

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
October 11, 2022
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Dahlia Quiles, a 3rd grade student at James River Elementary School and a resident of the Roberts District

E. PUBLIC COMMENT

F. CONSENT CALENDAR

G. PUBLIC HEARING(S)

1. ORD-22-0002. Amendments for R-8, Rural Residential and A-1, General Agricultural Lot Size and Related Requirements
2. Z-22-0001 & SUP-22-0012. 5700 Williamsburg Landing Rezoning and SUP Amendment
3. SUP-22-0013. 3252 N. Riverside Drive Contractor's Office and Warehouse
4. SUP-22-0016. 141 Blow Flats Rd. Battery Storage

H. BOARD CONSIDERATION(S)

I. BOARD REQUESTS AND DIRECTIVES

J. REPORTS OF THE COUNTY ADMINISTRATOR

K. CLOSED SESSION

L. ADJOURNMENT

1. Adjourn until 1 p.m. on October 25, 2022 for the Business Meeting

ITEM SUMMARY

DATE: 10/11/2022

TO: The Board of Supervisors

FROM: Teresa J. Saeed, Deputy Clerk

SUBJECT: Pledge Leader - Dahlia Quiles, a 3rd grade student at James River Elementary School and a resident of the Roberts District

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	9/30/2022 - 2:41 PM

ITEM SUMMARY

DATE: 10/11/2022

TO: The Board of Supervisors

FROM: Thomas Wysong, Senior Planner II; John Risinger, Planner

SUBJECT: ORD-22-0002. Amendments for R-8, Rural Residential and A-1, General Agricultural Lot Size and Related Requirements

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	1. Proposed A-1 Ordinance	Ordinance
☐	2. Proposed A-1 Ordinance clean copy	Exhibit
☐	3. Proposed R-8 Ordinance	Ordinance
☐	4. Proposed R-8 Ordinance clean copy	Exhibit
☐	5. Proposed Subdivision Ordinance	Ordinance
☐	6. Proposed Subdivision Ordinance clean copy	Exhibit
☐	7. Initiating Resolution	Backup Material
☐	8. Rural Lands Description	Backup Material
☐	9. Existing Ordinance Summary	Backup Material
☐	10. Existing Ordinance Full Text	Backup Material
☐	11. Unapproved Minutes from the August 11, 2022, Policy Committee Meeting	Minutes
☐	12. Unapproved Minutes from the August 22, 2022, Policy Committee Meeting	Minutes
☐	13. Unapproved Minutes from the September 7, 2022, Planning Commission Meeting	Backup Material
☐	14. Updated Public Input	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	9/27/2022 - 11:52 AM
Development Management	Holt, Paul	Approved	9/27/2022 - 11:52 AM
Publication Management	Pobiak, Amanda	Approved	9/27/2022 - 1:03 PM
Legal Review	Parman, Liz	Approved	10/4/2022 - 9:25 AM
Board Secretary	Saeed, Teresa	Approved	10/4/2022 - 10:58 AM

Board Secretary
Board Secretary

Purse, Jason
Saeed, Teresa

Approved
Approved

10/4/2022 - 11:00 AM
10/4/2022 - 11:01 AM

MEMORANDUM

DATE: October 11, 2022

TO: The Board of Supervisors

FROM: Thomas Wysong, Senior Planner II
John Risinger, Planner

SUBJECT: ORD-22-0002. Amendments for R-8, Rural Residential and A-1, General Agricultural Lot Size and Related Requirements

Introduction

At its meeting on March 8, 2022, the Board of Supervisors adopted an Initiating Resolution pertaining to the R-8, Rural Residential and A-1, General Agricultural Districts (Attachment No. 1). The Initiating Resolution contains three specific Board directives. The first is to consider possible amendments to the Zoning and Subdivision Ordinances to revise the R-8 and A-1 Districts to set lot sizes to be consistent with the stated Rural Lands Designation Description and Development Standards contained in the adopted 2045 Comprehensive Plan. The second is a directive to include language that grandfathers all parcels in existence as of January 1, 2022, that are 25 or fewer acres in size. The third is a directive to include language that eliminates the central well requirement for subdivisions that are consistent with the stated Rural Lands designation description and development standards.

Regarding the first directive, lot size information contained in the Comprehensive Plan Rural Lands Designation Description states “subdivision of lots should occur at a density of no greater than one residence per twenty acres,” and within the rural cluster section “densities should be no higher than the maximum permitted density in the underlying zoning district.” The full text of the Rural Lands Designation Description is included as Attachment No. 2, and the Rural portion of the County’s Character Design Guidelines is included in this attachment as well.

In response to these directives, staff has prepared draft Ordinance language to address a portion of the first directive, as well as the second and third directive in their entirety. The portion of the first directive that is addressed in the draft Ordinance language is the standard minimum lot size, and the overall density for the cluster configuration option (listed in the existing Ordinance as “subdivisions with approved special use permits”). The specific changes to the Ordinance language are included as Attachment Nos. 3-8 and discussed below. Staff has begun research to address the other portion of the first directive, which are the remaining standards for the cluster configuration option, and which will be addressed separately through additional work associated with Case No. ORD-22-0006 Amendments for A-1 Cluster Configuration Subdivision.

Discussion of Issues

1. Lot Size

Within the R-8 District, the existing regulations in Section 24-350 contain only one minimum lot size, which is three acres. The draft Ordinance revises the minimum lot size to 20 acres and adds a provision to allow parcels of 25 acres or less recorded or legally in existence as of January 1, 2022, to have a minimum lot size of three acres, pursuant to the Initiating Resolution.

Within the A-1 District, the existing regulations in Section 24-214 contain several minimum lot sizes, depending on the intended use and other factors. The draft Ordinance addresses the language as described below. Note that the section references are from the existing Ordinance text and that the draft revised Ordinance text has been reorganized.

- The nonresidential use lot size has not been changed, and the provision for family subdivision special use permits for lot sizes less than the minimum residential lot size is retained, based on initial feedback from the Board at the Joint Work Session in May.
- The minimum lot size for single-family dwellings and two-family dwellings have been revised to 20 acres within a combined category of “residential uses.”
- Per the Initiating Resolution, a grandfathering provision has been added allowing parcels of 25 acres or less recorded or legally in existence as of January 1, 2022, to be subdivided as long as no lot size is less than three acres.
- The lot size related to the number of livestock has been moved into a new section (Section 24-221) for better organization of the district. The language shown in this section has not been revised. However, per one of the actions in the 2045 Comprehensive Plan Environment Chapter, staff anticipates revisiting and revising this language in a future Ordinance update effort that focuses on agricultural stocking rates.
- The language establishing the grandfathering of certain lots in existence as of May 1, 1989, which allows for parcels of less than six acres to be subdivided into two lots provided no lot size was less than two acres, has been maintained, but relocated within the Ordinance for clarity.
- The language specifying that no lot created after the new adoption date shall be used for any residential dwelling (unless created pursuant to certain sections) has been retained and updated to reflect the new adoption date and 20-acre minimum requirement. This provision is intended to prevent the creation of lots for nonresidential uses being converted to residential use in the future.
- The lot size for the cluster configuration option (listed in the existing Ordinance as “subdivisions with approved special use permits”) has been revised to specify an overall density of no greater than one dwelling unit per 20 acres. The Ordinance is also revised to move the additional requirements for this configuration (minimum lot size, access, design, open space, etc.) into a new section (Section 24-222) for better organization of the district.
- The language providing for lots in existence prior to adoption of the revised minimum lot sizes to be used for a single-family residential use has been updated from three acres to 20 acres.

