURES (CATS) THAT REQUIRE A SPECIAL USE PERMIT**

July 14, 2020

In order to maintain the integrity of James City County's significant historic, natural, rural and scenic resources, to preserve its existing aesthetic quality and its landscape, to maintain its quality of life, and to protect its health, safety, general welfare, and property values, communications, antennas, towers and support structures (CATS) should be located and designed in a manner that minimizes their impacts to the maximum extent possible and minimizes their presence in areas where they would depart from existing and future patterns of development. To implement these goals, the Planning Commission and the Board of Supervisors have adopted these performance standards for use in evaluating special use permit applications for CATS. While all of the standards support these goals, some may be more critical to the County's ability to achieve these goals on a case by case basis. Therefore, some standards may be weighed more heavily in any recommendation or decision on a special use permit, and cases that meet a majority of the standards may or may not be approved. The terms used in these standards shall have the same definition as those same terms in the Zoning Ordinance. In considering an application for a special use permit, the Planning Commission and the Board of Supervisors will consider the extent to which an application meets the following performance standards. When considering these applications, the Planning Commission and the Board of Supervisors will evaluate the proposal based on both the initial height of the proposed CATS and the maximum increase in the physical dimension of the proposed project permitted by Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 and the FCC's implementing regulations.

A. Location and Design

1. CATS should be consistent with existing and future surrounding development and the Comprehensive Plan. While the Comprehensive Plan should be consulted to determine all applicable land use principles, goals, objectives, strategies, development standards, and other policies, certain policies in the Plan will frequently apply. Some of these include the following: (1) CATS should be compatible with the use, scale, height, size, design and character of surrounding existing and future uses, and such uses that are generally located in the land use designation in which the CATS would be located; and (2) CATS should be located and designed in a manner that protects the character of the County's Community Character Corridors and historic and scenic resource areas and their view sheds.
2. CATS should be located and designed consistent with the following criteria:

<i>Proposed Location of CATS</i>	<i>Impact Criteria</i>
<i>a. Within a residential zone or residential designation in the Comprehensive Plan</i>	<i>Use a camouflage design, a well buffered slickstick, Multi-Antenna system, or have a minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or community character corridors.</i>
<i>b. Near a historic or scenic resource area or on a Community Character Corridor</i>	<i>Use a camouflaged design or slicksticks that have minimal intrusion on to residential areas, historic and scenic resources areas or on community character corridors.</i>

<p><i>c. Within a rural lands designation in the Comprehensive Plan</i></p>	<p><i>For areas designated rural lands in the Comprehensive Plan that are within 1,500 feet from the tower, use a well buffered monopole, a camouflaged design, or other design that has minimal intrusion on to residential areas or community character corridors.</i></p> <p><i>For rural lands more than 1,500 feet from the tower, no more than the upper 25% of the tower should be visible.</i></p>
<p><i>d. Within a commercial or in an industrial designation in the Comprehensive Plan</i></p>	<p><i>Use a camouflage design, well buffered monopole, or other design that has minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas or community character corridors.</i></p>

Notes for the above table:

1. Exceptions to these criteria may be made on a case by case basis where the impact of the proposed CATS is only on the following areas: (1) An area designated residential on the Comprehensive Plan or zoning map which is not a logical extension of a residential subdivision or which is a transitional area between residential and nonresidential uses, (2) a golf course or a golf course and some combination of commercial areas, industrial areas or utility easements, provided the tower is located on the golf course property, or (3) a scenic easement.
2. A CATS will meet the minimal intrusion criteria if it is not visible off site above the tree line. Such CATS should only be visible off-site when viewed through surrounding trees that have shed their leaves.
3. Camouflaged towers having the design of a tree should be compatible in scale and species with surrounding natural trees or trees native to Eastern Virginia.
4. CATS should be less than 200 feet in height in order to avoid the need for lighting. Taller heights may be acceptable where views of the CATS from residential areas and public roads are very limited. At a minimum, CATS 200 feet or more in height should exceed the location standards listed above.
5. Towers should be freestanding and not supported with guy wires.
6. Any modification to CATS should adopt the same camouflaging and screening measures as the original structure.

B. Screening

1. CATS should be placed on a site in a manner that takes maximum advantage of existing trees, vegetation and structures so as to screen as much of the entire CATS as possible from view from adjacent properties and public roads. Access drives should be designed in a manner that provides no view of the CATS base or related facilities.



Figure 1: Example of a well screened slickstick with minimal intrusion

2. Towers should be screened from adjacent land uses and public roads as much as possible. Following buffer widths and standards should be met:
 - a. In or adjacent to residential or agricultural zoning districts, areas designated residential or rural lands on the Comprehensive Plan, historic or scenic resource areas or community character corridors, an undisturbed, completely wooded buffer consisting of existing mature trees at least 100-feet-wide should be provided around the tower.
 - b. In or adjacent to all other areas, at least a 50-foot-wide vegetative buffer consisting of a mix of deciduous and evergreen trees native to Eastern Virginia should be provided.

Article 7.2. Zoning for Wireless Communications Infrastructure

§ 15.2-2316.3. Definitions.

As used in this article, unless the context requires a different meaning:

"Administrative review-eligible project" means a project that provides for:

1. The installation or construction of a new structure that is not more than 50 feet above ground level, provided that the structure with attached wireless facilities is (i) not more than 10 feet above the tallest existing utility pole located within 500 feet of the new structure within the same public right-of-way or within the existing line of utility poles; (ii) not located within the boundaries of a local, state, or federal historic district; (iii) not located inside the jurisdictional boundaries of a locality having expended a total amount equal to or greater than 35 percent of its general fund operating revenue, as shown in the most recent comprehensive annual financial report, on undergrounding projects since 1980; and (iv) designed to support small cell facilities; or

2. The co-location on any existing structure of a wireless facility that is not a small cell facility.

"Antenna" means communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

"Base station" means a station that includes a structure that currently supports or houses an antenna, transceiver, coaxial cables, power cables, or other associated equipment at a specific site that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics.

"Co-locate" means to install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure. "Co-location" has a corresponding meaning.

"Department" means the Department of Transportation.

"Existing structure" means any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to a locality or the Department of an agreement with the owner of the structure to co-locate equipment on that structure. "Existing structure" includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including towers, buildings, utility poles, light poles, flag poles, signs, and water towers.

"Micro-wireless facility" means a small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.

"New structure" means a wireless support structure that has not been installed or constructed, or approved for installation or construction, at the time a wireless services provider or wireless infrastructure provider applies to a locality for any required zoning approval.

"Project" means (i) the installation or construction by a wireless services provider or wireless

infrastructure provider of a new structure or (ii) the co-location on any existing structure of a wireless facility that is not a small cell facility. "Project" does not include the installation of a small cell facility by a wireless services provider or wireless infrastructure provider on an existing structure to which the provisions of § 15.2-2316.4 apply.

"Small cell facility" means a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

"Standard process project" means any project other than an administrative review-eligible project.

"Utility pole" means a structure owned, operated, or owned and operated by a public utility, local government, or the Commonwealth that is designed specifically for and used to carry lines, cables, or wires for communications, cable television, or electricity.

"Water tower" means a water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.

"Wireless facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

"Wireless infrastructure provider" means any person that builds or installs transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.

"Wireless services" means (i) "personal wireless services" as defined in 47 U.S.C. § 332(c)(7)(C)(i); (ii) "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial mobile services as defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices through wireless facilities; and (iii) any other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using wireless facilities.

"Wireless services provider" means a provider of wireless services.

"Wireless support structure" means a freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. "Wireless support structure" does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

§ 15.2-2316.4. Zoning; small cell facilities.

A. A locality shall not require that a special exception, special use permit, or variance be obtained for any small cell facility installed by a wireless services provider or wireless infrastructure provider on an existing structure, provided that the wireless services provider or wireless infrastructure provider (i) has permission from the owner of the structure to co-locate equipment on that structure and (ii) notifies the locality in which the permitting process occurs.

B. Localities may require administrative review for the issuance of any required zoning permits for the installation of a small cell facility by a wireless services provider or wireless infrastructure provider on an existing structure. Localities shall permit an applicant to submit up to 35 permit requests on a single application. In addition:

1. A locality shall approve or disapprove the application within 60 days of receipt of the complete application. Within 10 days after receipt of an application and a valid electronic mail address for the applicant, the locality shall notify the applicant by electronic mail whether the application is incomplete and specify any missing information; otherwise, the application shall be deemed complete. Any disapproval of the application shall be in writing and accompanied by an explanation for the disapproval. The 60-day period may be extended by the locality in writing for a period not to exceed an additional 30 days. The application shall be deemed approved if the locality fails to act within the initial 60 days or an extended 30-day period.

2. A locality may prescribe and charge a reasonable fee for processing the application not to exceed:

- a. \$100 each for up to five small cell facilities on a permit application; and
- b. \$50 for each additional small cell facility on a permit application.

3. Approval for a permit shall not be unreasonably conditioned, withheld, or delayed.

4. The locality may disapprove a proposed location or installation of a small cell facility only for the following reasons:

- a. Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities;
- b. The public safety or other critical public service needs;
- c. Only in the case of an installation on or in publicly owned or publicly controlled property, excluding privately owned structures where the applicant has an agreement for attachment to the structure, aesthetic impact or the absence of all required approvals from all departments, authorities, and agencies with jurisdiction over such property; or
- d. Conflict with an applicable local ordinance adopted pursuant to § 15.2-2306, or pursuant to local charter on a historic property that is not eligible for the review process established under 54 U.S.C. § 306108.

5. Nothing shall prohibit an applicant from voluntarily submitting, and the locality from accepting, any conditions that otherwise address potential visual or aesthetic effects resulting from the placement of small cell facilities.

6. Nothing in this section shall preclude a locality from adopting reasonable rules with respect to the removal of abandoned wireless support structures or wireless facilities.

C. Notwithstanding anything to the contrary in this section, the installation, placement, maintenance, or replacement of micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes shall be exempt from locality-imposed permitting requirements and fees.

2017, c. 835.

§ 15.2-2316.4:1. Zoning; other wireless facilities and wireless support structures.

A. A locality shall not require that a special exception, special use permit, or variance be obtained for the installation or construction of an administrative review-eligible project but may require administrative review for the issuance of any zoning permit, or an acknowledgement that zoning approval is not required, for such a project.

B. A locality may charge a reasonable fee for each application submitted under subsection A or for any zoning approval required for a standard process project. The fee shall not include direct payment or reimbursement of third-party fees charged on a contingency basis or a result-based arrangement. Upon request, a locality shall provide the applicant with the cost basis for the fee. A locality shall not charge market-based or value-based fees for the processing of an application. If the application is for:

1. An administrative review-eligible project, the fee shall not exceed \$500; and
2. A standard process project, the fee shall not exceed the actual direct costs to process the application, including permits and inspection.

C. The processing of any application submitted under subsection A or for any zoning approval required for a standard process project shall be subject to the following:

1. Within 10 business days after receiving an incomplete application, the locality shall notify the applicant that the application is incomplete. The notice shall specify any additional information required to complete the application. The notice shall be sent by electronic mail to the applicant's email address provided in the application. If the locality fails to provide such notice within such 10-day period, the application shall be deemed complete.
2. Except as provided in subdivision 3, a locality shall approve or disapprove a complete application:
 - a. For a new structure within the lesser of 150 days of receipt of the completed application or the period required by federal law for such approval or disapproval; or
 - b. For the co-location of any wireless facility that is not a small cell facility within the lesser of 90 days of receipt of the completed application or the period required by federal law for such approval or disapproval, unless the application constitutes an eligible facilities request as defined in 47 U.S.C. § 1455(a).
3. Any period specified in subdivision 2 for a locality to approve or disapprove an application may be extended by mutual agreement between the applicant and the locality.

D. A complete application for a project shall be deemed approved if the locality fails to approve or disapprove the application within the applicable period specified in subdivision C 2 or any

agreed extension thereof pursuant to subdivision C 3.

E. If a locality disapproves an application submitted under subsection A or for any zoning approval required for a standard process project:

1. The locality shall provide the applicant with a written statement of the reasons for such disapproval; and
2. If the locality is aware of any modifications to the project as described in the application that if made would permit the locality to approve the proposed project, the locality shall identify them in the written statement provided under subdivision 1. The locality's subsequent disapproval of an application for a project that incorporates the modifications identified in such a statement may be used by the applicant as evidence that the locality's subsequent disapproval was arbitrary or capricious in any appeal of the locality's action.

F. A locality's action on disapproval of an application submitted under subsection A or for any zoning approval required for a standard process project shall:

1. Not unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and other providers of functionally equivalent services; and
2. Be supported by substantial record evidence contained in a written record publicly released within 30 days following the disapproval.

G. An applicant adversely affected by the disapproval of an application submitted under subsection A or for any zoning approval required for a standard process project may file an appeal pursuant to subsection F of § 15.2-2285, or to § 15.2-2314 if the requested zoning approval involves a variance, within 30 days following delivery to the applicant or notice to the applicant of the record described in subdivision F 2.

2018, cc. 835, 844.

§ 15.2-2316.4:2. Application reviews.

A. In its receiving, consideration, and processing of a complete application submitted under subsection A of § 15.2-2316.4:1 or for any zoning approval required for a standard process project, a locality shall not:

1. Disapprove an application on the basis of:
 - a. The applicant's business decision with respect to its designed service, customer demand for service, or quality of its service to or from a particular site;
 - b. The applicant's specific need for the project, including the applicant's desire to provide additional wireless coverage or capacity; or
 - c. The wireless facility technology selected by the applicant for use at the project;
2. Require an applicant to provide proprietary, confidential, or other business information to justify the need for the project, including propagation maps and telecommunications traffic studies, or information reviewed by a federal agency as part of the approval process for the same structure and wireless facility, provided that a locality may require an applicant to provide a copy of any approval granted by a federal agency, including conditions imposed by that agency;

3. Require the removal of existing wireless support structures or wireless facilities, wherever located, as a condition for approval of an application. A locality may adopt reasonable rules with respect to the removal of abandoned wireless support structures or wireless facilities;
4. Impose surety requirements, including bonds, escrow deposits, letters of credit, or any other types of financial surety, to ensure that abandoned or unused wireless facilities can be removed, unless the locality imposes similar requirements on other permits for other types of similar commercial development. Any such instrument shall not exceed a reasonable estimate of the direct cost of the removal of the wireless facilities;
5. Discriminate or create a preference on the basis of the ownership, including ownership by the locality, of any property, structure, base station, or wireless support structure, when promulgating rules or procedures for siting wireless facilities or for evaluating applications;
6. Impose any unreasonable requirements or obligations regarding the presentation or appearance of a project, including unreasonable requirements relating to (i) the kinds of materials used or (ii) the arranging, screening, or landscaping of wireless facilities or wireless structures;
7. Impose any requirement that an applicant purchase, subscribe to, use, or employ facilities, networks, or services owned, provided, or operated by a locality, in whole or in part, or by any entity in which a locality has a competitive, economic, financial, governance, or other interest;
8. Condition or require the approval of an application solely on the basis of the applicant's agreement to allow any wireless facilities provided or operated, in whole or in part, by a locality or by any other entity, to be placed at or co-located with the applicant's project;
9. Impose a setback or fall zone requirement for a project that is larger than a setback or fall zone area that is imposed on other types of similar structures of a similar size, including utility poles;
10. Limit the duration of the approval of an application, except a locality may require that construction of the approved project shall commence within two years of final approval and be diligently pursued to completion; or
11. Require an applicant to perform services unrelated to the project described in the application, including restoration work on any surface not disturbed by the applicant's project.

B. Nothing in this article shall prohibit a locality from disapproving an application submitted under subsection A of § 15.2-2316.4:1 or for any zoning approval required for a standard process project:

1. On the basis of the fact that the proposed height of any wireless support structure, wireless facility, or wireless support structure with attached wireless facilities exceeds 50 feet above ground level, provided that the locality follows a local ordinance or regulation that does not unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and other providers of functionally equivalent services; or
2. That proposes to locate a new structure, or to co-locate a wireless facility, in an area where all cable and public utility facilities are required to be placed underground by a date certain or encouraged to be undergrounded as part of a transportation improvement project or rezoning

proceeding as set forth in objectives contained in a comprehensive plan, if:

- a. The undergrounding requirement or comprehensive plan objective existed at least three months prior to the submission of the application;
 - b. The locality allows the co-location of wireless facilities on existing utility poles, government-owned structures with the government's consent, existing wireless support structures, or a building within that area;
 - c. The locality allows the replacement of existing utility poles and wireless support structures with poles or support structures of the same size or smaller within that area; and
 - d. The disapproval of the application does not unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and other providers of functionally equivalent services.
- C. Nothing in this article shall prohibit an applicant from voluntarily submitting, and the locality from accepting, any conditions that otherwise address potential visual or aesthetic effects resulting from the placement of a new structure or facility.
- D. Nothing in this article shall prohibit a locality from disapproving an application submitted under a standard process project on the basis of the availability of existing wireless support structures within a reasonable distance that could be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant.

2018, cc. [835](#), [844](#).

§ 15.2-2316.4:3. Additional provisions.

A. A locality shall not require zoning approval for (i) routine maintenance or (ii) the replacement of wireless facilities or wireless support structures within a six-foot perimeter with wireless facilities or wireless support structures that are substantially similar or the same size or smaller. However, a locality may require a permit to work within the right-of-way for the activities described in clause (i) or (ii), if applicable.

B. Nothing in this article shall prohibit a locality from limiting the number of new structures or the number of wireless facilities that can be installed in a specific location.

2018, cc. [835](#), [844](#).

§ 15.2-2316.5. Moratorium prohibited.

A locality shall not adopt a moratorium on considering zoning applications submitted by wireless services providers or wireless infrastructure providers.

2017, c. [835](#).

**Unapproved Minutes of the June 3, 2020
Planning Commission Regular Meeting**

ORD-20-0008. Proposed Ordinance and Policy Amendments to Address Code of Virginia Changes Regarding Wireless Communication Facilities

Mr. Tom Leininger, Planner stated that in 2017 and 2018, the General Assembly passed legislation requiring changes to how local Zoning Ordinances may treat applications for wireless communications facilities. Mr. Leininger stated that those changes, combined with recent Federal Communications Commission (FCC) decisions are intended to support the deployment of 5G technology. Mr. Leininger stated that during a series of Policy Committee meetings, staff presented the draft Zoning Ordinance language amendments to the following sections: definitions, Division 6 Communication Facilities, each district's use list and the policy for Performance Standards for Communication Facilities, Antennas, Towers and Support Structures that require Special Use Permits.

Mr. Leininger stated that staff propose a series of updates to the sections including additional definitions based on State and Federal changes, overall changes to Division 6 to ensure that the County complies with State and FCC regulations, and amendments to the use list for each Zoning District to ensure that the use list does not conflict with Division 6. Mr. Leininger further stated that staff proposed changes to the policy titled "Performance Standards for Communications Facilities, Antennas, Towers, and Support Structures (CATS) That Require a Special Use Permit," dated November 8, 2016, and endorsed by the Board of Supervisors. Mr. Leininger stated that the amendments to the policy include removing text that is covered by the Zoning Ordinance and removing text that is prohibited by State Code.

Mr. Leininger stated that prior to the final Policy Committee meeting, the County's legal consultant reviewed the draft Ordinance and definition changes for consistency with State Code and FCC regulations. Mr. Leininger stated that the review produced additional minor edits clarifying the timelines for application reviews in Section 24-128(c), and added additional definitions.

Mr. Leininger stated that at its December 4, 2019 meeting, the Planning Commission adopted the Initiating Resolution by a vote of 6-0.

Mr. Leininger further stated that at the February 13, 2020 Policy Committee meeting, the committee voted to recommend approval of the draft ordinance changes for wireless communications to the Planning Commission and Board of Supervisors by a vote of 3-0.

Mr. Leininger stated that staff recommends that the Planning Commission recommend approval of the draft zoning ordinance language for wireless communication facilities to the Board of Supervisors.

Mr. Krapf opened the Public Hearing.

Mr. Krapf inquired if any public comments or speaker cards were submitted for this application.

Mr. Holt stated that no speaker cards or public comments had been submitted.

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

Mr. Krapf opened the floor for discussion by the Commission.

Mr. Haldeman stated that he was sorry to lose the section regarding performance standards.

Ms. Leverenz commended staff for the thorough update to a complex Ordinance.

Ms. Julia Leverenz made a motion to recommend approval of the Ordinance Amendment.

On a roll call vote the Commission voted to recommend approval of ORD-20-0008. Proposed Ordinance and Policy Amendments to Address Code of Virginia Changes Regarding Wireless Communication Facilities. (6-1)

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Tom Leininger, Planner

SUBJECT: SUP-20-0011. 2944 Chickahominy Road Manufactured Home Replacement

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Location Map	Backup Material
☐	Master Plan	Backup Material
☐	Proposed Manufactured Home	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	6/25/2020 - 3:38 PM
Development Management	Holt, Paul	Approved	6/25/2020 - 3:38 PM
Publication Management	Daniel, Martha	Approved	6/25/2020 - 3:44 PM
Legal Review	Kinsman, Adam	Approved	6/29/2020 - 7:58 AM
Board Secretary	Fellows, Teresa	Approved	6/30/2020 - 4:39 PM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:24 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:42 AM

SPECIAL USE PERMIT-20-0011. 2944 Chickahominy Road Manufactured Home Replacement

Staff Report for the July 14, 2020, Board of Supervisors Public Hearing**SUMMARY FACTS**

Applicant: Ms. Sandra Kimrey

Land Owner: Ms. Miranda Sadler

Proposal: To allow for the placement of a manufactured home

Location: 2944 Chickahominy Road

Tax Map/Parcel No.: 2230200001

Project Acreage: ± 1.1 acres

Zoning: R-8, Rural Residential

Comprehensive Plan: Rural Lands

Primary Service Area: Outside (PSA)

Staff Contact: Tom Leininger, Planner

PUBLIC HEARING DATES

Board of Supervisors: July 14, 2020, 5:00 p.m.

FACTORS FAVORABLE

1. With the proposed conditions, staff finds the proposal compatible with surrounding zoning and development.

2. With the proposed conditions, the proposal is consistent with the recommendations of the Comprehensive Plan adopted in 2015, “*Toward 2035: Leading the Way.*”
3. Staff finds that the proposed application satisfies the regulations for manufactured homes requiring Special Use Permits (SUPs) found in Section 24-107 of the Zoning Ordinance.
4. Impacts: See Impact Analysis on Pages 3-4.

FACTORS UNFAVORABLE

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

SUMMARY STAFF RECOMMENDATION

Staff recommends the Board of Supervisors approve this application subject to the attached conditions.

PROJECT DESCRIPTION

Ms. Sandra Kimrey of Clayton Homes of Newport News has applied for an SUP for the placement of a manufactured home at 2944 Chickahominy Road. There is an existing manufactured home on the site that received Board of Supervisors’ approval on November 20, 1989. The existing home will be removed and replaced with the new manufactured home. The approved resolution from 1989 stated the application was for that specific manufactured home and replacing the manufactured home would require a new SUP. Manufactured homes outside of the PSA in the R-8, Rural Residential District, require an SUP. The proposed manufactured home will be 28 feet in width and 56 feet in length.

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.

SPECIAL USE PERMIT-20-0011. 2944 Chickahominy Road Manufactured Home Replacement

Staff Report for the July 14, 2020, Board of Supervisors Public Hearing

PLANNING AND ZONING HISTORY

On October 20, 1986, the Board of Supervisors approved of the initial placement of a manufactured home. On November 20, 1989, the Board of Supervisors approved of the replacement of the manufactured home.

SURROUNDING ZONING AND DEVELOPMENT

The properties surrounding this parcel are all zoned R-8, Rural Residential and designated Rural Lands on the 2035 Comprehensive Plan Land Use Map.

REGULATIONS FOR A MANUFACTURED HOME REQUIRING AN SUP

Per Section 24-107 of the Zoning Ordinance, manufactured homes requiring SUPs shall comply with the following regulations:

- (1) An application and a vegetative screening plan shall be submitted to the administrator.

The applicant has provided a plat showing the proposed location of the manufactured home and existing tree line. As the proposed manufactured home location does not interfere with the existing tree line and the proposed manufactured home will be placed in the general area of the existing manufactured home, staff finds the provided documentation adequate to screen the manufactured home.

- (2) No manufactured home shall be placed within 300 feet of any of the following interstate highways, principal or minor arterial

streets, or major collector streets: Interstate 64, Route 60 West, Route 5, Route 30, Croaker Road, Centerville Road, and Greensprings Road.

The proposed manufactured home is not located within 300 feet of the aforementioned roads.

COMPREHENSIVE PLAN

- The site is designated Rural Lands on the adopted Comprehensive Plan Land Use Map. Appropriate primary uses include traditional agricultural and forestal activities, but also uses such as agri-tourism, rural support business, and rural-based public or commercial recreation. In addition to the primary uses, Rural Lands contain scattered houses at a low density. This proposal seeks to replace an existing residential home with no net increase in units or density.
- The development standards state that non-agricultural/non-forestal uses should be sited to minimize impacts or disturbance to agricultural and forestal uses, open fields, and important agricultural/forestal soils and resources. Staff finds the use to be consistent given that the proposed manufactured home location will generally be in the same location as the current manufactured home, so there will be no impacts or disturbance to agricultural and forestal uses. Existing vegetation on site will be maintained.

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.

SPECIAL USE PERMIT-20-0011. 2944 Chickahominy Road Manufactured Home Replacement**Staff Report for the July 14, 2020, Board of Supervisors Public Hearing****IMPACT ANALYSIS**

Impacts/Potentially Unfavorable Conditions	Status (No Mitigation Required/Mitigated/Not Fully Mitigated)	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	-The proposal is not anticipated to generate traffic exceeding a typical residential use. -No changes anticipated to Level of Service on Browns Drive.
<u>Public Transportation: Pedestrian/Bicycle</u>	<u>No Mitigation Required</u>	-Pedestrian/bicycle accommodations are not shown on the adopted Pedestrian/Bicycle Accommodations Master Plan.
<u>Public Safety</u>	<u>No Mitigation Required</u>	-Subject property is located within an 11-minute radius of Fire Station 1. -The proposal does not generate impacts that require mitigation to the County's emergency services or facilities.
<u>Public Schools</u>	<u>No Mitigation Required</u>	-The proposal replaces an existing residential unit, no additional impact is anticipated.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	-The proposal does not generate impacts that require mitigation to the County's parks and recreation services or facilities.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	-The proposal does not generate impacts that require mitigation to public libraries or cultural centers.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	-The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.
<u>Watersheds, Streams, and Reservoirs</u>	<u>No Mitigation Required</u>	-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, those improvements would be subject to additional environmental review at that time.

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.

SPECIAL USE PERMIT-20-0011. 2944 Chickahominy Road Manufactured Home Replacement

Staff Report for the July 14, 2020, Board of Supervisors Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	-The subject property has been previously disturbed and has no known cultural resources on-site.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	-Traffic is anticipated to be typical of a residential home, and the proposed SUP conditions will restrict the amount of clearing between the subject parcel and adjacent properties. Future expansions of the use would require an SUP amendment.
<u>Community Character</u>	<u>No Mitigation Required</u>	-This segment of Browns Drive is not designated in a Community Character Corridor nor is it within a Community Character Area.

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.

PROPOSED SUP CONDITIONS

Proposed conditions are provided as Attachment No. 1.

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve this application subject to the attached conditions.

TL/md
SUP20-11ChkRdMHm

Attachments:

1. Resolution
2. Location Map
3. Master Plan
4. Proposed Manufactured Home

RESOLUTION

CASE NO. SUP-20-0011. 2944 CHICKAHOMINY ROAD

MANUFACTURED HOME REPLACEMENT

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. Sandra Kimrey has applied for an SUP on behalf of the property owners to allow for the placement of a manufactured home on property located at 2944 Chickahominy Road, further identified as James City County Real Estate Tax Map Parcel No. 2230200001; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-20-0011; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and 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-20-0011 as described herein with the following conditions:

1. Master Plan. This SUP shall permit the placement of a manufactured home on property located at 2944 Chickahominy Road and further identified as James City County Real Estate Tax Map Parcel No. 2230200001 (the "Property"). The use and layout of the Property shall be generally as shown on the document entitled "Site Plan for Proposed Dwelling" and date stamped June 18, 2020 (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. Removal of Existing Manufactured Home. The existing manufactured home shall be removed from the Property within 30 days of the permanent Certificate of Occupancy of the new manufactured home on the Property.
3. Number of Rooms. There shall be no more than three bedrooms.
4. Screening Plan. A screening plan shall be submitted and approved by the Director of Planning prior to issuance of a Certificate of Occupancy.
5. Certificate of Occupancy. A Certificate of Occupancy must be obtained for the new manufactured home within 24 months from the date of approval of this SUP or the SUP shall automatically be void.

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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

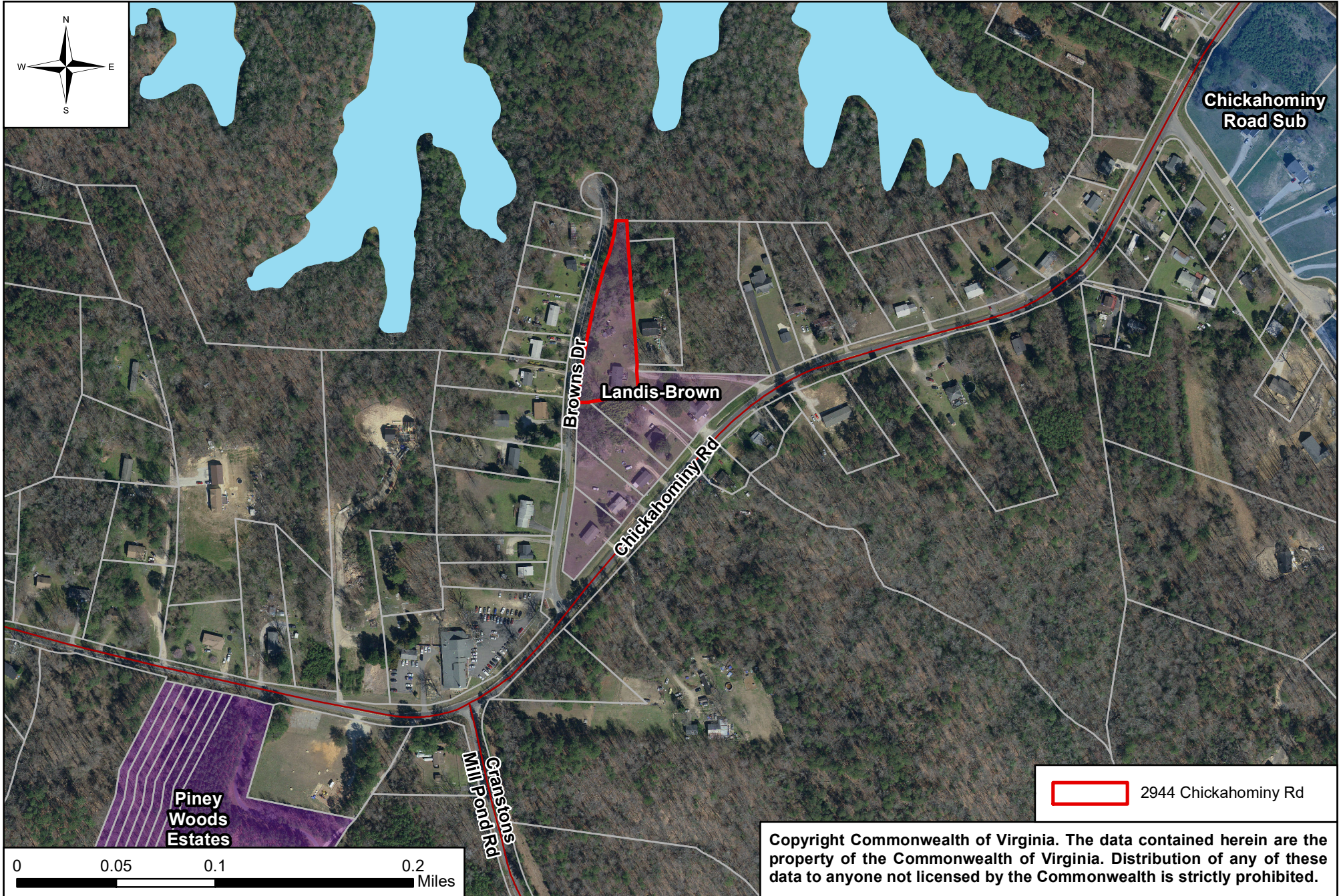
	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2020.

SUP20-11ChkRdMHm-res

JCC SUP-20-0011

2944 Chickahominy Rd. Manufactured Home Replacement



PLANNING DIVISION

Jun 18 2020

RECEIVED

THE PROPERTY EMBRACED WITHIN THE LIMITS OF THIS SURVEY APPEARS TO LIE WITHIN ZONE X, AREAS OUTSIDE THE 500 YEAR FLOOD PLAIN, ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR JAMES CITY COUNTY, VIRGINIA REFERENCE PANEL NO. 51095C-0102 D DATED 12/16/2015.

THE EXISTENCE OF: VEGETATED, AND/OR TIDAL WETLANDS, AND/OR HAZARDOUS WASTES WAS NEITHER INVESTIGATED NOR CONFIRMED DURING THE PERFORMANCE OF THIS SURVEY.

NOTES:

1. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, AND AS SUCH MAY NOT REFLECT ALL TITLE MATTERS AFFECTING THE SUBJECT PROPERTY.
2. FLOOD ZONE SCALED FROM FEMA MAP.
3. PROPERTY LINE COMPILED FROM PLATS OF RECORD.
4. FIELD SURVEY TO LOCATE IMPROVEMENTS SHOWN, PERFORMED 03/05/2020. NOT ALL IMPROVEMENTS LOCATED AS PART OF THIS SURVEY.
5. PROPERTY IS ZONED R8, RURAL RESIDENTIAL.