2. Minor/Major Subdivision Classification and Related Improvements

Section 19-21 of the Subdivision Ordinance classifies subdivisions as either minor or major based on the number of lots proposed. Parcels of land existing as of January 1, 1989 are “parent parcels.” Minor and major subdivisions are delineated as follows:

Minor. Subdivision of a parent parcel into not more than five lots abutting an existing public road. Limited subsequent internal subdivision of these lots is permitted, as long as no parent parcel is subdivided into greater than nine lots total. Family subdivisions do not count toward the nine-lot total.

Major. Subdivision of a parent parcel into six or more parcels or any division which creates a new street.

No changes to Section 19-21 are proposed. This information is included to provide context that if a parent parcel has been subdivided or has reached the nine-lot limit, the number of future subdivisions would be limited or prohibited accordingly. This is a separate consideration than the revised minimum lot sizes and grandfathered lot provisions in the R-8 and A-1 Districts.

Another aspect of the minor or major subdivision classification is that various Ordinance regulations in the Subdivision and Zoning Ordinances apply depending on the classification type. For example, a new road is required to be constructed for major subdivisions, whereas lots in minor subdivisions can front on existing roadways. Another example is that in the R-8 District, landscape buffers are required for major subdivisions but not minor subdivisions. Other than utilities (as covered below), no changes to Section 19-21 or other requirements linked to this classification are proposed in relation to the R-8/A-1 lot size revisions.

3. Utilities

Water. Sections 19-59 and 19-60 contain water regulations. The existing regulations state that major subdivisions inside the Primary Service Area (PSA) must connect to the James City Service Authority or Newport News Waterworks water system and the public sewer system. The subdivider of any major subdivision outside the PSA is required to construct a central water system including distribution lines, storage, treatment, and supply facilities within the subdivision. The proposed revised language maintains this requirement for subdivisions submitted prior to the date of Ordinance adoption but requires subdivisions submitted after Ordinance adoption to utilize individual well lots.

For minor subdivisions inside the PSA, newly created lots are required to be served by public water, if available. If public water is not available, each lot is required to be served by an individual well reviewed and approved by the Virginia Department of Health.

Sewer. Sections 19-61 and 19-62 contain sewer regulations. Typically, areas inside the PSA within connection distance must connect to public sewer. Areas outside the PSA are served by individual on-site sewage disposal systems (also known as septic systems). These sections have been revised to make the language structure more similar to the water requirements sections, but there are no substantive changes.

4. Other Requirements (Setbacks, etc.)

A summary of the current requirements in R-8 and A-1 is included in Attachment No. 9, and the full text of each district is included in Attachment No. 10. These requirements include front, side, and rear setbacks, and minimum lot widths. No changes are proposed to these requirements for standard configuration lots.

5. Primary Service Area

The R-8 and A-1 Districts are located inside and outside the PSA. The existing regulations do not make a distinction in minimum lot size or other requirements (except utilities as discussed in Item No. 3) based on PSA location. No changes to the Ordinance language are proposed based on location relative to the PSA. Lots inside the PSA have Comprehensive Plan Land Use Designations other than Rural Lands, and the applicable Land Use Designations would be used to determine Comprehensive Plan consistency for future legislative applications for development or redevelopment of these lots.

Recommendation

As discussed in the Introduction to this memorandum, staff has worked to address the Board's directives in the Initiating Resolution and developed draft Ordinance language for a portion of the first directive (lot size for both standard and cluster configurations) and the second and third directives in their entirety (utilities, new grandfathering provision). This draft language is provided in Attachment Nos. 3-8.

At its August 11 meeting, the Policy Committee discussed the proposed draft Ordinance amendment language. No changes to the draft text were proposed at this meeting. At its August 22 meeting, the Policy Committee continued discussion of the proposed draft Ordinance language and voted 4-0 to recommend this draft Ordinance language to the Planning Commission. Since the August 22 meeting, a minor revision to the text [subsection (a)(2)(iii)] has been proposed. This revision is to clarify that family subdivision lot requirements for parcels 25 acres or fewer are not being changed in accordance with the intent of the grandfathering provision.

Staff presented the proposed Ordinance at the September 7, 2022, meeting of the Planning Commission. The Planning Commission recommended approval of the Ordinance to the Board of Supervisors by a vote of 4-3.

There have been no proposed changes since the September Planning Commission meeting.

TW/JR/md

ORD22-2AmdR8_A1-mem

Attachments:

1. Proposed A-1 Ordinance
2. Proposed A-1 Ordinance Clean Copy
3. Proposed R-8 Ordinance
4. Proposed R-8 Ordinance Clean Copy
5. Proposed Subdivision Ordinance
6. Proposed Subdivision Ordinance Clean Copy
7. Initiating Resolution
8. 2045 Comprehensive Plan Land Use Designation Description for Rural Lands and Character Design Guidelines - Rural Excerpt
9. Existing Ordinance Summary (R-8, A-1, Subdivision Ordinance)
10. Existing Ordinance Full Text (R-8, A-1, Subdivision Ordinance)
11. Unapproved Minutes from the August 11, 2022, Policy Committee Meeting
12. Unapproved Minutes from the August 22, 2022, Policy Committee Meeting
13. Unapproved Minutes from the September 7, 2022, Planning Commission Meeting
14. Citizen Comments

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 2, GENERAL AGRICULTURAL DISTRICT, A-1 BY AMENDING SECTION 24-214, AREA REQUIREMENTS; BY ADDING NEW SECTION 24-221, LIVESTOCK STOCKING RATES; AND BY ADDING NEW SECTION 24-222, CLUSTER CONFIGURATION.

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 2, General Agricultural District, A-1 by amending Section 24-214, Area requirements; by adding Section 24-221, Livestock stocking rates; and by adding Section 24-222, Cluster configuration.

Chapter 24. Zoning

Article V. Districts

Division 2. General Agricultural District, A-1

Sec. 24-214. Area requirements.

(a) Minimum lot size. The minimum lot size, except as otherwise specified herein, shall be:

(1) One acre for nonresidential uses;

(2) ~~Three~~ **Twenty** acres for **residential uses** ~~single-family dwellings; however~~

i. Parcels of twenty-five acres or less recorded or legally in existence as of January 1, 2022, shall be permitted to be subdivided for residential use so long as no lot size is less than three acres.

ii. Parcels of less than six acres recorded or legally in existence prior to May 1, 1989, shall be permitted to be subdivided into two lots for single-family residential use so long as no lot size is less than two acres.

iii. Upon issuance of a special use permit, family subdivisions as permitted in section 19-17 of the county subdivision ordinance may be approved with a lot size that is less than the minimum sizes specified in (a)(2) and (a)(2)(i), provided no lot is less than one acre.

iv. Upon issuance of a special use permit, a cluster configuration subdivision may be approved with a minimum lot size of less than twenty acres; provided that the overall gross density of any cluster configuration subdivision does not exceed one dwelling unit per twenty acres, and also meets the requirements of section 24-222.

v. Parcels of less than twenty acres recorded or legally in existence prior to [Insert Adoption Date] may be used for residential purposes and shall be limited to one single-family residential use.