PARCEL 223000004
N/F HAZEL R. HATCHETT
& ALVIN C. GRAHAM
INST. 980018958
D.B. 695 PG. 351
D.B. 678 PG. 555
P.B. 28 PG. 50

PARCEL 223000003
N/F OSBORNE L. TAYLOR SR.
D.B. 131 PG. 748
P.B. 28 PG. 50

N82°36'16"W
11.8'
S88°47'48"W
15.0'

D. BOX
SEPTIC TANK
S88°47'48"W 140.5'

APPROXIMATE LOCATION
OF EXISTING DRAINFIELD
PROVIDED BY CLEINT
CONTRACTOR TO VERIFY

PROPOSED
DWELLING
FF = 104.0
UP/MB

#2944
DOUBLE WIDE
VINYL SIDING
(TBR)

WOODED DECK
W/ HANDICAP RAMP

PARCEL 223000002
N/F CHESN ENTERPRISES, LLC
INST. 190009972
INST. 070002813
INST. 060000520
P.B. 58 PG. 123
P.B. 28 PG. 50

30' EASEMENT OF
RIGHT-OF-WAY
P.B. 28 PG. 50

PARCEL 2210100022
N/F THE CHURCH
OF THE LORD JESUS
OF THE APOSTOLIC FAITH
INST. 150003557 W/ PLAT
W.B. 24 PG. 366
W.B. 18 PG. 4

20' EASEMENT OF
RIGHT-OF-WAY
D.B. 190 PG. 287

BROWNS DRIVE
40' RIGHT-OF-WAY
S.R. 635 P.B. 40 PG. 54

PARCEL 2230200001
N/F MIRANDA P. SADLER
INST. WILL 190000519
DEED BOOK 742 PAGE 253
PLAT BOOK 28 PAGE 50
1.1762 ACRES

PARCEL 2230100016A
N/F CHARLES H.
& SYLVIA E. TYLER
D.B. 487 PGS. 610 & 613
D.B. 371 PG. 556

PARCEL 2120200001
N/F NEWPORT NEWS
WATERWORKS

LITTLE CREEK RESERVOIR

Legend

(TBR) DENOTES TO BE REMOVED

- PROPERTY LINE
- RIGHT-OF-WAY
- EASEMENT
- TREELINE
- OVER HEAD UTILITY
- CENTER LINE
- DRAINFIELD
- IRON PIPE FOUND
- IRON ROD FOUND
- UTILITY POLE
- LIGHT POLE
- ELEVATIONS
- SILT FENCE (3.05+)

CONSTRUCTION ENTRANCE (3.02+)

* REFERENCE THE VIRGINIA EROSION
AND SEDIMENT CONTROL HANDBOOK

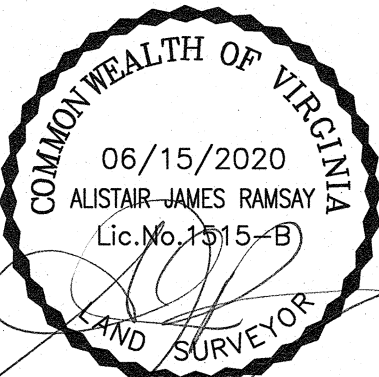
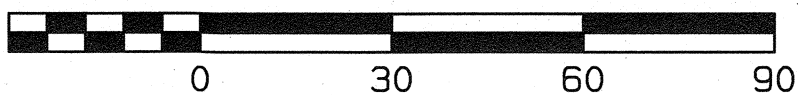
Miss Utility of Virginia
204 RIVERS BEND BOULEVARD
CHESTER, VIRGINIA 23831



BEFORE YOU DIG ANYWHERE IN
VIRGINIA CALL 1-800-552-7001
VA LAW REQUIRES 72 HOURS
NOTICE BEFORE YOU EXCAVATE.

CURVE	ARC	CHORD BEARING	RADIUS	DELTA	CHORD	TANGENT
C1	100.5'	S20°11'19"W	435.5'	13°13'23"	100.3'	50.5'
C2	417.6'	S19°30'56"W	1642.3'	14°34'09"	416.5'	209.9'

GRAPHIC SCALE 1" = 30'



SITE PLAN FOR
PROPOSED DWELLING

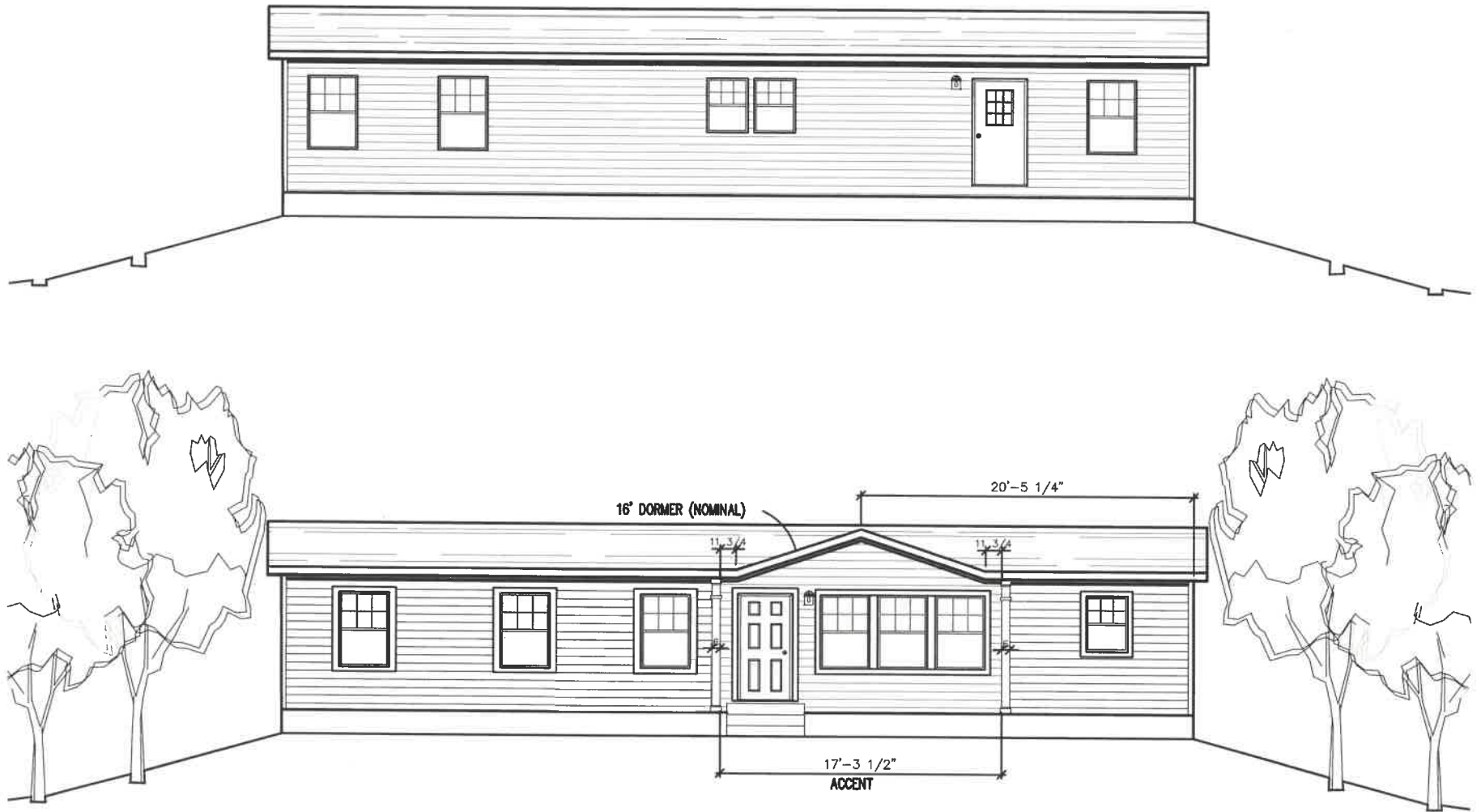
STONEHOUSE MAGISTERIAL DISTRICT
JAMES CITY COUNTY, VIRGINIA
SCALE: 1" = 30' DATE: 03/06/2020

SHEET 1 OF 1

ALISTAIR J. RAMSAY L.S., P.C.
7319 MARTIN STREET SUITE 6 GLOUCESTER, VIRGINIA 23061 804-824-9374

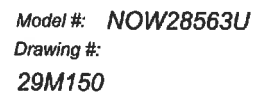
Important: Home will have a concrete block
permanent foundation, not skirting





1,475 SQ.FT. (STD PLAN "CONDITIONED")
 N/A SQ.FT. (W/OPT. PORCH/RECESS "CONDITIONED")

CMH MANUFACTURING	Model #: NOW28563U	Drawing #:
	Date: 4.17.18	Scale: NTS 29M150
Product Designer: Alex Whaley	28' x 56' Ultra II	
ELEVATION		1/ REVISION ECR-632119 5/24/18 EH





ISLAND BREEZE 56'



ISLAND BREEZE 56' Model number: 29NOW28563IH20

3 beds • 2 baths • 1568 sq.ft. • 28' width • 56' depth

Our home building facilities invest in continuous product and process improvements. Plans, dimensions, features, materials, specifications and availability are subject to change without notice or obligation. Renderings and floor plans are representative likenesses of our homes and may differ from the actual homes. We invite you to tour a Home Center near you and inspect the highest value in quality housing available or call (757) 599-3803 to speak with a Home Consultant. Copyright 2017, CMH. All rights reserved.

<https://www.claytonhomesnewportnews.com>

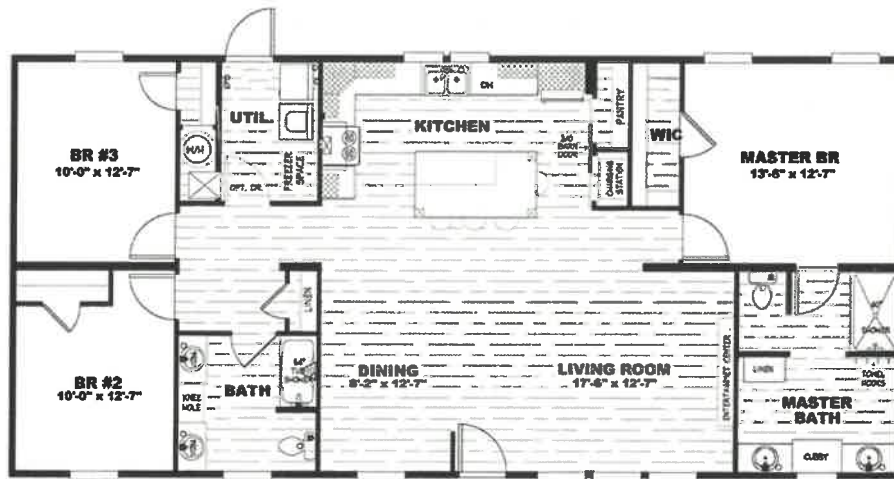
CLAYTON HOMES- NEWPORT NEWS

11281 JEFFERSON AVENUE
NEWPORT NEWS, VA 23601

Monday - Thursday: 9am - 6pm
Friday: 9am - 6pm
Saturday: 9am - 5pm
Sunday: Closed
(757) 599-3803



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11281 JEFFERSON AVENUE
NEWPORT NEWS, VA 23601

Monday - Thursday: 9am - 6pm

Friday: 9am - 6pm

Saturday: 9am - 5pm

Sunday: Closed

(757) 599-3803

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Tom Leininger, Planner

SUBJECT: HW-20-0001. King of Glory Lutheran Church

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Location Map	Backup Material
▣	Architectural Elevations	Backup Material
▣	Applicant's Letter of Request	Backup Material
▣	Proposed Location of Structure	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	6/25/2020 - 1:31 PM
Development Management	Holt, Paul	Approved	6/25/2020 - 1:31 PM
Publication Management	Burcham, Nan	Approved	6/25/2020 - 1:34 PM
Legal Review	Kinsman, Adam	Approved	6/29/2020 - 7:58 AM
Board Secretary	Fellows, Teresa	Approved	6/30/2020 - 4:35 PM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:23 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:40 AM

HEIGHT LIMITATION WAIVER CASE NO. 20-0001. King of Glory Lutheran Church

Staff Report for the July 14, 2020, Board of Supervisors Public Hearing**SUMMARY FACTS**

Applicant: Mr. Greg Warren, LandTech Resources

Land Owner: King of Glory Lutheran Church, Rumsey;
TR; ET ALS

Proposal: A height limitation waiver to permit the construction of a cupola to not exceed a height of \pm 90 feet above finished grade.

Location: 4897 Longhill Road

Tax Map/Parcel No.: 3240100033

Project Acreage: \pm 13.63 acres

Zoning: R-2, General Residential

Comprehensive Plan: Low Density Residential

Primary Service Area (PSA): Inside

Staff Contact: Tom Leininger, Planner

PUBLIC HEARING DATE

Board of Supervisors: July 14, 2020, 5:00 p.m.

FACTORS FAVORABLE

1. With the proposed conditions, staff finds that the proposal would not impact surrounding development.

2. Places of public assembly are recommended uses for areas designated Low Density Residential by the adopted Comprehensive Plan. Additionally, staff finds the proposed cupola would not create dust, odor, or noise impacts on adjacent residential properties. The proposal is consistent with the adopted Comprehensive Plan.
3. The proposed structure is located interior to the parcel.
4. Staff finds that the proposed application satisfies the criteria for height waivers found in Section 24-261(3) of the Zoning Ordinance.
5. Impacts: See Impact Analysis on Page 4.

FACTORS UNFAVORABLE

1. Impacts: See Impact Analysis on Page 4.

SUMMARY STAFF RECOMMENDATION

Staff recommends the Board of Supervisors approve this Height Limitation Waiver, subject to the attached conditions.

PROJECT DESCRIPTION

Mr. Greg Warren of LandTech Resources has applied on behalf of King of Glory Lutheran Church, for a Height Limitation Waiver to permit the installation of a new cupola. The cupola is proposed to reach a height of approximately 87 feet above finished grade, and will be located approximately 170 feet from the nearest property line.

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.

HEIGHT LIMITATION WAIVER CASE NO. 20-0001. King of Glory Lutheran Church

Staff Report for the July 14, 2020, Board of Supervisors Public Hearing

PLANNING AND ZONING HISTORY

King of Glory received a height waiver in 1996 for a steeple with a maximum height of 85 feet. The portion of the building associated with the height waiver from 1996 is being taken down and the new request is in a different location than the 1996 application. There are multiple Special Use Permits (SUPs) associated with the site, with the most recent SUP approved by the Board of Supervisors on June 11, 2019.

SURROUNDING ZONING AND DEVELOPMENT

- Properties southwest, north, and northeast are zoned R-2 and designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map.
- Properties to the west are zoned R-4 and designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map.
- Properties to the southeast are zoned R-5 and designated Moderate Density Residential on the 2035 Comprehensive Plan Land Use Map.
- The property is surrounded by Ford's Colony, Regency at Longhill, Williamsburg Plantation, and Windsor Forest. Wellspring United Methodist Church borders King of Glory Lutheran Church to the north.

COMPREHENSIVE PLAN

The site is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map.

Low Density Residential describes areas within the PSA where public services and utilities exist or are expected to be expanded to serve the sites over the next 20 years. Additionally, parcels designated Low Density Residential have natural characteristics such as terrain and soils suitable for residential development.

Recommended uses are divided into three different groups. Group 2 includes schools, places of public assembly, very limited commercial, and community-oriented facilities. Staff finds the use consistent with the Group 2 recommended uses.

The property is located along a Community Character Corridor (CCC). Buffering along a CCC is required to be an average width of 50 feet.

The CCC is categorized as a Wooden Community Character Corridor which is intended to visually screen the development from the road. Existing vegetation should be preserved or supplemented to create a wooded buffer that preserves the natural character of the County.

With the most recent approved SUP, staff finds that any impacts to adjacent properties would be mitigated.

HEIGHT LIMITATION WAIVER ANALYSIS

- Section 24-261(3) of the James City County Zoning Ordinance states that structures in excess of 60 feet in height and not exceeding 100 feet in height may be erected only upon the granting of a Height Limitation Waiver by the Board of Supervisors upon finding that the following criteria are met:

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.

HEIGHT LIMITATION WAIVER CASE NO. 20-0001. King of Glory Lutheran Church

Staff Report for the July 14, 2020, Board of Supervisors Public Hearing

1. Such structure will not obstruct light to adjacent property.

Staff Comment: The structures will be located a minimum of 170 feet from any property lines. Therefore, staff finds the proposed structures will not obstruct light from adjacent property.

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

Staff Comment: Staff did not identify any historic attractions or areas of significant historic interest in close proximity to this project.

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

Staff Comment: It is the opinion of the Director of Real Estate Assessments that the proposed 87-foot cupola will not impair property values in the area.

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

Staff Comment: The County Fire Chief finds that the cupola is well located relative to fire stations and appropriate equipment is installed to offer adequate protection to life and property.

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

Staff Comment: Staff finds that the structure is not contrary to public health, safety, and welfare.

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.

HEIGHT LIMITATION WAIVER CASE NO. 20-0001. King of Glory Lutheran Church**Staff Report for the July 14, 2020, Board of Supervisors Public Hearing**

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	-The proposal is not anticipated to generate traffic. -The subject property is located on a minor arterial road. No changes anticipated to Level of Service on Longhill Road.
<u>Public Transportation: Pedestrian/Bicycle</u>	<u>No Mitigation Required</u>	-Pedestrian/bicycle accommodations improvements shall be in coordination with the Longhill Road widening.
<u>Public Safety</u>	<u>No Mitigation Required</u>	-This area of the County is served by Fire Station 4 on Olde Towne Road, approximately .6 miles from the church property. -The proposal does not generate impacts that require mitigation to the County's emergency services or facilities.
<u>Public Schools</u>	<u>No Mitigation Required</u>	-The proposal will not generate school children.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	-The proposal does not generate impacts that require mitigation to the County's parks and recreation services or facilities.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	-The proposal does not generate impacts that require mitigation to public libraries or cultural centers.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	-The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.
<u>Watersheds, Streams, and Reservoirs</u>	<u>No Mitigation Required</u>	-The Stormwater and Resource Protection Division has reviewed this application and had no objections. No new impervious surface is proposed as part of this Height Waiver request. Should exterior site improvements be made in the future, those improvements would be subject to additional environmental review at that time.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	-The subject property has been previously disturbed and has not known cultural resources on-site.

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.

HEIGHT LIMITATION WAIVER CASE NO. 20-0001. King of Glory Lutheran Church**Staff Report for the July 14, 2020, Board of Supervisors Public Hearing**

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	-In order to mitigate the additional impacts of the proposed structure, staff has proposed several conditions to the Height Limitation Waiver, including minimizing lighting on the structure above 60 feet and a review of architectural elevations prior to site plan approval.
<u>Community Character</u>	<u>Mitigated</u>	-This segment of Longhill Road is a designated Community Character Corridor. -The structure will be visible from Longhill Road, but the proposed structure is well designed architecturally and is typical and consistent of what is historically found on a place of worship building. The proposed structure is setback approximately 170 feet from Longhill Road.

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.

HEIGHT LIMITATION WAIVER CASE NO. 20-0001. King of Glory Lutheran Church

Staff Report for the July 14, 2020, Board of Supervisors Public Hearing

PROPOSED CONDITIONS

Proposed conditions are provided as Attachment No. 1.

STAFF RECOMMENDATION

Staff recommends the Board of Supervisors approve this Height Limitation Waiver application subject to the attached conditions.

TL/md
HW20-1KGlryChurch

Attachments:

1. Resolution
2. Location Map
3. Architectural Elevations
4. Applicant Narrative
5. Location of Proposed Structure

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.

RESOLUTION

CASE NO. HW-20-0001. KING OF GLORY LUTHERAN CHURCH

HEIGHT LIMITATION WAIVER

WHEREAS, the Board of Supervisors of James City County has adopted by Ordinance specific land uses that shall be subjected to a Height Limitation Waiver process; and

WHEREAS, Mr. Greg Warren has applied on behalf of King of Glory Lutheran Church for a Height Limitation Waiver to allow for the installation of a cupola that is approximately 87 feet above finished grade (the "Structure"); and

WHEREAS, the Structure will be constructed in its entirety on property zoned R-2, General Residential located at 4897 Longhill Road, further identified as James City County Real Estate Tax Map No. 3240100033, and commonly known as "King of Glory Lutheran Church"; and

WHEREAS, the location of the highest point of the Structure is depicted on the plan prepared by LandTech Resources, entitled "Plan of Development King of Glory Lutheran Church Building and Parking Lot Expansion;" and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. HW-20-0001.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby finds that the requirements of Section 24-261(3) of the James City County Zoning Ordinance have been satisfied, in order to grant a Height Limitation Waiver to allow for the erection of a structure in excess of 60 feet in height and not to exceed 100 feet.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Height Limitation Waiver HW-20-0001 to grant the applicant a waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of a cupola up to 90 feet tall from finished grade as described herein, pursuant to the following conditions:

1. Plan: This Height Waiver shall be valid for the erection of a cupola up to 90 feet above finished grade (the "Structure") on property zoned R-2, General Residential located at 4897 Longhill Road, further identified as James City County Real Estate Tax Map No. 3240100033 (the "Property"). The Structure shall be constructed as generally shown on the plan prepared by LandTech Resources., entitled "Plan of Development King of Glory Lutheran Church Building and Parking Lot Expansion."
2. Lighting: All lighting locations and specifications shall be shown on future development plans. Unless otherwise required by the Federal Aviation Authority or

necessary for safety purposes, installation of any lights on the Structure at points above 60 feet in height or any installation of lights that direct light upward to illuminate any part of the Structure.

3. Architectural Review: Prior to final approval of any site plan for the Structure, architectural elevations, building materials, and building colors shall be submitted to the Director of Planning or designee for review and approval. The purpose of this condition is to ensure that the Structure is uniform and compatible in terms of design, scale, materials, and colors with other structures on the Property and consistent with the architectural elevations prepared by Hopke & Associates, Inc. dated April 17, 2019, and submitted with Case No. SUP-19-0009.
4. Commencement of Construction: Construction on the Structure shall commence within 36 months from the date of approval of this Height Limitation Waiver or this Height Limitation Waiver shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings for the Structure.
5. Severance Clause: This Height Limitation Waiver is not severable. Invalidity of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that the Height Limitation Waiver issued herein as part of Case No. HW-20-0001 shall replace and supersede the Height Limitation Waiver issued in Case No. HW-0001-1996 which shall no longer have any force of effect.

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

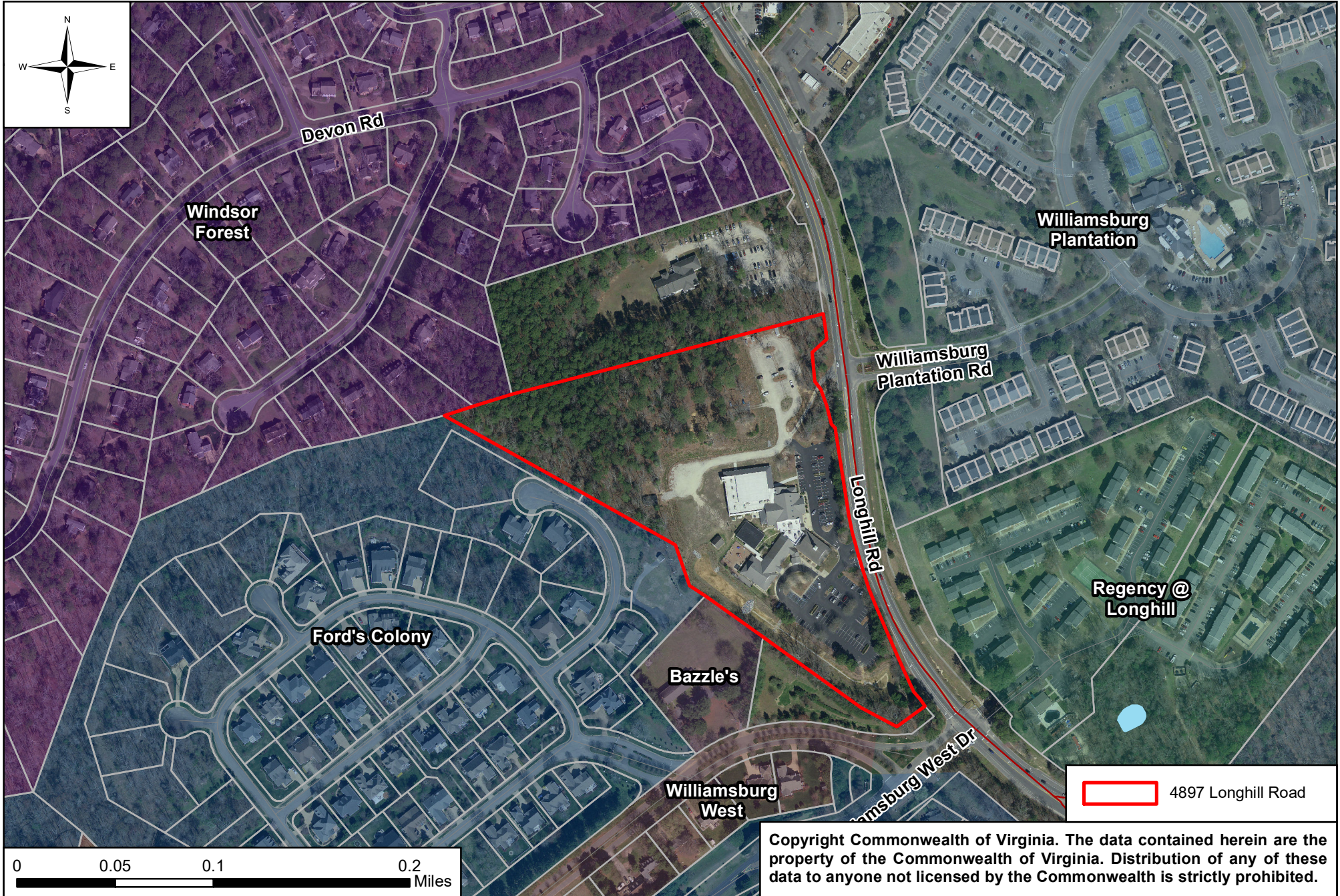
	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2020.

HW20-1KGlryChurch-res

JCC HW-20-0001

4897 Longhill Road King of Glory



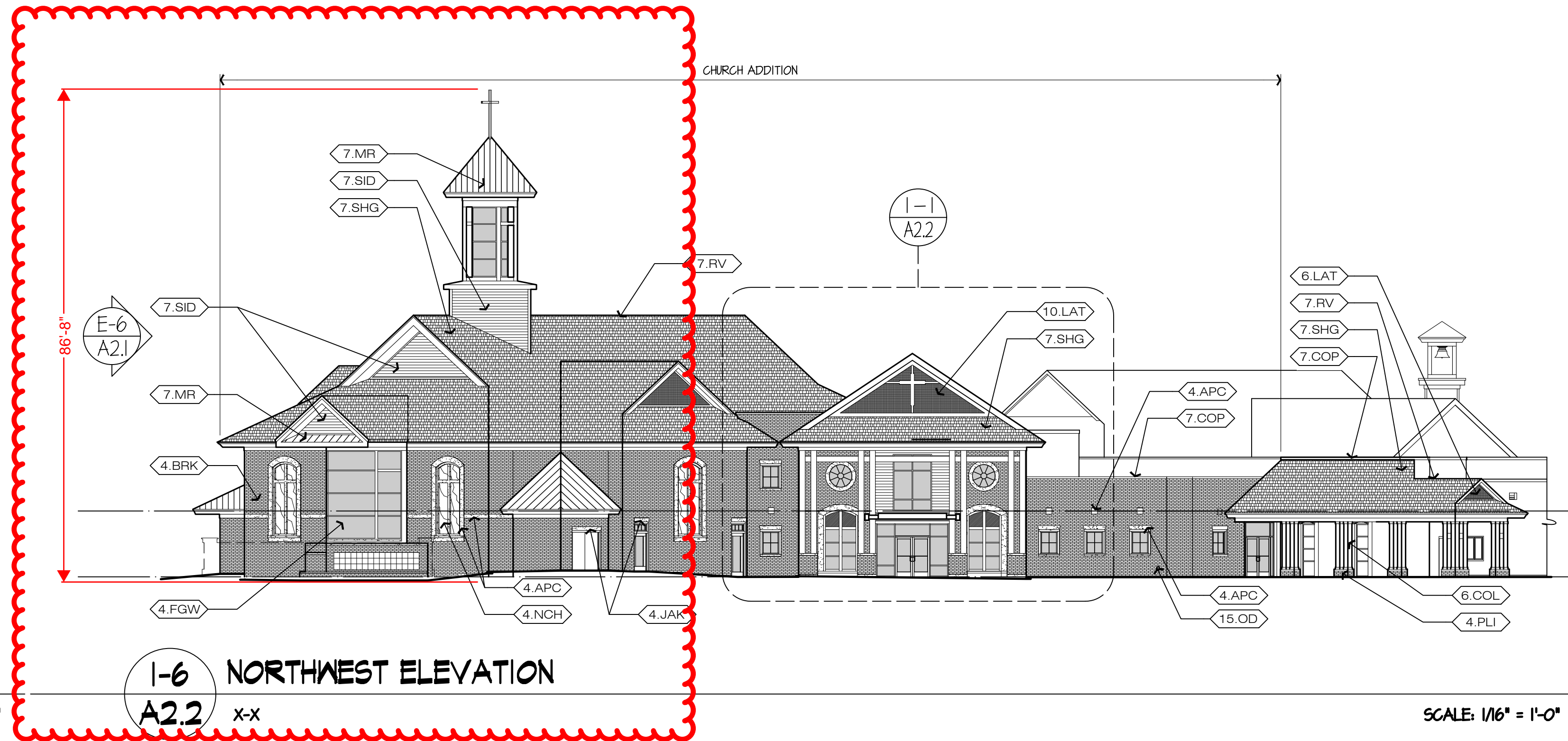
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ELEVATION AT INTERIOR OF PORTICO ELEVATION AT EXTERIOR OF PORTICO

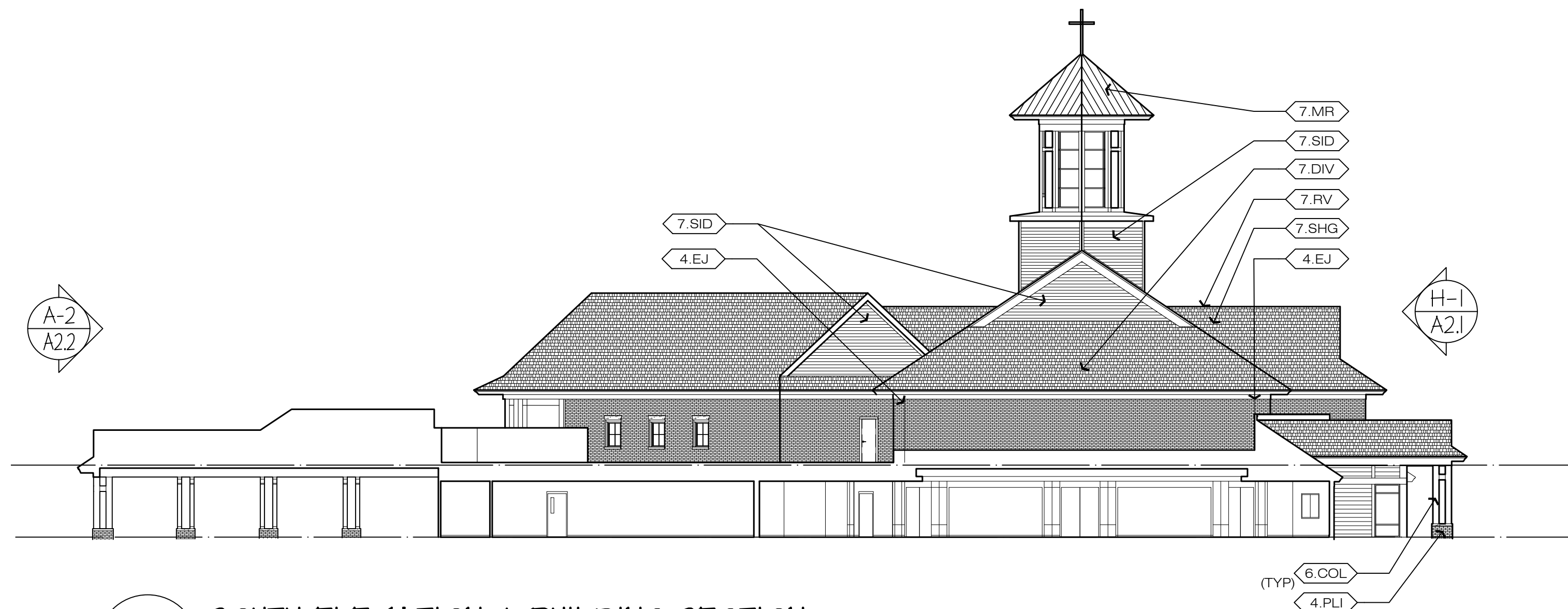
I-1 ENLARGED MAIN ENTRY PORTICO ELEVATION
A2.2 X-X

SCALE: 1/8" = 1'-0"



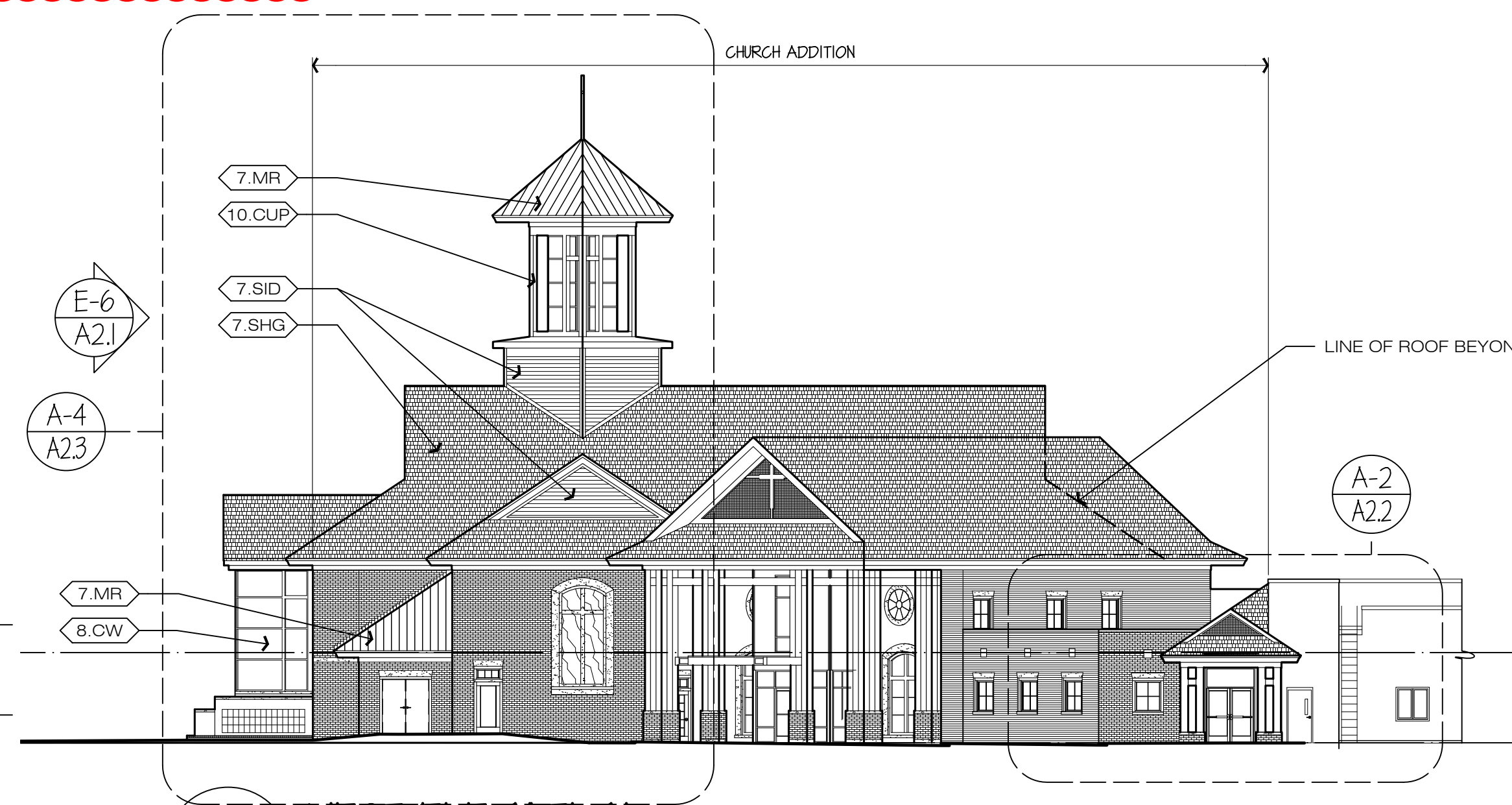
I-6 NORTHWEST ELEVATION
A2.2 X-X

SCALE: 1/16" = 1'-0"