~~(3) A ratio of one acre of open land per seven horses, eight dairy cattle, 13 slaughter or feeder cattle, 33 swine, or 130 sheep shall be provided for each agricultural operation; and~~

(4) ~~Twenty acres for intensive agriculture:~~

a. ~~No more than 1,000 veal, cattle, horses or similar animals or 3,000 sheep, lambs, goats or similar animals or 7,500 swine or 50,000 turkeys or 100,000 chickens shall be confined at any one site.~~

(b) ~~Minimum lot size for residential lots created after May 1, 1989.~~ No lot created under the area requirements of this section after May 1, 1989 ~~[Insert Adoption Date]~~, the date of adoption of this section, unless created pursuant to paragraphs ~~(2)(i), (2)(ii), (2)(iii) or (2)(iv) above (c) or (d) below~~, shall be used for any residential dwelling unless the lot size is ~~three~~ *twenty* acres or more. ~~Provided, however, that lots of less than six acres recorded or legally in existence prior to May 1, 1989, the date of adoption of this section, shall be permitted to be subdivided into two lots for single family residential use so long as no lot size is less than two acres.~~

(c) ~~Purpose of area requirements; conditions for subdivisions with approved special use permits.~~ It is the purpose of the area requirements in this district to discourage urban residential developments, but at the same time to encourage careful design of low density residential subdivisions in order to make best use of the land, reduce development costs and preserve natural amenities and open space. To this end, the minimum lot size may be reduced in subdivisions which are approved by special use permit in accord with the general standards of article I and the special standards of this district. Upon issuance of a special use permit, a subdivision may be approved with a minimum lot size of less than three acres; provided, that all of the following conditions are met:

(1) ~~The overall gross density of the subdivision shall not exceed one dwelling unit per two acres.~~

(2) ~~There shall be at least three residential lots in the subdivision.~~

(3) ~~No lot shall be less than one acre in area.~~

(4) ~~The subdivision shall only be for single family detached dwellings.~~

(5) ~~All lots shall front on an approved public street created by the subdivision and no lot shall have direct access to a street not a part of the subdivision. This condition shall not apply to subdivisions of less than five lots.~~

(6) ~~Provision shall be made in subdivision plats and lot conveyances to ensure that lot purchasers have adequate notice regarding limitations on resubdivision of parcels and no resubdivision or sale by any means shall be permitted which would in any way create a violation of this chapter.~~

(7) ~~The general design standards of this section shall be complied with.~~

(8) ~~The subdivision design shall provide good building sites and at the same time make best use of topography and minimize grading and destruction of natural vegetation.~~

(9) ~~The subdivision design shall provide for protection of conservation areas as specified in the Comprehensive Plan or other sections of this chapter.~~

(10) ~~No more than 30 percent of any lot shall be located in a floodplain area as defined in this chapter; provided, however, that up to 50 percent of the area of any lot may be covered by the waters of a lake, pond or canal planned and approved as a part of and wholly within the subdivision.~~

(11) ~~Maintenance of any common open space shall be assigned to a homeowners' association or other approved entity.~~

(12) ~~Lots shall be arranged and building sites shall be designated so as to promote harmonious relationships with the environment and existing public streets and roads; and to this end, the design shall employ such techniques as may be appropriate to a particular case, including location of lots of various sizes, location of building sites with respect to project boundary lines, location of open space and buffer areas and maintenance of vegetation. Unless the subdivision is less than five lots, all structures shall be located a minimum of 150 feet from all roads existing prior to the platting of the subdivision.~~

~~(d) Lot size for family subdivisions with special use permits. Upon issuance of a special use permit, a family subdivision may be approved with a minimum lot size of less than three acres, provided no lot shall be less than one acre.~~

~~(e) Minimum lots sized for two family dwellings. Lots for two family dwellings shall have a minimum area of five acres.~~

~~(f) Not applicable to lots in existence prior to May 1, 1989. These minimum sizes shall not apply to lots of less than three acres recorded or legally in existence prior to May 1, 1989, the date of adoption of this article. Such lots of less than three acres used for residential purposes shall be limited to one single-family residential use.~~

Sec. 24-221. Livestock stocking rates.

(a) A ratio of one acre of open land per seven horses, eight dairy cattle, 13 slaughter or feeder cattle, 33 swine, or 130 sheep shall be provided for each agricultural operation; and

(b) Twenty acres for intensive agriculture:

(1) No more than 1,000 veal, cattle, horses or similar animals or 3,000 sheep, lambs, goats or similar animals or 7,500 swine or 50,000 turkeys or 100,000 chickens shall be confined at any one site.

Sec. 24-222 Cluster configuration.

~~Purpose of area requirements; conditions for subdivisions with approved special use permits. It is the purpose of the area requirements in this district to discourage urban residential developments, but at the same time to encourage careful design of low density residential subdivisions in order to make best use of the land, reduce development costs and preserve natural amenities and open space. To this end, the minimum lot size may be reduced in subdivisions which are approved by special use permit in accord with the general standards of article I and the special standards of this district. Upon issuance of a special use permit, a *cluster configuration* subdivision may be approved with a minimum lot size of less than three acres; provided, that all of the following conditions are met:~~

(1) The overall gross density of the subdivision shall not exceed one dwelling unit per ~~two~~ **twenty** acres.

(2) There shall be at least three residential lots in the subdivision.

(3) No lot shall be less than one acre in area.

(4) The subdivision shall only be for single-family detached dwellings.

(5) All lots shall front on an approved public street created by the subdivision and no lot shall have direct access to a street not a part of the subdivision. This condition shall not apply to subdivisions of less than five lots.

(6) Provision shall be made in subdivision plats and lot conveyances to ensure that lot purchasers have adequate notice regarding limitations on resubdivision of parcels and no resubdivision or sale by any means shall be permitted which would in any way create a violation of this chapter.

(7) The general design standards of this section shall be complied with.

(8) The subdivision design shall provide good building sites and at the same time make best use of topography and minimize grading and destruction of natural vegetation.

(9) The subdivision design shall provide for protection of conservation areas as specified in the Comprehensive Plan or other sections of this chapter.

(10) No more than 30 percent of any lot shall be located in a floodplain area as defined in this chapter; provided, however, that up to 50 percent of the area of any lot may be covered by the waters of a lake, pond or canal planned and approved as a part of and wholly within the subdivision.

(11) Maintenance of any common open space shall be assigned to a homeowners' association or other approved entity.

(12) Lots shall be arranged and building sites shall be designated so as to promote harmonious relationships with the environment and existing public streets and roads; and to this end, the design shall employ such techniques as may be appropriate to a particular case, including location of lots of various sizes, location of building sites with respect to project boundary lines, location of open space and buffer areas and maintenance of vegetation. Unless the subdivision is less than five lots, all structures shall be located a minimum of 150 feet from all roads existing prior to the platting of the subdivision.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

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

Teresa J. Saeed
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2022.

AmdCh24Sec24-214,221,222-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 2, GENERAL AGRICULTURAL DISTRICT, A-1 BY AMENDING SECTION 24-214, AREA REQUIREMENTS; BY ADDING NEW SECTION 24-221, LIVESTOCK STOCKING RATES; AND BY ADDING NEW SECTION 24-222, CLUSTER CONFIGURATION.

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 2, General Agricultural District, A-1 by amending Section 24-214, Area requirements; by adding Section 24-221, Livestock stocking rates; and by adding Section 24-222, Cluster configuration.

Chapter 24. Zoning

Article V. Districts

Division 2. General Agricultural District, A-1

Sec. 24-214. Area requirements.

- (a) Minimum lot size. The minimum lot size, except as otherwise specified herein, shall be:
 - (1) One acre for nonresidential uses;
 - (2) Twenty acres for residential uses; however
 - i. Parcels of twenty-five acres or less recorded or legally in existence as of January 1, 2022, shall be permitted to be subdivided for residential use so long as no lot size is less than three acres.
 - ii. Parcels of less than six acres recorded or legally in existence prior to May 1, 1989, shall be permitted to be subdivided into two lots for single-family residential use so long as no lot size is less than two acres.
 - iii. Upon issuance of a special use permit, family subdivisions as permitted in section 19-17 of the county subdivision ordinance may be approved with a lot size that is less than the minimum sizes specified in (a)(2) and (a)(2)(i), provided no lot is less than one acre.
 - iv. Upon issuance of a special use permit, a cluster configuration subdivision may be approved with a minimum lot size of less than twenty acres; provided that the overall gross density of any cluster configuration subdivision does not exceed one dwelling unit per twenty acres, and also meets the requirements of section 24-222.
 - v. Parcels of less than twenty acres recorded or legally in existence prior to *[Insert Adoption Date]* may be used for residential purposes and shall be limited to one single-family residential use.
- (b) No lot created under the area requirements of this section after *[Insert Adoption Date]*, the date of adoption of this section, unless created pursuant to paragraphs (2)(i), (2)(ii), (2)(iii) or (2)(iv) above, shall be used for any residential dwelling unless the lot size is twenty acres or more.

Sec. 24-221. Livestock stocking rates.

- (a) A ratio of one acre of open land per seven horses, eight dairy cattle, 13 slaughter or feeder cattle, 33 swine, or 130 sheep shall be provided for each agricultural operation; and
- (b) Twenty acres for intensive agriculture:
- (1) No more than 1,000 veal, cattle, horses or similar animals or 3,000 sheep, lambs, goats or similar animals or 7,500 swine or 50,000 turkeys or 100,000 chickens shall be confined at any one site.

Sec. 24-222. Cluster configuration.

Upon issuance of a special use permit, a cluster configuration subdivision may be approved provided, that all of the following conditions are met:

- (1) The overall gross density of the subdivision shall not exceed one dwelling unit per twenty acres.
- (2) There shall be at least three residential lots in the subdivision.
- (3) No lot shall be less than one acre in area.
- (4) The subdivision shall only be for single-family detached dwellings.
- (5) All lots shall front on an approved public street created by the subdivision and no lot shall have direct access to a street not a part of the subdivision. This condition shall not apply to subdivisions of less than five lots.
- (6) Provision shall be made in subdivision plats and lot conveyances to ensure that lot purchasers have adequate notice regarding limitations on resubdivision of parcels and no resubdivision or sale by any means shall be permitted which would in any way create a violation of this chapter.
- (7) The general design standards of this section shall be complied with.
- (8) The subdivision design shall provide good building sites and at the same time make best use of topography and minimize grading and destruction of natural vegetation.
- (9) The subdivision design shall provide for protection of conservation areas as specified in the Comprehensive Plan or other sections of this chapter.
- (10) No more than 30 percent of any lot shall be located in a floodplain area as defined in this chapter; provided, however, that up to 50 percent of the area of any lot may be covered by the waters of a lake, pond or canal planned and approved as a part of and wholly within the subdivision.
- (11) Maintenance of any common open space shall be assigned to a homeowners' association or other approved entity.
- (12) Lots shall be arranged and building sites shall be designated so as to promote harmonious relationships with the environment and existing public streets and roads; and to this end, the design shall employ such techniques as may be appropriate to a particular case, including location of lots of various sizes, location of building sites with respect to project boundary lines, location of open space and buffer areas and maintenance of vegetation. Unless the subdivision is less than five lots, all structures shall be located a minimum of 150 feet from all roads existing prior to the platting of the subdivision.

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 8, RURAL RESIDENTIAL DISTRICT, R-8, SECTION 24-350, AREA REQUIREMENTS.

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 8, Rural Residential District, R-8, Section 24-350, Area requirements.

Chapter 24. Zoning

Article V. Districts

Division 8. Rural Residential District, R-8

Sec. 24-350. Area requirements.

- (a) Minimum lot size. The minimum lot size, *unless otherwise specified herein*, shall be ~~three~~ *twenty* acres.
- (b) *For parcels of twenty-five acres or less recorded or legally in existence as of January 1, 2022, the minimum lot size shall be three acres.*

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2022.

AmdCh24Sec24-350-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 8, RURAL RESIDENTIAL DISTRICT, R-8, SECTION 24-350, AREA REQUIREMENTS.

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 8, Rural Residential District, R-8, Section 24-350, Area requirements.

Chapter 24. Zoning

Article V. Districts

Division 8. Rural Residential District, R-8

Sec. 24-350. Area requirements.

- (a) Minimum lot size. The minimum lot size, unless otherwise specified herein, shall be twenty acres.
- (b) For parcels of twenty-five acres or less recorded or legally in existence as of January 1, 2022, the minimum lot size shall be three acres.

AmdCh24Sec24-350-ord-final

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 19-58, PUBLIC WATER; SECTION 19-59, WATER FACILITIES; SECTION 19-60, INDIVIDUAL WELLS; SECTION 19-61, PUBLIC SEWER; AND SECTION 19-62, INDIVIDUAL SEWER.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article III, Requirements for Design and Minimum Improvements, Section 19-58, Public water; Section 19-59, Water facilities; Section 19-60, Individual wells; Section 19-61, Public sewer; and Section 19-62, Individual sewer.

Chapter 19. Subdivisions

Article III. Requirements for Design and Minimum Improvements

Sec. 19-58. Public water.

If public water is available, it shall be extended to all lots within a subdivision including recreation lots. Availability of public water shall be determined in accordance with the service authority regulations governing utility service.

Sec. 19-59. Water facilities.

(a) Major subdivisions inside the primary service area must connect to the service authority or Newport News Waterworks water system ~~and the public sewer system.~~ *Minor subdivisions inside the primary service area must connect to the service authority or Newport News Waterworks water system if public water is available.*

(b) *For applications submitted prior to [Insert Ordinance Adoption Date]* ~~If public water is not available, the subdivider of any~~ major subdivisions outside the primary service area shall construct a central water system including distribution lines, storage, treatment and supply facilities within the subdivision. Central water service shall be extended to all lots within a subdivision, including recreation lots. Upon completion and acceptance of the improvements, the water system, together with all necessary easements and rights-of-way, including the well lot, shall be dedicated to the service authority by deed and an accompanying plat.

~~(c)(1)~~ The central water system requirement may be waived by the service authority manager. Such a waiver shall be requested in writing by the subdivider and approved prior to submission of preliminary plans. Any waiver may be subject to reasonable conditions which shall be communicated in writing to the agent and subdivider.

Sec. 19-60. Individual wells.

~~If public water is not available inside the PSA, each lot in a minor subdivision shall be served by an individual well.~~

If public water is not available, minor subdivisions inside the primary service area shall be served by individual wells (one well for each lot).

Unless otherwise required by section 19-59(b), minor and major subdivisions outside the primary service area shall be served by individual wells (one well for each lot).

All individual wells shall be approved by the health department ~~or the service authority~~ prior to approval of the subdivision plat.

Sec. 19-61. Public sewer.

~~If public sewer is available, it shall be extended to all lots within the subdivision, including recreation lots. Availability shall be determined in accordance with the service authority regulations governing utility service.~~

Major subdivisions inside the primary service area must connect to the service authority public sewer system. Minor subdivisions inside the primary service area must connect to the service authority public sewer system if public sewer is available. For major subdivisions and minor subdivisions if public sewer is available, it shall be extended to all lots within the subdivision, including recreation lots. Availability shall be determined in accordance with the service authority regulations governing the utility service.

Sec. 19-62. Individual sewer.

~~If public sewer is not available, each subdivision lot shall be served by individual on-site sewage disposal systems in accordance with the following:~~

If public sewer is not available, minor subdivisions inside the primary service area shall be served by individual on-site sewage disposal systems (one system for each lot).