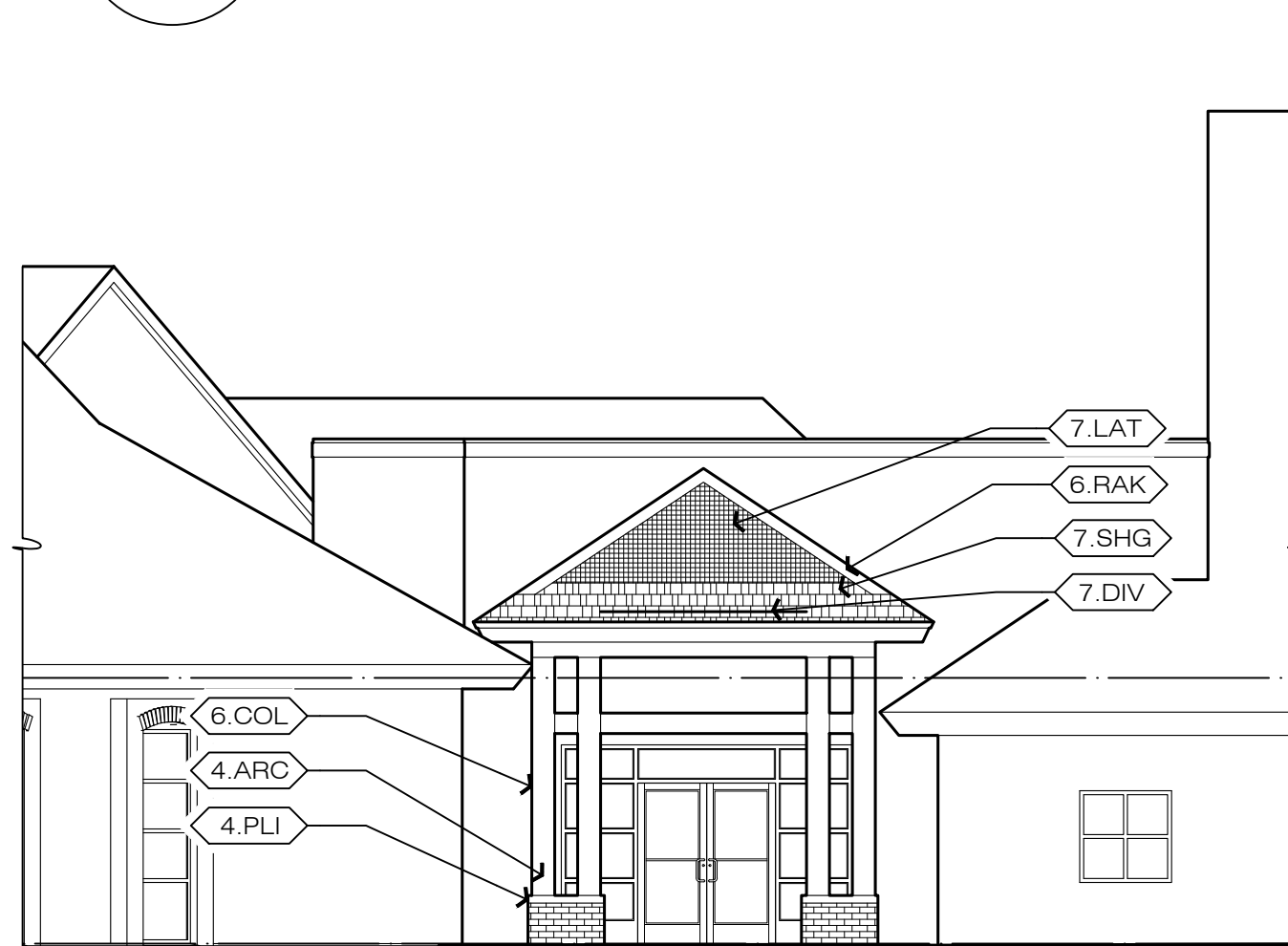
D-1 SOUTH ELEVATION & BUILDING SECTION
A2.2 X-X

SCALE: 1/16" = 1'-0"



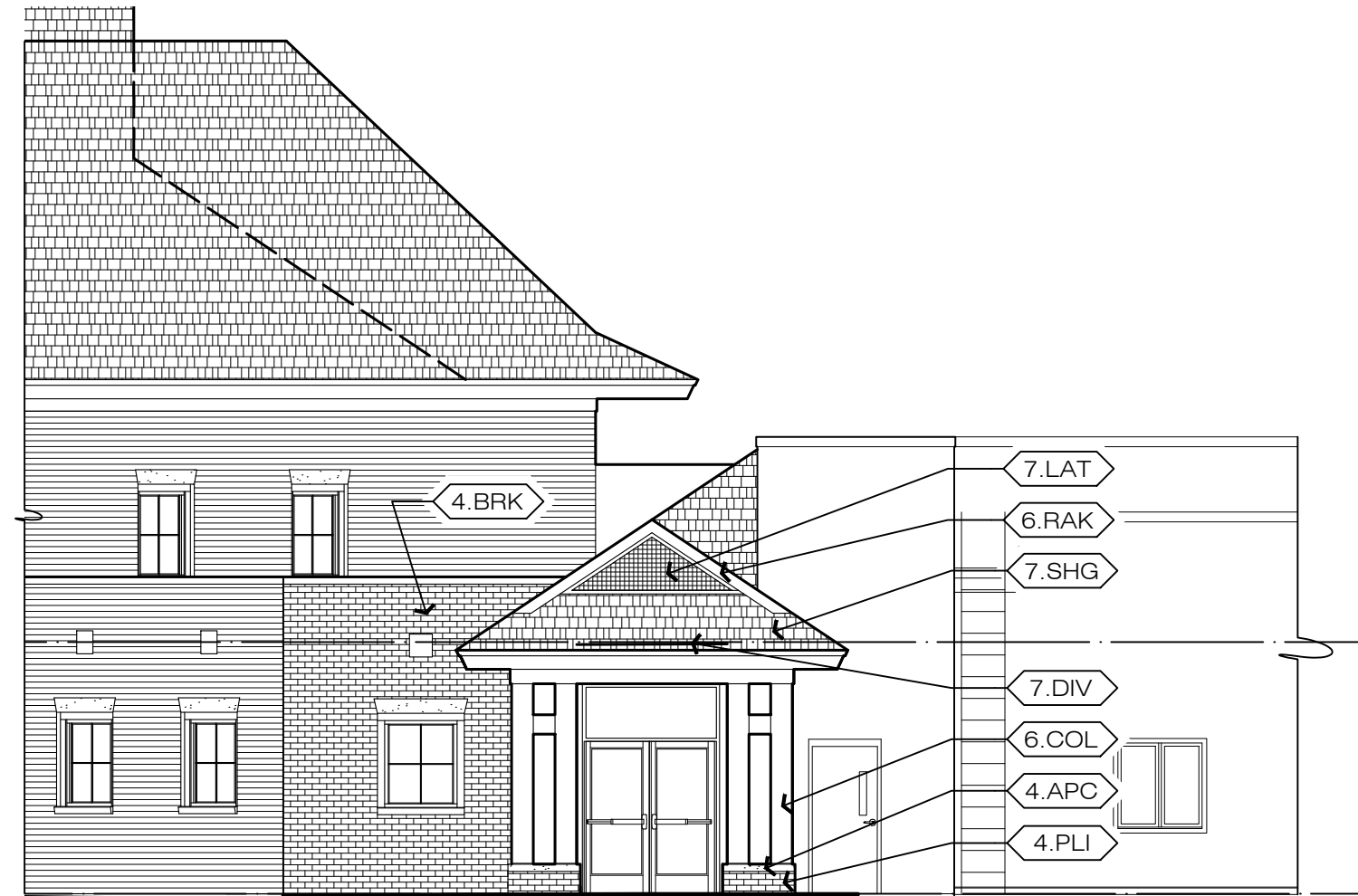
D-9 WEST ELEVATION
A2.2 X-X

SCALE: 1/16" = 1'-0"



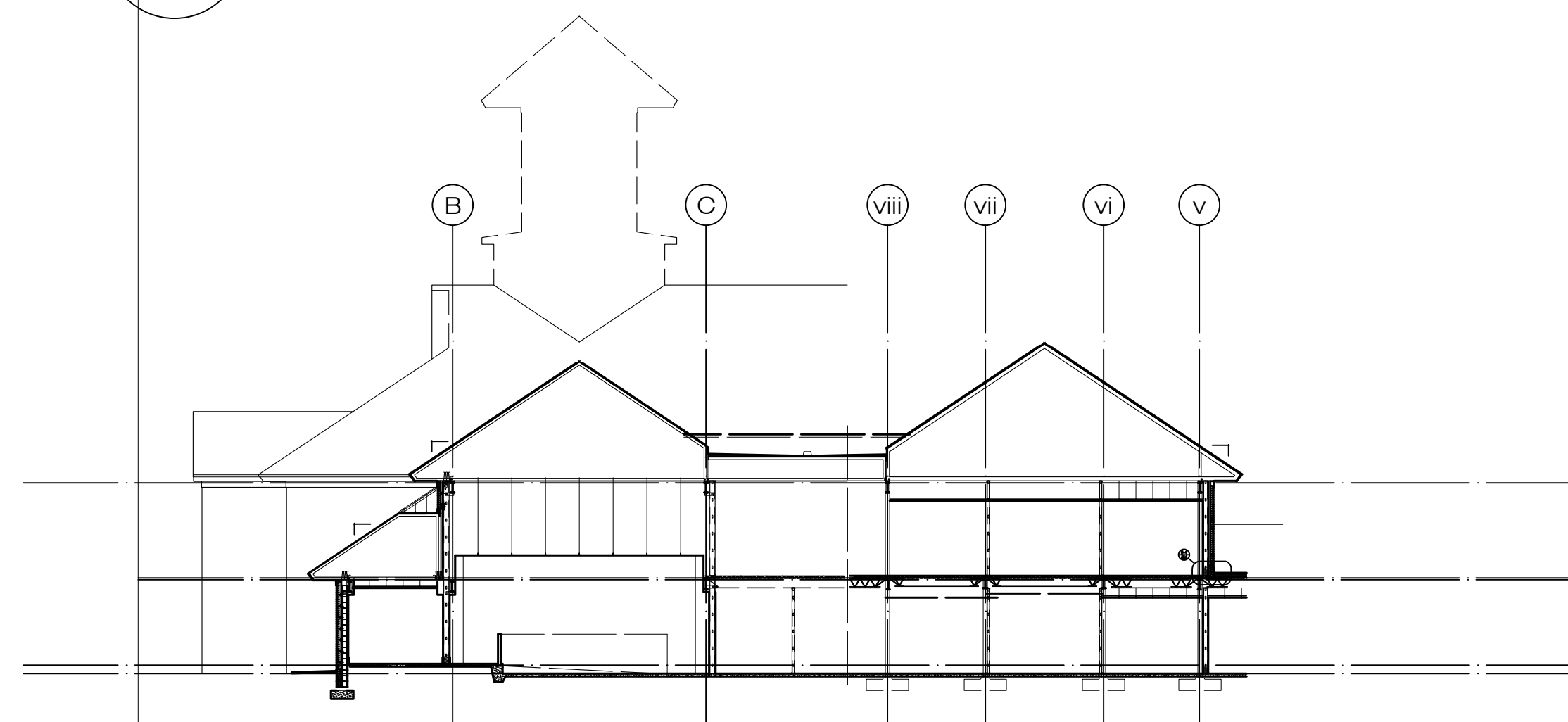
A-6 ENLARGED COMMUNITY ENTRY ELEV.
A2.2 X-X

SCALE: 1/8" = 1'-0"



A-2 ENLARGED WEST CHURCH ENTRY ELEV.
A2.2 X-X

SCALE: 1/8" = 1'-0"



A-9 UNFOLDED SECTION THRU WEST TRANSEPT & CHURCH OFFICE
A2.2 A12

SCALE: 1/16" = 1'-0"

- MATERIALS KEYING: A2.2 BUILDING ELEVATIONS CONT
- DIVISION 4: MASONRY
- 4.APC ARCHITECTURAL PRECAST MASONRY UNIT
 - 4.BRK BRICK
 - 4.NCH ARCHITECTURAL PRECAST AND STONE NICHE; SEE DETAIL
 - 4.PLI MASONRY PLINTH; SEE DETAIL
- DIVISION 6: WOOD AND PLASTIC
- 6.COL DECORATIVE COLUMN WRAP; SEE DETAIL
 - 6.FAS FASCIA BOARD
 - 6.LAT LATTICE
 - 6.SID
- DIVISION 7: THERMAL AND MOISTURE PROTECTION
- 7.COP METAL COPING CAP
 - 7.DIV METAL RAIN DIVERTER
 - 7.LAT
 - 7.MR STANDING SEAM METAL ROOFING
 - 7.RV RIDGE VENT
 - 7.SH6 FIBERGLASS SHINGLES W/ 15# FELT
 - 7.SID FIBER CEMENT SIDING
- DIVISION 8: DOORS AND WINDOWS
- 8.CW CURTAIN WALL SYSTEM
 - 8.SF STOREFRONT FRAMING SYSTEM
 - 8.SGM STAINED GLASS WINDOW, RELOCATED FROM EXISTING BUILDING; SEE DETAIL
- DIVISION 9: FINISHES
- 9.2X2 2x2 ACOUSTICAL CEILING TILE GRID AND PANELS
- DIVISION 10: SPECIALTIES
- 10.BEL SIMULATED CAST BRONZE BELL AND GUPOLA; SEE DETAIL
 - 10.CUP GUPOLA; SEE DETAIL

60% PROGRESS SET 01/30/2020
No. Drawing Edition / Revision Date

Project Info: KING OF GLORY LUTHERAN CHURCH, SCHOOL,
4897 LONGHILL ROAD
WILLIAMSBURG, VA 23188
& COMMUNITY CENTER ADDITIONS AND ALTERATIONS

BUILDING ELEVATIONS CONT
(DRAWN) REVIEWED: (xxx) JAH

HOPKE & ASSOCIATES INC.
ARCHITECTURE ■ PLANNING ■ INTERIORS

1156 Jamestown Road, Suite C
Williamsburg, VA 23185
757.229.1100 Telephone
757.229.0869 Facsimile
www.hopke.com

Seal

Project No. 37012

Sheet

A2.2

--- of ##

SAVED: 1/30/2020 10:16:07 AM PLOTTED: 1/31/2020 11:37:15 PM

HOPKE & ASSOCIATES

■ ARCHITECTURE/PLANNING/INTERIORS

March 23, 2020

Paul Holt Planning Director
James City County
101-A Mounts Bay Road
Williamsburg, Virginia 23185
via: email

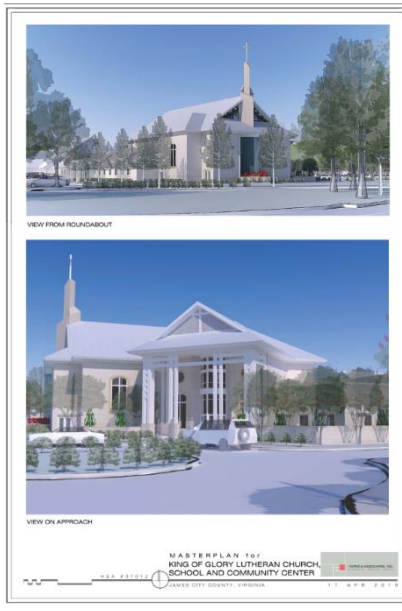
re: King of Glory Lutheran Church, School and Community Center
H&A #37012

Dear Mr. Holt,

This letter is a formal request for a waiver to the spire/steeple height limitations of Section 24-261 of the Zoning Ordinance, which reads:

Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas and home radio aerials may be erected to a total height of 60 feet from grade. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure upon finding that:

- a. Such structure will not obstruct light to adjacent property;
- b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- c. Such structure will not impair property values in the surrounding area;
- d. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, to offer adequate protection to life and property; and
- e. Such structure will not be contrary to the public health, safety and general welfare.