Minor and major subdivisions outside the primary service area shall be served by individual on-site sewage disposal systems (one system for each lot).

(1) Individual on-site sewage disposal systems for each lot must be approved by the health department and shall be a soil absorption system of conventional or alternative design.

(2) The plans for such subdivisions shall include specific on-site sewage disposal system locations, including primary and reserve drainfields and soils information, as well as appropriate notation as required in section 19-29 (l) and (m). The immediate area in and around each proposed system must be shown using a contour interval not greater than two feet; the contour area shown outside the system should be sufficient to establish the relationship of the area to relevant topographic features such as, but not limited to, drainage ways, sink holes, road cuts, and steep slopes. The record plat shall clearly designate each lot which has been approved by a soil absorption system of alternate design and shall contain a note which clearly discloses that such alternate systems may entail additional expenses.

(3) For the purpose of subdivision of new lots, the on-site sewage disposal system must meet health department regulations that enable the health department to approve the system in perpetuity through a certification letter. For these new proposed lots, the applicant shall obtain subdivision approval from the county prior to health department issuance of any construction permits.

Any proposed lots not suitable for the installation of on-site sewage disposal systems shall be combined with lots that are suitable.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

ICENHOUR
HIPPLE
LARSON
SADLER
MCGLENNON

VOTES

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Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of
October, 2022.

AmdCh19Sec19-58,59,60,61,62-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS BY AMENDING SECTION 19-58, PUBLIC WATER; SECTION 19-59, WATER FACILITIES; SECTION 19-60, INDIVIDUAL WELLS; SECTION 19-61, PUBLIC SEWER; AND SECTION 19-62, INDIVIDUAL SEWER.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article III, Requirements for Design and Minimum Improvements by amending Section 19-58, Public water; Section 19-59, Water facilities; Section 19-60, Individual wells; Section 19-61, Public sewer; and Section 19-62, Individual sewer.

Chapter 19. Subdivisions

Article III. Requirements for Design and Minimum Improvements

Sec. 19-58. Public water.

If public water is available, it shall be extended to all lots within a subdivision including recreation lots. Availability of public water shall be determined in accordance with the service authority regulations governing utility service.

Sec. 19-59. Water facilities.

(a) Major subdivisions inside the primary service area must connect to the service authority or Newport News Waterworks water system. Minor subdivisions inside the primary service area must connect to the service authority or Newport News Waterworks water system if public water is available.

(b) For applications submitted prior to *[Insert Ordinance Adoption Date]* major subdivisions outside the primary service area shall construct a central water system including distribution lines, storage, treatment and supply facilities within the subdivision. Central water service shall be extended to all lots within a subdivision, including recreation lots. Upon completion and acceptance of the improvements, the water system, together with all necessary easements and rights-of-way, including the well lot, shall be dedicated to the service authority by deed and an accompanying plat.

(1) The central water system requirement may be waived by the service authority manager. Such a waiver shall be requested in writing by the subdivider and approved prior to submission of preliminary plans. Any waiver may be subject to reasonable conditions which shall be communicated in writing to the agent and subdivider.

Sec. 19-60. Individual wells.

If public water is not available, minor subdivisions inside the primary service area shall be served by individual wells (one well for each lot).

Unless otherwise required by section 19-59(b), minor and major subdivisions outside the primary service area shall be served by individual wells (one well for each lot).

All individual wells shall be approved by the health department prior to approval of the subdivision plat.

Sec. 19-61. Public sewer.

Major subdivisions inside the primary service area must connect to the service authority public sewer system. Minor subdivisions inside the primary service area must connect to the service authority public sewer system if public sewer is available. For major subdivisions and minor subdivisions if public sewer is available, it shall be extended to all lots within the subdivision, including recreation lots. Availability shall be determined in accordance with the service authority regulations governing the utility service.

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If public sewer is not available, minor subdivisions inside the primary service area shall be served by individual on-site sewage disposal systems (one system for each lot).

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(1) Individual on-site sewage disposal systems for each lot must be approved by the health department and shall be a soil absorption system of conventional or alternative design.

(2) The plans for such subdivisions shall include specific on-site sewage disposal system locations, including primary and reserve drainfields and soils information, as well as appropriate notation as required in section 19-29 (l) and (m). The immediate area in and around each proposed system must be shown using a contour interval not greater than two feet; the contour area shown outside the system should be sufficient to establish the relationship of the area to relevant topographic features such as, but not limited to, drainage ways, sink holes, road cuts, and steep slopes. The record plat shall clearly designate each lot which has been approved by a soil absorption system of alternate design and shall contain a note which clearly discloses that such alternate systems may entail additional expenses.

(3) For the purpose of subdivision of new lots, the on-site sewage disposal system must meet health department regulations that enable the health department to approve the system in perpetuity through a certification letter. For these new proposed lots, the applicant shall obtain subdivision approval from the county prior to health department issuance of any construction permits.

Any proposed lots not suitable for the installation of on-site sewage disposal systems shall be combined with lots that are suitable.

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE AND

SUBDIVISION ORDINANCE TO ESTABLISH LOT SIZES IN THE R-8 AND A-1 ZONING

DISTRICTS THAT ARE CONSISTENT WITH THE STATED RURAL LANDS DESIGNATION

DESCRIPTION AND DEVELOPMENT STANDARDS OF THE 2045 COMPREHENSIVE PLAN

WHEREAS, section 15.2-2286(A)(7) of the Code of Virginia, 1950, as amended (the "Virginia Code"), and County Code Section 24-13 authorize 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 required by public necessity, convenience, general welfare, or good zoning practice; and

WHEREAS, section 15.2-2253 of the Virginia Code and County Code Section 19-10 authorize the Board to request the Planning Commission to prepare and recommend amendments to the Subdivision Ordinance; 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 and Subdivision Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate amendment of the James City County Code, Chapter 24, Zoning in order to establish lot sizes in the Rural Residential District, R-8, and the General Agricultural District, A-1, that are consistent with the stated Rural Lands designation description and development standards as contained within the adopted James City County 2045 Comprehensive Plan. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Zoning Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request the Planning Commission to prepare and recommend amendments to Chapter 19, Subdivisions, in order to establish lot sizes in the Rural Residential District, R-8, and the General Agricultural District, A-1, that are consistent with the stated Rural Lands designation description and development standards as contained within the adopted James City County 2045 Comprehensive Plan. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Subdivision Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby direct staff to include language that grandfathers all parcels in existence as of January 1, 2022 that are 25 or fewer acres in size.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby direct staff to include language that eliminates the central well requirement for subdivisions that are consistent with the stated Rural Lands designation description and development standards as contained within the adopted James City County 2045 Comprehensive Plan.