A schematic design of the proposed Church was submitted with an SUP application. The SUP application was approved and it was noted at the time that an application for a waiver for the spire height would be required. At left is an image of the spire included in that submission:

Since that time, the design has been developed and working drawings are nearing completion. Minor refinements to the building footprint and position of the spire have been made that have not impacted the size, parking requirements or visibility of the building. Below is a current image:

■
1156 Jamestown Road, Suite C
Williamsburg, VA 23185
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www.hopke.com



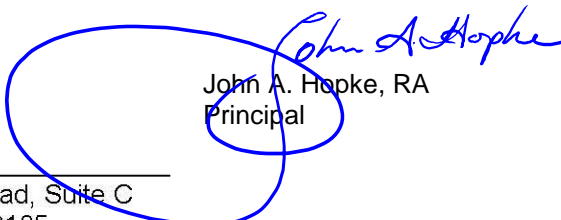
The spire height proposed will be approximately 90'-0" above grade at the main entrance to the church. We request this waiver noting the following:

- a. The spire is located toward the center of the worship space, which is located well into the interior of the site. As such it will not obstruct light to any of the adjacent properties.
- b. For similar reasons the spire will not impair the visibility or setting of any of the surrounding developments. There are no historic properties that would be impacted.
- c. For similar reasons, the spire will not negatively impact surrounding property values.
- d. The spire is being designed of non-combustible construction and is located within the portion of the building which is fully sprinklered, in accordance with NFPA-13. Moreover, fire-water is available at existing and proposed fire hydrants. Additionally, the nearest fire station is located less than 1 mile from the site, on Olde Town Road.
- e. The spire will have no negative impact on public health, safety and welfare of the public.

Please find attached additional graphics documenting the design and height of the spire. Let me know if any additional information is needed and we look forward to your review.

Thanks again,

Very truly yours,
HOPKE & ASSOCIATES, Inc.


John A. Hopke, RA
Principal



Location of
cupola on site.

PLAN OF DEVELOPMENT
**KING OF GLORY
LUTHERAN CHURCH**
BUILDING AND PARKING LOT EXPANSION

JAMES CITY COUNTY JAMESTOWN MAGISTERIAL DISTRICT VIRGINIA

Scale: 1"=50'
Date: January 21, 2019
Job Number: 13-117
Drawn By: GSW
Sheet Title:
POST-
DEVELOPMENT
DRAINAGE AREA
MAP
Sheet Number:
DA1.1



**LRI
LANDTECH**
RESOURCES, INC.
ENGINEERING • SURVEYING • GPS
209-E Bullions Boulevard Williamsburg, VA 23188
Ph: (757) 835-0722
Web: landtechresources.com

NO.	DATE	REVISION / COMMENT / NOTE
1	4/1/20	REVISED PER CC COMMENTS
2	5/19/20	REVISED PER CC COMMENTS

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Brett Meadows, Planner

SUBJECT: SUP-19-0012. Tiki Tree and Landscape

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Location Map	Exhibit
▣	Master Plan	Exhibit
▣	Rendered Layout Plan	Exhibit
▣	Approved Minutes March 4 2020 Planning Commission	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	6/24/2020 - 1:10 PM
Development Management	Holt, Paul	Approved	6/24/2020 - 1:10 PM
Publication Management	Daniel, Martha	Approved	6/24/2020 - 1:32 PM
Legal Review	Kinsman, Adam	Approved	6/29/2020 - 7:59 AM
Board Secretary	Fellows, Teresa	Approved	6/30/2020 - 4:38 PM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:24 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:41 AM

SPECIAL USE PERMIT-19-0012. Tiki Tree and Landscape**Staff Report for the July 14, 2020, Board of Supervisors Public Hearing**

SUMMARY FACTS

Applicant: Mr. Ryan Stephenson of AES Consulting Engineers

Land Owners: Hayden's Place, LLC (owned by Mr. Timothy J. Soderholm); Mr. Timothy J. Soderholm and Ms. Ashley Marie Campbell; and Mr. Bruce M. Gilliam

Proposal: A request to allow a contractor's storage yard

Locations: 6283, 6293, and 6289 Centerville Road

Tax Map/Parcel Nos.: 3120100004, 2340200001, and 3120100018

Project Acreage: 2.62 +/- acres

Zoning: A-1, General Agricultural District

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Brett A. Meadows, Planner

PUBLIC HEARING DATES

Planning Commission: February 5, 2020, 6 p.m. (deferred by applicant)
March 4, 2020, 6 p.m.

Board of Supervisors: July 14, 2020, 5 p.m.

FACTORS FAVORABLE

1. The proposed use is consistent with the recommendation of the 2035 Comprehensive Plan as a use of very limited commercial nature and located on a collector or arterial road.
2. With the attached Special Use Permit (SUP) conditions, staff finds the proposal is compatible with surrounding zoning and development.
3. Impacts: See Impact Analysis on Pages 4-5.

FACTORS UNFAVORABLE

1. With the attached SUP conditions, staff finds that there are no unfavorable factors.
2. Impacts: See Impact Analysis on Pages 4-5.

STAFF RECOMMENDATION

1. Approval subject to the attached SUP conditions.

PLANNING COMMISSION RECOMMENDATION

At the March 4, 2020 Planning Commission meeting, a motion to recommend approval passed with a vote of 5-2.

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

None.

PROJECT DESCRIPTION

Hayden's Place, LLC, doing business as Tiki Tree and Landscape, is currently operating a contractor's storage yard on a parcel along

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.

SPECIAL USE PERMIT-19-0012. Tiki Tree and Landscape

Staff Report for the July 14, 2020, Board of Supervisors Public Hearing

Centerville Road and is seeking this SUP to bring the operation into conformance with the Zoning Ordinance. A contractor's storage yard is a specially permitted use on property zoned A-1, General Agricultural.

According to information provided by the applicant, the operation is a storage yard for a professional tree and landscaping service with the following characteristics:

1. All storage, parking, and other operations of the storage yard occur at 6283 Centerville Road (Parcel 1), owned by Hayden's Place, LLC. 6289 Centerville Road (Parcel 2), owned by Mr. Gilliam, will only be used for the shared driveway. 6293 Centerville Road (Parcel 3), owned by Mr. Soderholm and Ms. Campbell, will only be used for the office and bathroom facilities for employees.
2. Within Parcel 1, the use itself is limited to areas shown on the attached Master Plan. Two existing enclosed sheds and one existing pole barn are part of the commercial use. One other temporary storage container will be moved from the front of the property and placed within the commercial use portion of the property. Parcel 1 also contains a pre-existing residential structure along the Centerville Road frontage and another pre-existing residential structure in the rear of the property. Neither residential structure is used for the commercial use.
3. There are no employees. All work is performed by subcontractors.
4. There will be no more than four vehicles stored on the property in relation to the business (a dump truck, a pickup truck, and two bucket trucks). Machinery associated with the business is stored

under the pole barn. A trailer for transporting equipment could potentially be stored in the yard.

5. A maximum of three subcontractor vehicles are parked on-site at any time. The subcontractor vehicles are not parked on the property at the same time as the business vehicles.
6. The hours of operation vary depending on the job, but no work is conducted on the subject property. When warranted, subcontractors meet at the site at approximately 7 a.m. and leave the site by 6 p.m. Trucks related to the business leave at various times after 7 a.m. and return to the site at various times close to 5 p.m. Operations run Monday through Friday, unless an emergency arises on the weekend.
7. Customers do not come to the site.
8. At Parcel 3, Mr. Soderholm currently has an approved home occupation permit for a business office for Tiki Tree and Landscaping at this residence. Parcel 3 is part of this SUP application in order to provide access to bathroom facilities for employees and subcontractors as required for this commercial use.

SURROUNDING ZONING AND DEVELOPMENT

This stretch of Centerville Road surrounding the property contains a mix of zoning designations.

1. The immediate surrounding parcels are zoned A-1, General Agricultural. These parcels are designated as Low Density Residential (LDR) in the 2035 Comprehensive Plan. Most of the parcels bordering on the east are part of the James-Shire Settlement subdivision, which was subdivided in 1972 for

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.

SPECIAL USE PERMIT-19-0012. Tiki Tree and Landscape

Staff Report for the July 14, 2020, Board of Supervisors Public Hearing

residential use. James-Shire Settlement parcels are less than two acres each. The immediate parcel to the west is +/- 21 acres and is currently classed as having an agricultural use.

2. The parcels directly across Centerville Road are zoned R-8, Rural Residential, and are part of the Camelot subdivision, which was subdivided in 1967 and 1969 for residential use. These parcels are designated as LDR in the 2035 Comprehensive Plan.

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.

SPECIAL USE PERMIT-19-0012. Tiki Tree and Landscape**Staff Report for the July 14, 2020, Board of Supervisors Public Hearing**

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Watersheds, Streams, and Reservoirs</u> The project is located in the Yarmouth Creek Watershed. The project has already been built to commercial use without approval from the County.	<u>Mitigated</u>	<ul style="list-style-type: none">- As the site was developed without any approved plans, a revegetation plan is required for portions of the commercial use area at the site plan stage per Condition No. 13.- The project will go through a site plan process that must meet stormwater management criteria.- Due to the storage of commercial equipment and machinery, a spill prevention and containment plan is required in Condition No. 9.
<u>Nearby and Surrounding Properties</u> The project is surrounded by residential properties. The project has already been built to commercial use without approval from the County.	<u>Mitigated</u>	<ul style="list-style-type: none">- The proposed project would continue the existing business operation.- So as not to disturb the residential character of neighboring James-Shire Settlement on Settlers Lane, all vehicle access to Parcel 1 will be via Centerville Road, per Condition Nos. 7 and 8.- To separate the commercial uses of Parcel 1 from surrounding parcels, limitations for each parcel within the project are defined in Condition No. 2, and enhanced landscaping and screening requirements are specified in Condition No. 6.- The applicant has stated that no work is performed on-site, so staff does not anticipate significant noise, odor, lighting, or other similar impacts on nearby properties. However, to address any potential impacts of this nature, hours of operation are defined in Condition No. 11 and lighting requirements are specified in Condition No. 12.- The project will need to demonstrate full compliance with the Zoning Ordinance at the site plan stage per Condition No. 15.
<u>Community Character</u> The project is located along the Centerville Road Community Character Corridor (CCC). Buffering along a CCC is required to be an average width of 50 feet.	<u>Mitigated</u>	<ul style="list-style-type: none">- As the commercial use is limited to the middle portion of Parcel 1 outside of the CCC buffer, this application does not propose any changes to the existing landscaping in this parcel's CCC buffer.- As noted above, enhanced landscaping to screen the project, including parking areas, is specified in Condition No. 6.- Also, as noted above, the project will need to demonstrate full compliance with the Zoning Ordinance at the site plan stage per Condition No. 15.

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.

SPECIAL USE PERMIT-19-0012. Tiki Tree and Landscape**Staff Report for the July 14, 2020, Board of Supervisors Public Hearing**

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- As noted above, the project will need to demonstrate full compliance with the Zoning Ordinance at the site plan stage per Condition No. 15.
<u>Public Transportation: Vehicular</u> Light commercial landscaping trucks will access the parcel.	<u>Mitigated</u>	- All vehicle access to Parcel 1 will be via Centerville Road, per Condition No. 7. - Centerville Road is a secondary arterial road. - No impacts anticipated. The traffic generated by the site is expected to be low (five to 10 weekday peak hour trips) and staff finds that the existing Centerville Road is equipped to handle this minimal increase in traffic.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	- The project parcels have existing sidewalks along the Centerville Road frontage. - Staff finds this project does not generate impacts requiring mitigation.
<u>Public Safety</u>	<u>No Mitigation Required</u>	- Fire Station 4 on Olde Towne Road serves this area of the County, approximately 4.1 miles from the project. - Staff finds this project does not generate impacts that require mitigation to the County's Fire Department facilities or services.
<u>Public Schools</u>	<u>No Mitigation Required</u>	- N/A since no residential dwelling units are proposed.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- N/A since no residential dwelling units are proposed.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- Staff finds this project does not generate impacts that require mitigation.
<u>Groundwater and Drinking Water Resources</u> Project Receives Public Water and Sewer	<u>No Mitigation Required</u>	- Staff finds this project does not generate impacts that require mitigation. As work is performed off-site, there should be minimal use of water and sewer on-site.

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.

COMPREHENSIVE PLAN

The property is designated LDR as are all of the surrounding parcels.

LDR Group 2 uses include very limited commercial and community-oriented facilities. LDR has development standards for use and character compatibility. New development is permitted only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed. In LDR, particular attention should be given to addressing such impacts as incompatible development intensity and design, building height and scale, land uses, smoke, noise, dust, odor, vibration light, and traffic.

In LDR, Group 2 uses should only be approved when the following standards are met: they complement the residential character of the area; they have traffic, noise, lighting, and other impacts similar to surrounding residential uses; they are generally located on collector or arterial roads at intersections; they act as a transitional use between residential and commercial areas or, if located within a residential community, serve to complement the residential character of the area rather than altering its nature; they provide adequate screening and buffering to protect the character of nearby residential areas; and they are generally intended to support the residential area in which they are located.

Staff has determined that a landscaping contractor's storage yard is a limited commercial use and serves the local community as opposed to serving distance customers. The project has similarly-scaled structures to structures found in the surrounding residential uses. The project is located on a secondary arterial road, it does not serve customers at the site, and the applicant states that daily trips are minimal. As work is performed off-site, there should not be significant impacts of smoke, dust, odors, or noise. Proposed SUP conditions require a site plan to

meet all lighting and impervious surface requirements. To ensure that the commercial use complements neighboring residential uses and the CCC, significant landscaping and screening requirements are provided by the proposed SUP conditions.

PROPOSED SUP CONDITIONS

The full text of the proposed conditions are provided in Attachment No. 1.

STAFF RECOMMENDATION

With the attached conditions, staff finds that the proposal is compatible with surrounding zoning and development and consistent with the 2035 Comprehensive Plan.

Staff recommends the Board of Supervisors approve this application subject to the conditions stated in Attachment No. 1.

BAM/md
SUP19-12TikiTree

Attachments:

1. Resolution
2. Location Map
3. Master Plan
4. Rendered Layout Plan
5. Approved Minutes of the March 4, 2020 Planning Commission Meeting

RESOLUTION

CASE NO. SUP-19-0012. TIKI TREE AND LANDSCAPE

CONTRACTOR'S STORAGE YARD

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, Hayden's Place, LLC owns property located at 6283 Centerville Road, further identified as James City County Real Estate Tax Map No. 3120100004 ("Parcel 1"); and

WHEREAS, Mr. Bruce M. Gilliam owns property located at 6289 Centerville Road, further identified as James City County Real Estate Tax Map No. 3120100018 ("Parcel 2"); and

WHEREAS, Mr. Timothy J. Soderholm and Ms. Ashley Marie Campbell own property located at 6293 Centerville Road, further identified as James City County Real Estate Tax Map No. 2340200001 ("Parcel 3"); and

WHEREAS, the owners have applied for an SUP to allow the operation of a contractor's warehouse, sheds, and accessory uses thereto (the "Project") on Parcels 1 and 2, and the operation of a contractor's office (the "Office") on Parcel 3; and

WHEREAS, development and operation of the Project and the Office shall be as shown on the Master Plan titled "Tiki Tree and Landscape SUP" and date stamped November 13, 2019, with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended; and

WHEREAS, the Planning Commission, following its public hearing on March 4, 2020, considered a motion to approve the application which passed by a vote of 5-2; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-19-0012.

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-19-0012 as described herein with the following conditions:

1. Master Plan. This SUP shall be valid for the operation of: (i) a contractor's warehouse, sheds, and accessory uses thereto (the "Project") on property located at 6283 Centerville Road, further identified as James City County Real Estate Tax Map No. 3120100004 ("Parcel 1") and property located at 6289 Centerville Road, further identified as James City County Real Estate Tax Map No. 3120100018 ("Parcel 2"); and (ii) a contractor's office (the "Office") on property located at 6293 Centerville Road, further identified as James City County Real Estate Tax Map No. 2340200001 ("Parcel 3") (Parcels 1, 2, and 3 referred to collectively as the "Property").

Development and operation of the Project and the Office shall be as shown on the Master Plan titled “Tiki Tree and Landscape SUP” and date stamped November 13, 2019 (the “Master Plan”), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.