John J. McGlennon
Chairman, Board of Supervisors

ATTEST:



Teresa J. Sazed
Deputy Clerk to the Board

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HIPPLE
LARSON
SADLER
MCGLENNON

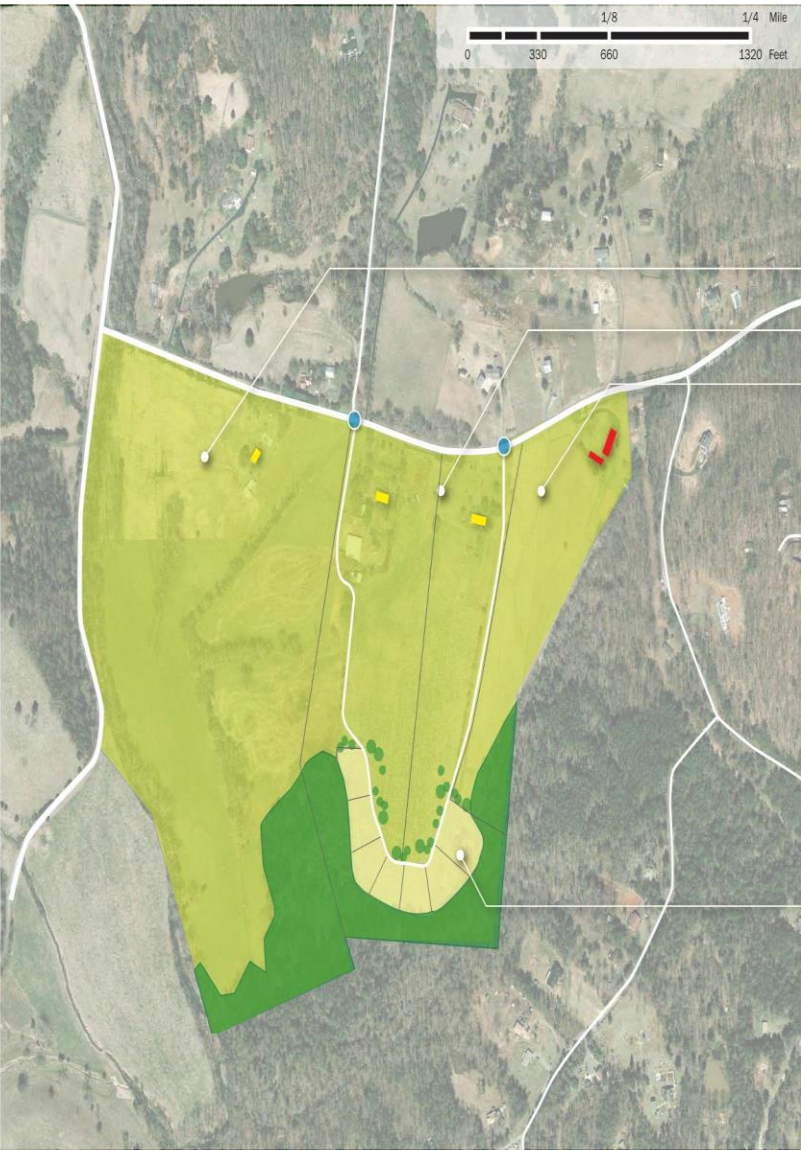
VOTES

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Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of March, 2022.

InitConsRevR8-A1Zns-res

Chart 1. Rural Lands Designation Description	
1. Basic Description	Rural Lands are areas containing farms, forests and scattered houses, exclusively outside of the PSA, where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for in the future. Rural Lands uses are intended to help protect and enhance the viability of agricultural and forestal resources and compatible rural economic development uses as important components of the local economy.
2. Recommended Uses	<p>Appropriate primary uses include traditional agricultural and forestal activities, but also innovative agriculture, horticulture, silviculture, specialty or niche farming, commercial and non-commercial equine opportunities, agri-tourism, rural-based public or commercial recreation, rural-support businesses and certain public or semi- public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.</p> <p>Retail and other commercial uses serving Rural Lands are encouraged to be located at planned commercial locations on major thoroughfares inside the PSA. However, appropriately-scaled and located direct agricultural or forestal-support uses (including agri-business and eco-tourism), home-based occupations, or certain uses which require very low intensity settings relative to the site in which it will be located may be considered on the basis of a case-by-case review, provided such uses are compatible with the natural and rural character of the area and are in accordance with the Rural Lands Development Standards. These uses should be located in a manner that minimizes effects on agricultural and forestal activities, and where public services and facilities, especially roads, can adequately accommodate them.</p>
3. Recommended Density	Residential development is not a recommended use and is discouraged outside the Primary Service Area in the Rural Lands. Residences associated with agricultural and forestal activities may be appropriate, but subdivision of lots should occur at a density of no greater than one residence per 20 acres. A very limited amount of residential development could be permitted in the form of rural clusters, provided significant preservation of the natural resources is achieved, such development does not interrupt rural qualities or character, and the development standards for rural clusters listed below are followed.
Rural Lands Development Standards	
4. Use and Character Compatibility	<p>a) Uses in Rural Lands should reflect and enhance the rural character of the County. Particular attention should be given to the following:</p> <ol style="list-style-type: none"> Locating structures and uses outside of sensitive areas; Maintaining existing topography, vegetation, trees, and tree lines to the maximum extent possible, especially along roads and between uses; Discouraging development on farmland, open fields, scenic roadside vistas, and other important agricultural/forestal soils and resources; Encouraging enhanced landscaping to screen structures located in open fields using a natural appearance or one that resembles traditional hedgerows and windbreaks; Locating new driveways or service roads so that they follow existing contours and old roadway corridors whenever feasible; Generally limiting the height of structures to an elevation below the height of surrounding mature trees and scaling buildings to be compatible with the character of the existing community; Minimizing the number of street and driveway intersections along the main road by providing common driveways; and Utilizing lighting only where necessary and in a manner that eliminates glare and brightness. <p>b) Encourage the preservation and reuse of existing agricultural structures such as barns, silos, and houses.</p> <p>c) Site more intensive uses in areas where the existing road network can accommodate the additional vehicle trips without the need for significant upgrades or modifications that would impact the character of the rural road network.</p>
5. Rural Clusters	<p>If built, rural clusters should develop with the following guidelines:</p> <ol style="list-style-type: none"> Densities should be no higher than the maximum permitted density in the underlying zoning district. Lot sizes may be reduced as appropriate to maximize the preservation of rural view-sheds and resources as described in the standards below. Minimize the impact of residential development by retaining a substantial amount (at least two-thirds) of the site in large, undivided blocks of land for permanent open space, farming, timbering and/or rural economic uses. Appropriate goals for open space and lot layout include preservation of farmland, open fields, scenic vistas, woodland, meadows, wildlife habitats, and vegetation; protection of environmentally sensitive land including wetlands, stream corridors, and steep slopes; important historic and archaeological resources, and roadway buffers. The goals of the open space and lot layout should be shown on a conceptual plan, and the design should support these goals. For instance, if preservation of agriculture is one of the main goals of the open space, the open space should encompass that land which is most suitable for farming (topography, soils). Blocks of land large enough to support a farm should be set aside in the open space. In addition, potential conflicts between the uses should be minimized by designing buffers between the farmland and the residential development. Similar design considerations would be expected to support other open space goals as well. The open space should be placed in a conservation easement or the equivalent to ensure that the land will remain undeveloped. The visibility of the development from the main road should be minimized. It is recommended that lots be placed along an access road rather than along the main route so that the view from the main route still appears rural in nature.



Rural Lands

SAMPLE DEVELOPMENT CONCEPT

This illustration represents one potential way that the policies in the Land Use chapter for this land use could be interpreted. Alternate concepts that follow these policies may also be acceptable. This development concept is only for illustrative purposes and design guidelines, policies and ordinance requirements are a factor, particularly with respect to detailed requirements such as landscaping

Large farm remains in agricultural / forestal use

Medium sized parcel divided into two large lots managed as small farms

Small farm managed as rural economic enterprise with agritourism and winery use



Small rural cluster sited away from roads and screened by trees to preserve rural viewsheds

Mixed use

Commercial

Civic

Industrial

Low Density Residential

Moderate Density Residential - Level 1

Moderate Density Residential - Level 2

Parking

Common Open Space

Wooded or Landscaped Buffer Areas

Pedestrian/ Bike Paths

Roadway Interconnectivity

3 RESIDENTIAL: RURAL

INTENT AND CHARACTER

FUTURE LAND USE

Per the Future Land Use Map, **Rural Lands** are areas containing farms, forests and scattered houses, exclusively outside of the Primary Service Area (PSA), where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for in the future. Rural Lands are intended to help protect and enhance the viability of agricultural and forestal resources and support compatible rural economic development; residential development is not recommended.