2. Limitations. Only the following activities associated with the Project shall be conducted on Parcel 1: (i) maintenance of equipment and vehicles, and (ii) storage and loading of materials on trucks and trailers. Parcel 2 shall only be used for access to the Project. Parcel 3 shall only be used for activities consistent with a home occupation as defined by the Ordinance, and bathroom accessibility for the Project. No retail sales, including the sale of wood or wood-related products, shall occur on the Property. No mulching or stump grinding shall occur on the Property. Storage/stockpiling of soil, landscaping debris, gravel, stone, or other landscaping materials shall not be allowed on the Property.
3. Indoor Storage. Storage of all equipment, machinery, and materials associated with the Project, excluding trucks and other vehicles, shall be located inside the “shed,” “pole barn,” and “storage unit” structures as shown on the Master Plan. The storage unit shall be anchored.
4. Parking Areas. Vehicles and trailers associated with the Project, including employee and/or subcontractor vehicles and trailers, shall be parked in the areas labeled as “Subcontractor Parking” and “Parking for Business Use” as shown on the Master Plan.
5. SUP Amendment. An amendment to this SUP shall be necessary should the amount of equipment associated with the Project exceed the storage capacity of the ± 900-square-foot sheds, the ± 380-square-foot storage unit, and ± 980-square-foot pole barn, or if the vehicles associated with the Project exceed the parking capacity of the parking areas as shown on the Master Plan.
6. Landscape and Screening. As part of the site plan, a landscape and screening plan shall be submitted to the Director of Planning or designee for review and approval prior to final site plan approval. All components of the Project on Parcel 1 shall be screened from the adjacent properties to the east and west, as determined by the Director of Planning, by either a fence or landscaping buffer at least 15 feet in width. In addition, the Project shall be screened from Centerville Road, as determined by the Director of Planning, by either fencing, landscaping, or both. All fencing and/or landscaping shall meet the following standards:
 - a. Any fencing used to meet this condition shall be of a natural wood color and of a design and height to screen the Project from adjacent properties. Fence height shall be a minimum of six feet and a maximum of eight feet. The location of the fence shall be shown on the site plan, and the design of the fence shall be submitted to the Director of Planning for review and approval as a component of the site plan. No fencing shall be built within the Community Character Corridor along Centerville Road.
 - b. All landscape material installed to meet this condition shall be evergreen, and shall meet or exceed the applicable landscape standards contained in the Zoning Ordinance.

- c. All fence and landscape material installed to meet this condition shall be on the Parcel 1, and not be located on adjacent parcels. The structures on the Master Plan labeled “Storage of Tree Removal Tools” shall be reoriented or relocated within the area designated on the Master Plan for the use, if needed, in order to meet this condition.
 - d. Any gate built within the fence or any break in the landscaping shall be a maximum of six feet wide so as to preclude vehicle access. Any such gate or landscaping break shall be shown on the site plan, and the design shall be approved by the Director of Planning.
- 7. Vehicle Access. All vehicular access to the Project shall be limited to one vehicle entrance via Centerville Road only. There shall be no vehicular access permitted between the Project and Parcel 3, or any parcels on Settlers Lane.
 - 8. Ingress/Egress Easement. If access to the Project is through Parcel 2, an ingress/egress easement to allow vehicular access through Parcel 2 shall be recorded and evidence of recordation shall be submitted to the Director of Planning prior to final site plan approval. No operation (parking, storage, structures, etc.) of the Project other than access shall occur on properties other than Parcel 1.
 - 9. Spill Prevention and Containment Plan. Prior to final site plan approval, a spill prevention and containment plan that addresses chemical handling for the Project, including but not limited to oil, diesel, and gasoline, shall be submitted to the Director of Stormwater and Resource Protection and the Fire Chief for their respective review and approval.
 - 10. Signage. No outdoor signage advertising the Project shall be allowed on the Property.
 - 11. Hours of Operation. The hours of operation of the Project shall be limited from 7 a.m. to 7 p.m. Monday through Saturday, except for transportation related to occasional storm cleanup.
 - 12. Lighting. Any existing outdoor lighting on Parcel 1 shall be brought up to current Zoning Ordinance standards. Any new exterior lighting installed on the Property shall adhere to Article II, Division 7 Outdoor Lighting of the Zoning Ordinance. Lighting fixtures shall not be mounted in excess of 15 feet in height, as measured from finished grade.
 - 13. Revegetation. Storage of materials or vehicles on areas not presented as impervious in the SUP application shall be modified and accounted for with the site plan. Areas outside of impervious cover shall be shown as revegetation on the site plan. A revegetation plan shall be developed for any existing impervious cover which is not shown as impervious on the Master Plan. Such revegetation plan shall be included in the site plan and approved by the Director of Stormwater and Resource Protection prior to final site plan approval.
 - 14. Special Stormwater Criteria. The Director of Stormwater and Resource Protection shall allow certain Special Stormwater Criteria (SSC) measures to be employed to the satisfaction of the Virginia Runoff Reduction Management (VRRM) and the SSC

simultaneously as the current SSC guidelines pre-date the VRRM method. The following SSC practices shall not be accepted for use in the Project:

- a. Disconnection of Impervious Areas. The proposed layout for the Project is such that the intent of this measure to be applied to the Property cannot be achieved. If a different layout be desired, this measure may be allowed by the Director of Stormwater and Resource Protection.
 - b. Sumped or Bottomless Inlets.
 - c. Record Drawings of Storm Systems.
 - d. Additional Pollutant Load Reduction. This measure will only be accepted if the additional load reduction is at least 25% greater than the calculated load requirement. Additional nutrient credit purchase will not satisfy this measure. A constructed measure(s) must be applied.
15. Site Plan. A site plan for the Project shall be submitted within 12 months from the date of approval of the SUP, and final approval of the site plan shall be obtained within 24 months of issuance of this SUP, or the SUP shall automatically be void. Installation of all improvements shown on the approved site plan shall be completed, and a final inspection shall occur within 36 months of issuance of this SUP, or the SUP shall automatically be void.
16. Severability. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidated the remainder.

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

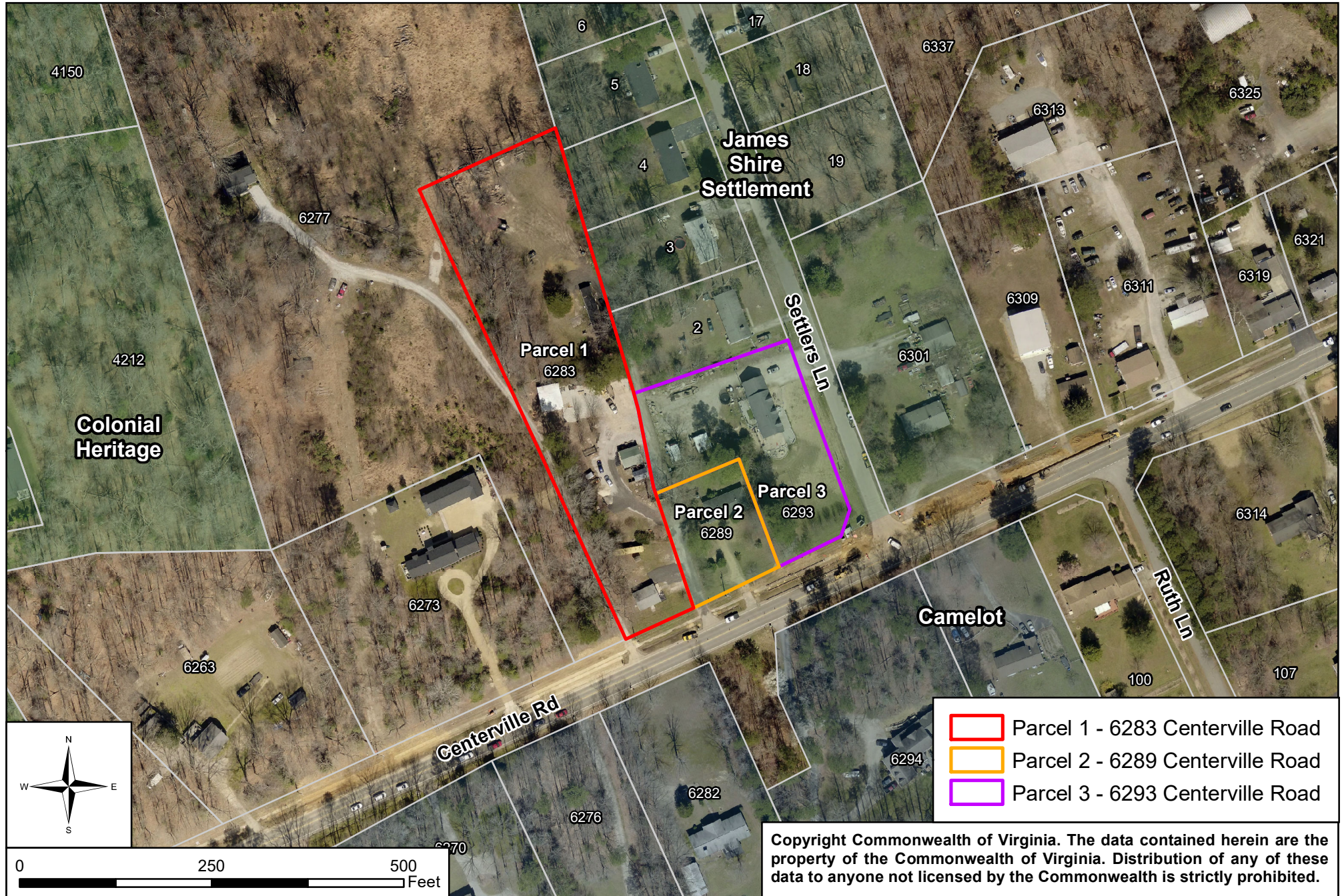
	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

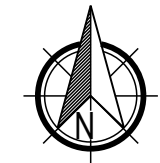
Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2020.

SUP19-12TikiTree-res

JCC SUP-19-0012

Tiki Tree and Landscape





DATE: DECEMBER 11, 2019
SCALE: 1"=40'

SHEET 1 of 1

RENDERED LAYOUT PLAN
TIKI TREE AND LANDSCAPE SUP
JAMES CITY COUNTY, VIRGINIA
(AES PROJECT #: W10610 - AES PROJECT CONTACT: T. RYAN STEPHENSON, P.E.)
JCC CASE NO. SUP-19-0012



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

**Approved Minutes of the March 4, 2020
Planning Commission Regular Meeting**

SUP-19-0012. Tiki Tree and Landscape

Mr. Brett Meadows, Planner, stated that Hayden's Place, LLC, doing business as Tiki Tree and Landscape, has applied to allow a contractor's storage yard at 6283, 6293, and 6289 Centerville Road. Mr. Meadows stated that the parcels are zoned A-1, General Agricultural and are located within the PSA. Mr. Meadows noted a contractor's storage yard is a specially permitted use in the A-1 Zoning District.

Mr. Meadows stated that only the parcel at 6283 will be used for the storage area. Mr. Meadows further stated that the parcel belonging to Mr. Timothy Soderholm and Ms. Ashley Marie Campbell will be used for an office and restroom facilities, while the parcel belonging to Mr. Bruce Gilliam will contain an access easement to the storage yard from Centerville Road.

Mr. Meadows stated that staff is recommending conditions which are intended to mitigate the impacts of the use and preserve the residential character of the home. Mr. Meadows stated that conditions include screening from adjoining parcels and Centerville Road, limiting vehicle access to Centerville Road, and requiring a revegetation plan.

Mr. Meadows stated that staff finds the proposal compatible with the 2035 Comprehensive Plan as a use of very limited commercial nature which is located on a collector or arterial road. Mr. Meadows stated that with the proposed conditions, staff finds the proposal compatible with surrounding zoning and development. Mr. Meadows stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Krapf inquired about the history of the application.

Mr. Meadows stated that the applicant had conducted a similar use on parcel No. 3 and was found to be in violation of the Zoning Ordinance. Mr. Meadows stated that the applicant abated the violation. Mr. Meadows stated that the applicant has since been found in violation of the Zoning Ordinance for uses conducted on Parcel No. 1. Mr. Meadows stated that the applicant chose to go through the SUP process to achieve compliance with the Zoning Ordinance.

Mr. Krapf inquired about next steps should the SUP not be approved.

Mr. Meadows stated that the applicant could continue the appeal process for the Board of Zoning Appeals decision through the Circuit Court. Mr. Meadows further stated that the applicant could appeal the Board of Supervisors decision through the Circuit Court or could come into compliance by removing contractor's equipment and materials from the property.

Mr. Polster inquired if there were any comments from adjacent property owners.

Mr. Meadows stated that he received one response when the case was first advertised in February. Mr. Meadows further stated that the neighbor expressed some concerns about the location of the fencing; however, there was no further contact from the neighbor.

Mr. O'Connor inquired if the residences on Parcels No 1 and No. 2 will be used as residences under the SUP.

Mr. Meadows stated that the SUP limits the storage yard to the middle part of the property and should not preclude residential use at the front of the parcel. Mr. Meadows noted that he was not certain if the residence is currently occupied.

Mr. O'Connor noted that the SUP conditions limited the opening in the fence to six feet; however, the Master Plan shows a 16-foot gate. Mr. O'Connor requested clarification on the size of the gate.

Mr. Meadows stated that the Master Plan shows the existing gate. Mr. Meadows stated that the SUP requires screening that will be approved during the Site Plan process and the gate will be part of the Site Plan approval.

Mr. Polster inquired about the area on Parcel No. 1 behind the designated storage area.

Mr. Meadows stated that it was not included in the SUP and would require an SUP amendment if it were to be used for commercial purposes at a later time.

Mr. Polster inquired if the fencing would extend along the entire parcel.

Mr. Meadows stated that the extent of the fence would be determined at the Site Plan stage, but would most likely screen only the storage area.

Mr. Polster inquired if the adjacent property owner was aware of that possibility.

Mr. Meadows stated that he had not received any comments from that neighbor.

Mr. O'Connor inquired if the limitations on mulching and stump grinding applied to the entirety of the three parcels or just to the commercial/storage area.

Mr. Meadows stated that the conditions would cover all three parcels.

Mr. Haldeman called for disclosures from the Commission.

Mr. O'Connor stated that he spoke with the applicant's attorney.

Mr. Haldeman opened the Public Hearing.

Ms. Virginia Major, attorney for Hayden's Place, LLC, introduced Ryan Stephenson with AES Consulting Engineers, Mr. Timothy J. (TJ) Soderholm, owner of Tiki Tree Service and Hayden's Place, and Mr. Michael Heikes, attorney for Tiki Tree Service. Ms. Major addressed the Commission on the history of the application.

Ms. Majors provided the Commission with letters from neighbors who are not opposed to the SUP.

Mr. Polster inquired about the length of the eight-foot fence already in place on the property.

Mr. TJ Soderholm stated that the fence extends behind the first four properties along Settlers Lane and part-way behind the fifth parcel. Mr. Soderholm stated that there is also a fence along the west side of Parcel No. 1.

Mr. Polster inquired if there is any screening extending north from the pole barn.

Mr. Soderholm stated that there is no screening past the storage area.

Mr. Krapf inquired about the ownership of Parcel No. 1

Mr. Soderholm stated that he owns the property and rents the two dwellings.

Mr. Krapf inquired if the tenants have expressed concerns over the commercial activity.

Mr. Soderholm stated that the letters provided to the Commission are from surrounding residents who support the application.

Mr. O'Connor inquired if the applicant plans to expand the business operations.

Mr. Soderholm stated that he has no plans for expansion.

Mr. O'Connor inquired if the applicant agrees with the SUP conditions.

Mr. Soderholm confirmed.

Mr. Rob Rose inquired if there was any correspondence from the adjacent property owner at 6273 Centerville Road.

Mr. Soderholm stated that the owner did not wish to provide one. Mr. Soderholm stated that the owner encouraged him to pursue the SUP through the proper channels.

Ms. Majors stated that another neighbor had also encouraged the applicant to pursue the SUP through the County.

John Holland, 6273 Centerville Road addressed the Commission in opposition to the application.

Mr. Krapf inquired if there is any processing of materials from job sites that would make undue noise.

Mr. Michael Heikes stated that there is no tree work or stump grinding on the property. Mr. Heikes stated that the property is used for parking or storage of equipment only.

Mr. Krapf inquired if the equipment might be tested on the property to ensure maintenance of the equipment is satisfactory.

Mr. Heikes stated that this could be possible from time to time.

Mr. Soderholm noted that he does have a chipper and a grinder as part of his equipment. Mr. Soderholm further stated he has done work on the property to clean it up which required the use of those machines on a personal basis. Mr. Soderholm further stated that any future use of equipment on the property would be for necessary maintenance.

Mr. O'Connor inquired about deferral of the case from the previous meeting due to the requirement for the restroom.

Mr. Meadows stated that Building Safety and Permits stipulates that the restroom is required because this is a commercial operation. Mr. Meadows stated that port-a-johns would not be permitted and that this is a way to satisfy the requirement short of building another structure on the property.

Mr. O'Connor inquired if one of the residences on Parcel No. 1 were used for the office and restroom, would the residence fall under the SUP.

Mr. Holt confirmed that it would be part of the SUP.

Mr. Haldeman inquired about the effect of selling Parcel No. 3 separately.

Mr. Meadows stated that Parcel No. 1 would, then, require construction of or designation of restroom facilities.

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

Mr. Krapf stated that he will reluctantly support the application; however, he has concerns about the effects of the commercial activities on neighbors.

Mr. Rose stated that he has concerns about being able to ensure that any use of the equipment on the property is purely personal.

Ms. Leverenz stated that she understands the need to maintain a property and that such maintenance can create temporary impacts. Ms. Leverenz stated that she believes the application should be taken at face value and the applicant should be trusted to comply with the terms of the SUP. Ms. Leverenz stated that she will support the application.

Mr. Polster stated that he appreciates the efforts of the applicant to improve the appearance of the property and the residences on Parcel No. 1. Mr. Polster noted that he does have concerns about the impacts on the neighbors. Mr. Polster stated that the required fencing and screening should mitigate the impacts. Mr. Polster stated that he will support the application.

Mr. O'Connor stated that he appreciated that the applicant is trying to come into compliance. Mr. O'Connor noted that he is concerned about including Parcel No. 3 in the application. Mr. O'Connor further stated that he does not find the use to be a limited commercial facility and that it does not meet the criteria of supporting the residential area where it is located. Mr. O'Connor stated that he does not intend to support the application.

Ms. Leverenz stated that the commercial use is supportive of the surrounding community. Ms. Leverenz noted that the applicant often uses his equipment to assist neighbors during snow storms or wind storms.

Mr. Haldeman stated that he intends to support the application.

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

On a roll call vote, the Commission voted to recommend approval of SUP-19-0012. Tiki Tree and Landscape. (5-2)

ITEM SUMMARY

DATE: 5/12/2020

TO: The Board of Supervisors

FROM: Darryl E. Cook, Assistant Director of Stormwater and Resource Protection

SUBJECT: Contract Award - Chickahominy Riverfront Park Living Shoreline - \$1,450,049

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Map of Project Location	Exhibit
☐	Pictures of Project	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Stormwater	Small, Toni	Approved	4/27/2020 - 8:45 AM
General Services	Boone, Grace	Approved	4/29/2020 - 11:35 AM
Publication Management	Daniel, Martha	Approved	4/29/2020 - 1:47 PM
Legal Review	Kinsman, Adam	Approved	4/30/2020 - 7:52 AM
Board Secretary	Fellows, Teresa	Approved	4/30/2020 - 8:24 AM
Board Secretary	Purse, Jason	Approved	5/5/2020 - 1:43 PM
Board Secretary	Fellows, Teresa	Approved	5/5/2020 - 2:00 PM

MEMORANDUM

DATE: July 14, 2020

TO: The Board of Supervisors

FROM: Darryl E. Cook, Assistant Director of Stormwater and Resource Protection Division

SUBJECT: Contract Award - Chickahominy Riverfront Park Living Shoreline - \$1,450,049

The Chickahominy Riverfront Park Living Shoreline will stabilize existing eroding shorelines at the Chickahominy Riverfront Park by the installation of breakwaters, rock marsh sills, and beach nourishment along the Chickahominy River, and by marsh creation and stabilization using rock marsh sills and coir logs in the north part of the park along Gordon Creek. The project also includes approximately 0.75 acres of riparian buffer enhancement and creation. This project will not only reduce pollutant and sediment loads into the adjacent waterways and increase environmental habitat but also address safety hazards for park patrons and help preserve park property. Several portions of the park's shoreline are currently fenced off and have warning signs to prevent entry by park patrons due to the steep, unsteady vertical banks. At the location of the breakwaters and rock marsh sills, the existing steep banks will be graded back to a stable, vegetated slope for long-term viability of the project and park campsites as well as safety of the public. Where bald cypress trees are present along the toe of the existing bank, they are being preserved and where feasible, their footprints are being expanded with marsh creation. The project involves the stabilization of 1,200 linear feet of shoreline along the Chickahominy River and 1,110 linear feet along Gordon Creek (see attached location map). The newly created slopes will be planted with native shrubs and herbaceous vegetation, and the areas of buffer enhancement will be vegetated with native trees and shrubs. All necessary permits and/or approvals have been obtained for this project.

A two-step Invitation for Bids was publicly advertised. Step one required the submittal of a Technical Bid Form primarily to demonstrate the bidder has completed a minimum of two projects of similar size and type. The second step was to open the Bid Form if the technical bid requirements were met.

The following four qualified firms submitted bids to be considered for contract award.

<u>Firm</u>	<u>Amount</u>
Carolina Marine Structures, Inc.	\$1,450,049.00
Coastal Design and Construction, Inc.	\$1,537,186.75
Environmental Quality Resources, LLC	\$1,565,385.50
HGS, LLC dba Angler Environmental	\$1,596,220.00

Carolina Marine Structures, Inc. was determined to be the lowest qualified, responsive and responsible bidder. This project is part of the approved Capital Improvements Program budget and \$781,900 of Virginia Environmental Endowment grant funds, which are part of the James River Water Quality Improvement Fund, are also available to fund this project.

Staff recommends approval of the attached resolution authorizing the contract award to Carolina Marine Structures, Inc.

DEC/md
CA-CRPkLivShore-mem

Attachments

RESOLUTION

CONTRACT AWARD - CHICKAHOMINY RIVERFRONT PARK

LIVING SHORELINE - \$1,450,049

WHEREAS, the James City County Stormwater and Resource Protection Division received competitive bids for the Chickahominy Riverfront Park Living Shoreline; and

WHEREAS, four bids were considered for award and Carolina Marine Structures, Inc. was the lowest qualified, responsive, and responsible bidder; and

WHEREAS, previously authorized Capital Improvements Program budget funds and Virginia Environmental Endowments Funds are available to fund this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of \$1,450,049 to Carolina Marine Structures, Inc. for the Chickahominy Riverfront Park Living Shoreline project.

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

ATTEST:

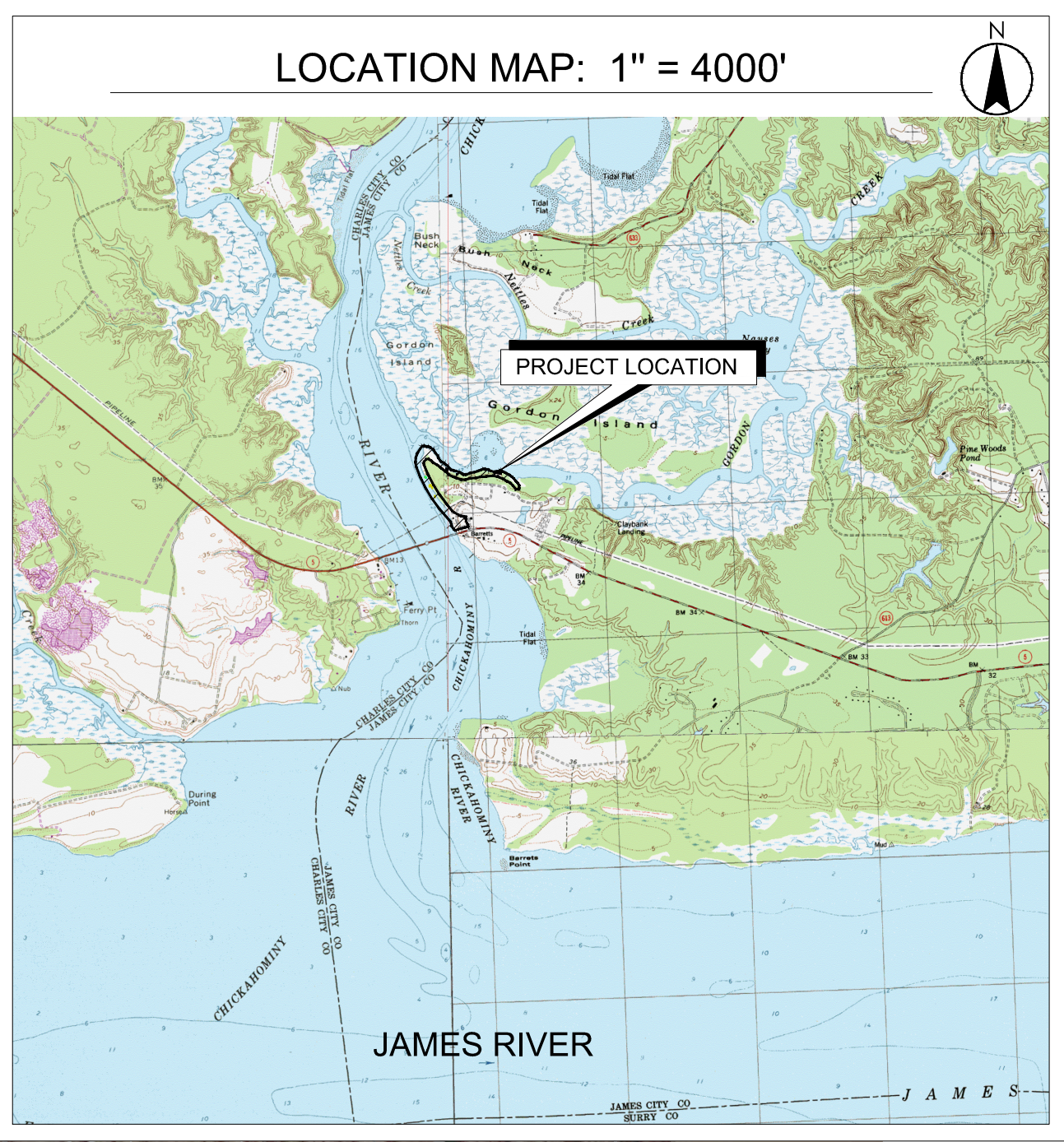
Teresa J. Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2020.

CA-CRPk-LivShore-res

SOURCE: ESRI, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



- EXISTING TOPOGRAPHY (GIS)
- EXISTING TOPOGRAPHY (APPROXIMATE BATHYMETRY)
- PROPOSED ROCK SILL
- PROPOSED BANK GRADING
- PROPOSED SANDY BEACH
- PROPOSED MARSH CREATION/ENHANCEMENT
- PROPOSED COIR LOG MARSH SILL

SITE DATA
LATITUDE: 37.2657°
LONGITUDE: -76.8721°
HUC12: 020802060605

PREPARED BY:

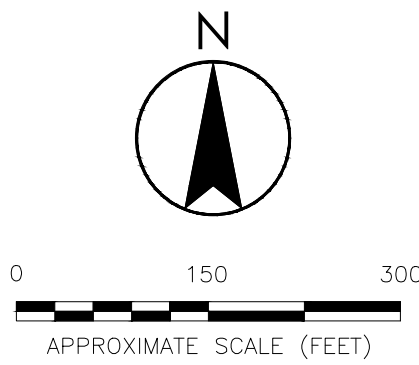
5209 Center Street
Williamsburg, VA 23188
PHONE: (757) 220-6869 FAX: (757) 229-4507

FOR:
CHICKAHOMINY RIVERFRONT PARK
1350 JOHN TYLER MEMORIAL HIGHWAY
WILLIAMSBURG, VIRGINIA

TITLE:
**CHICKAHOMINY RIVERFRONT PARK
SHORELINE STABILIZATION**

DRAWN BY:	JTJ/AJT	DESIGNED BY:	AJT
CHECKED BY:	DAP	APPROVED BY:	TWC/DAP
PROJECT NUMBER:	203400296	SCALE:	AS SHOWN
DATE:	04/20/2020	FILE PATH:	U:/203400296

SHEET:
1 OF 1



Pictures of Eroding Shoreline at Chickahominy Riverfront Park







ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Carla Brittle, Community Centers Administrator

SUBJECT: Contract to Purchase Brickyard Landing Park Land

ATTACHMENTS:

	Description	Type
📎	Contract to Purchase Brickyard Landing Park Land Mem	Cover Memo
📎	Contract to Purchase Brickyard Landing Park Land-res	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Parks & Recreation	Carnifax, John	Approved	6/18/2020 - 12:59 PM
Publication Management	Daniel, Martha	Approved	6/18/2020 - 1:24 PM
Legal Review	Kinsman, Adam	Approved	6/24/2020 - 11:39 AM
Board Secretary	Fellows, Teresa	Approved	6/30/2020 - 4:20 PM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:21 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:35 AM

MEMORANDUM

DATE: July 14, 2020
TO: The Board of Supervisors
FROM: Carla T. Brittle, Centers Administrator of Parks and Recreation
SUBJECT: Contract to Purchase Brickyard Landing Park Land

At the June 9, 2020 Board of Supervisors meeting, the Board unanimously voted to accept a \$687,500 grant from the Virginia Department of Conservation and Recreation for the purchase of property for the creation of Brickyard Landing Park.

The 50:50 matching grant was awarded for the purchase of 119 acres of private property on the Chickahominy River on Brickyard Road. Currently, the County owns and operates 0.33 acres in the center of the site, known as Brickyard Landing, which includes an access road, boat ramp, and parking for approximately six cars. The purchase of this additional property will be used to create a passive park and adequate parking to support citizen access to the Chickahominy River.

County staff has negotiated a purchase option from the landowner for the property for an appraisal supported value of \$1,375,000. Once the property is purchased, a reimbursement for \$687,500 will be filed with the Virginia Department of Conservation and Recreation. Per the grant requirements, acceptance of funds requires the County to hold the land in perpetuity for recreational use.

Staff recommends approval of the attached resolution to authorize the purchase of property as described above.

CTB/md
ContrPurBLPLd-mem

Attachment

RESOLUTION

CONTRACT TO PURCHASE BRICKYARD LANDING PARK LAND

WHEREAS, under the provisions of the Land and Water Conservation Fund, federal funding has been accepted by James City County to aid in financing the cost of land acquisition for Brickyard Landing Park; and

WHEREAS, James City County considers it in the best public interest to complete the land purchase described in the application for funding.

NOW, THEREFORE, BE IT RESOLVED that:

1. Acquired funds will be used for the purchase of 119 privately held acres for the creation of the passive Brickyard Landing Park;
2. The grant will be paid on a reimbursement basis and request for payment will be made after eligible and allowable costs have already been paid and evidence has been provided to the Department of Conservation and Recreation in the format required;
3. The property purchased with financial aid from the Land and Water Conservation Fund will be placed in use and be retained in perpetuity as a public outdoor recreation area in accordance with the provisions and requirements of the Land and Water Conservation Fund Act of 1965, as amended;
4. Any non-recreational uses may not be made of the property without undergoing a conversion of use process and obtaining approval from the Department of Conservation and Recreation and the U.S. Department of Interior/National Park Service.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute those documents necessary to acquire 119 acres for \$1,375,000 for the creation of Brickyard Landing Park.

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2020.

ContrPurBLPLd-res

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Delay of Consideration of Short-Term Rental Applications

ATTACHMENTS:

	Description	Type
☐	memo	Cover Memo
☐	reso	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	6/24/2020 - 10:04 AM
Publication Management	Daniel, Martha	Approved	6/24/2020 - 10:09 AM
Legal Review	Kinsman, Adam	Approved	6/24/2020 - 11:39 AM
Board Secretary	Fellows, Teresa	Approved	6/30/2020 - 4:31 PM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:21 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:35 AM

MEMORANDUM

DATE: July 14, 2020
TO: The Board of Supervisors
FROM: Adam R. Kinsman, County Attorney
SUBJECT: Short-Term Rentals

At the June 9, 2020 meeting of the Board of Supervisors, Chairman Icenhour indicated a desire to delay consideration of any short-term rental application for a period of one year until this use is more thoroughly studied by the Planning Commission in conjunction with the Comprehensive Plan update.

Attached is a resolution stating that the Board will not consider any application filed after June 1, 2020, until June 8, 2021.

ARK/md
Short-TermRent-mem

Attachment

RESOLUTION

SHORT-TERM RENTALS

- WHEREAS, the process to review and update the James City County Comprehensive Plan (the “Comprehensive Plan”) is currently underway and is anticipated to be mostly complete by July 2021; and
- WHEREAS, the James City County Zoning Ordinance (the “Zoning Ordinance”) permits the establishment of tourist homes and the rental of rooms (together, “Short-Term Rentals”) upon the issuance of a Special Use Permit (the “SUP”) in most residential districts; and
- WHEREAS, the County has received and processed many SUPs for Short-Term Rentals in the past two calendar years, including five such applications at the June 9, 2020 Board of Supervisors (the “Board”) meeting; and
- WHEREAS, at the June 9, 2020 Board meeting, members of the Board expressed concern that Short-Term Rentals continue to proliferate in the County without any guidance in the currently adopted comprehensive plan that is specific to Short-Term Rentals which takes into account the health, safety, and welfare of the citizens of the County, among others; and
- WHEREAS, it is the Board’s desire to suspend consideration of any Short-Term Rental applications until June 8, 2021, to allow for the Planning Commission to study Short-Term Rentals and forward its recommendations to the Board for consideration, provided, however, that the Board will consider any application for Short-Term Rental that was submitted to the County on or before June 1, 2020.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby directs the Planning Commission to specifically address Short-Term Rentals in its review of the Comprehensive Plan and, specifically, whether such use is compatible with all land use designations where residential uses are permitted and under what land use considerations.
- BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby state its intention to defer consideration of any and all applications for Short-Term Rentals until June 8, 2021, or such earlier time as the Board may determine.

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2020.

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Consideration of a personnel matter, the evaluation of the County Administrator and County Attorney, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 4:26 PM

ITEM SUMMARY

DATE: 7/14/2020

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

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 4:27 PM

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Grace A. Boone, Director of General Services

SUBJECT: Appointment of Clean County Commissioners

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
General Services	Boone, Grace	Approved	6/26/2020 - 5:39 PM
Publication Management	Burcham, Nan	Approved	6/29/2020 - 7:38 AM
Legal Review	Kinsman, Adam	Approved	6/29/2020 - 7:57 AM
Board Secretary	Fellows, Teresa	Approved	6/30/2020 - 4:19 PM
Board Secretary	Purse, Jason	Approved	7/7/2020 - 10:20 AM
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 10:34 AM

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Williamsburg Regional Library Board Appointment

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 2:30 PM

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Economic Development Authority Appointment

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 2:32 PM

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Colonial Community Criminal Justice Board Appointment

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 2:22 PM

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Teresa J. Fellows

SUBJECT: Williamsburg Area Arts Commission Appointment

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 4:22 PM

ITEM SUMMARY

DATE: 7/14/2020

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Adjourn until 4 p.m. on July 28, 2020 for the Work Session

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	7/7/2020 - 4:28 PM