A very limited amount of residential development may be permitted in the form of rural clusters and small residences in support of agricultural or forestal activities. Residential building in rural areas shall provide significant preservation of the natural resources, preserve rural qualities and character, keep uninterrupted views open and unmarred, and be compatible in scale with the surrounding landscape.

Rural Lands

Residential development is not recommended. Minor residential construction may be permitted in some cases. Standards for siting and design are included in this chapter.

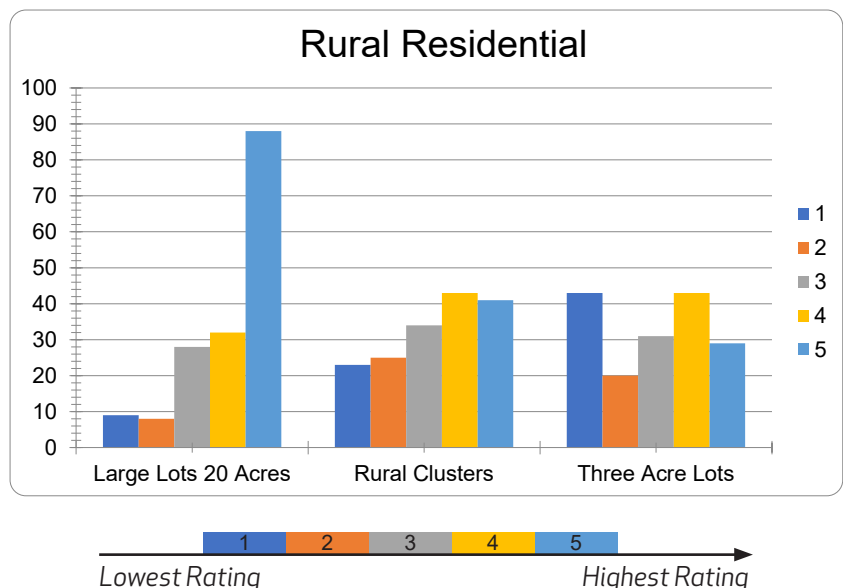
ENGAGE2045 PUBLIC INPUT

The 2019 survey and Round 1 public input from Engage2045 revealed a strong desire to maintain rural and pastoral qualities across the County. Preservation of the natural environment was listed as the most important issue for the County to address. Many residents stated that the natural and rural places are what they most value about living in James City County.

The Engage2045 survey conducted in January/February 2021 reflected a continued desire for natural surroundings, lower density development, and preservation of a rural character across many areas of the County. Participant comments trended toward the belief that higher density development would result in more traffic and crowded schools.

The desired rural character pairs with the desire for open space, passive recreation, and preservation of natural resources. Rural development that protects and complements the landscape, is sited to maintain open views, and preserves vegetation and farmland is ideal. In order to best preserve large swaths of usable land, small clusters of single-family housing are also appropriate for rural settings, provided they continue to support and uphold the pastoral setting.

Metroquest Survey results: For the purposes of this survey, language is not directly linked to Future Land Use designations.



SITE DESIGN

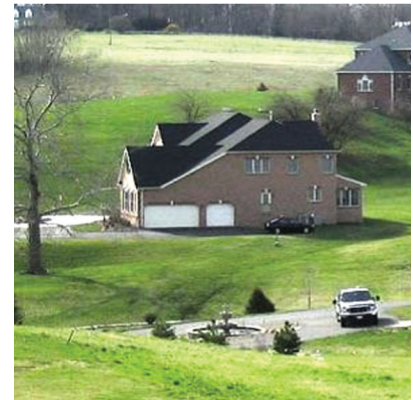
- 1 **Small groupings of related buildings may be sited together in a farmstead or cluster form.**

Buildings should be set far back from the street and have minimal to no visual impact from the road. Drive lanes should follow natural topography and include turns that reduce their visual impact from the street. Existing trees, meadows, and fields should be preserved.



RURAL DESIGN STANDARDS: FARMSTEAD

- 1 **Building design should be 1-2 stories tall and use architectural elements, colors, and materials that resemble farmhouses and barns.**
- 2 **Buildings visible from the road shall pursue a higher design standard and ensure that scale, form, and color are synonymous with a farmstead character and harmonious with the landscape.**



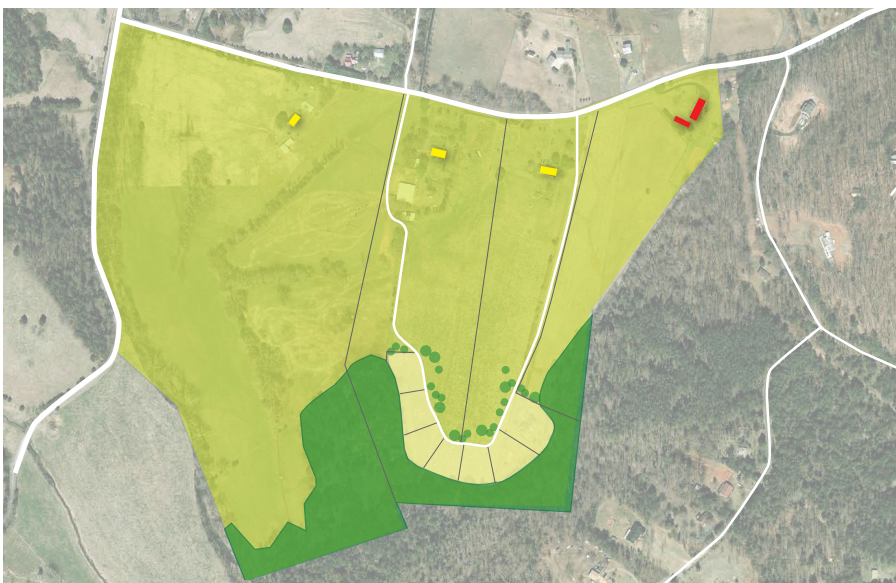
RURAL DESIGN STANDARDS: CLUSTERS

- 1 **Building design should employ either a farmstead architectural style or a Colonial architecture style as described in Chapter 4: Small Lots.**
- 2 **Trees and landscaping shall ensure that no more than 2 buildings are visible from the road and should be set back as far as possible from the road.**

Roof elements of other buildings may be visible, but landscape or berming along the frontage street shall substantially screen any cluster development and maintain clear views of landscape.



Images shown from the Metroquest Questionnaire vary in levels of community support.



Example of preferred rural site design showing large preserved working farms, large lots of at least 20 acres, or small clusters sited and screened so as to not be visible from roadways.

R-8, Rural Residential

https://library.municode.com/va/james_city_county/codes/code_of_ordinances?nodeId=CD_ORD_CH24ZO_ARTVDI_DIV8RUREDIR-S24-347STIN

Item	Requirement	Additional Notes
Minimum lot size	Three acres (no other factors or exemptions)	
Front Setback requirements	If street right-of-way is 50 feet or greater in width: 35 feet from edge of right-of-way If street is less than 50 feet is less than 50 feet in width: 60 feet from centerline of right-of-way.	There are some provisions for allowing the setbacks on adjacent or nearby lots, and for allowing setbacks recorded prior to 1969 to be honored if shown on the plat.
Side and Rear Setbacks	Side: 15 Rear: 35	
Minimum lot width at the front setback line	Lots up to 1 acre: 100 feet at the front setback line Lots more than 1 acre or more: 150 feet at the front setback line The subdivision ordinance allows the front setback to be moved back to where the minimum lot width is met, should a lot become wider further back.	
Permitted or specially permitted residential uses	Single-family, two-family, accessory apartments (attached permitted, detached SUP)	
Overall setbacks for a development.	N/A - but see landscape buffer requirement below	
Landscape Buffer requirements (for the development)	For major subdivisions only (see subdivision ordinance summary below for major/minor information). Along Community Character Corridors: 150 feet Along non-Community Character Corridors: 75 feet	Standards for landscaping this area are included.
Minimum/max number of units it is possible to subdivide or any phasing provisions	N/A	
Overall density within a major subdivision	N/A	

requirement or standard		
Cluster configuration option	N/A	
Open space requirements	N/A	
Lot configuration (flag lot)	See subdivision ordinance summary below	
Road frontage requirement	See subdivision ordinance summary below.	
Road Access	See subdivision ordinance summary below.	
Utilities	See subdivision ordinance summary below	
Family subdivision – different regulations for this district	Yes, per subdivision ordinance (permitted in R-8 and A-1). A more limited set of subdivision ordinance standards apply. The lot does not need to front on a public road to be subdivided.	
Bike/Ped	For major subdivisions only. Per Special Regulations section 24-35, bike and pedestrian accommodations are required along existing public roadways per the pedestrian master plan and regional bikeways plan, and along internal streets per VDOT Subdivision Street Acceptance Regulations (SSAR).	

A-1, General Agricultural

https://library.municode.com/va/james_city_county/codes/code_of_ordinances?nodeId=CD_ORD_CH24ZO_ARTVDI_DIV2GEAGDIA-

Minimum lot size	<ul style="list-style-type: none">- Three acres for single-family dwellings- Cluster development – overall gross density of not greater than one unit per two acres, with no lot less than one acre in area.- Five acres for two-family dwellings.- No less than two acres for pre-1989 parcels (Permits creation of two lots from a parcel less than six acres in size if the parcel existed prior to May 1, 1989, so long as no lot is less than two acres.) <p>There are also minimum lot sizes listed for: One acre for nonresidential uses. No less than one acre for family subdivisions with SUP (Family subdivisions approved by the Board, so long as no lot is less than one acre.) Having certain numbers of animals.</p>	
Front Setback requirements	50' from any street right-of-way which is 50' or greater in width. If the right-of-way is less than 50' in width, minimum of 75' from centerline of street, except that where the minimum lot area is three acres or more, the minimum setback shall be 75 feet from any street right-of-way which is 50 feet or greater in width and 100 feet from the centerline of any street right-of-way less than 50 feet in width.	
Side and Rear Setbacks	Side: 15 Rear: 35	
Minimum lot width	(a)Lots of five acres or more shall have a minimum lot width at the setback line of 250 feet. (b)Lots of three acres or more but less than five acres shall have a minimum lot width at the setback line of 200 feet. (c)Lots of one acre or more but less than three acres shall have a minimum lot width at the setback line of 150 feet. (d)The minimum lot frontage abutting a public right-of-way shall be 25 feet.	
Permitted or specially permitted residential uses	Single-family, two-family, accessory apartments (attached permitted, detached SUP), cluster development requires a SUP.	

Overall setbacks for a development	For cluster developments of more than five lots, structures shall be located 150 feet from all existing roads.	
Landscape Buffer requirements for the development	N/A	
Minimum/maximum number of units it is possible to subdivide or any phasing provisions	For cluster, there shall be a minimum of at least three residential lots.	
Overall density within a major subdivision requirement/standard	For cluster, the overall gross density shall not exceed one unit per two acres.	
Cluster configuration option	Yes, needs to meet standards listed in the ordinance.	
Open space requirements	For cluster, there is no minimum acreage or percentage of the land that needs to be open space separate from the lots. However, the regulations state that subdivision design should minimize grading and destruction of natural vegetation; provide protection of conservation areas as specified in the Comprehensive Plan or other sections of this chapter; there are limitations on the amount of floodplain and water each lot can contain; and buildings sites shall be designated so as to promote harmonious relationships with the environment.	
Lot configuration (flag lot)	See subdivision ordinance summary below	

Road frontage requirement	See subdivision ordinance summary below.	
Road Access	See subdivision ordinance summary below.	
Utilities	See subdivision ordinance summary below	
Family subdivision – different regulations for this district	Yes, per subdivision ordinance (permitted in R-8 and A-1). A more limited set of subdivision ordinance standards apply. The lot size can be smaller (see minimum lot size above), and the lot does not need to front on a public road to be subdivided.	
Bike/Ped	For major subdivisions only. Per Special Regulations section 24-35, bike and pedestrian accommodations required along existing public roadways per the pedestrian master plan and regional bikeways plan, and along internal streets per VDOT SSAR regs.	

Subdivision Ordinance

https://library.municode.com/va/james_city_county/codes/code_of_ordinances?nodeId=CD_ORD_CH19SU

Not all sections of the Subdivision Ordinance are summarized below. Regulations in the subdivision ordinance apply across districts, not just in A-1 and R-8.

Minor/Major subdivision - Differentiation in requirements by number of lots being subdivided (19-21)	<p>Parcels existing as of January 1, 1989 shall be considered “parent parcels.”</p> <p>Minor Subdivision – division of a “parent parcel” into not more than five lots abutting an existing public road. Further limited internal subdivision of the parent parcel can occur, up to a total of no more than nine parcels.</p> <p>Major Subdivision – division of a “parent parcel” into six or more lots, or any division which creates/extends a new street.</p>	
Lot configuration – Flag lots (19-39, 19-40)	Permitted (see road frontage requirement below)	
Road requirements – new public streets, frontage (19-40, 19-42)	<p>Lots must front on a public street (at least 25 feet of frontage).</p> <p>Minor: Lots front on existing public street.</p> <p>Major: Lots front on new public street constructed for the development.</p> <p>Note that per Special Regulations section 24-62, private streets are not permitted in A-1 or R-8 other than in manufactured home parks.</p>	
Driveways (19-73)	Individual driveways are permitted, except that minor subdivisions of three or more lots must construct a shared driveway (each lot is still required to have at least 25 feet of frontage on a road).	Some exemptions are included in the section language.
Cul-de-sacs (19-54)	Shall not exceed 1,000' in length	
HOAs (19-70)	Major subdivisions with common areas or improvements maintained by homeowners are required to have one.	
Water Facilities (19-58, 19-59, 19-60)	<p>Major Subdivisions within Primary Service Area must connect to public water.</p> <p>Major Subdivision outside the Primary Service Area (Rural Lands) must construct central water system.</p> <p>Minor Subdivisions within the PSA must connect to public water if they are within the connection distance specified in JCSA regulations (page 3-1:</p>	<p>The central water system can be waived by service authority manager.</p> <p>There are some existing water lines outside the Primary Service Area that have been approved by the</p>

	<p>https://en.calameo.com/read/0045296426531218b384f?page=1). If they are beyond the connection distance, the lot must be served by an individual well.</p> <p>Minor Subdivisions outside the PSA (Rural Lands) shall be served by an individual well.</p> <p>JCSA uses the design and acceptance criteria, and the regional construction standards: https://www.jamescitycountyva.gov/932/Forms-Publications.</p>	Board of Supervisors. SUP conditions on these lines limit connections to adjacent parcels.
Sewer (19-61, 19-62)	<p>All subdivisions within the PSA must connect to public sewer if they are within the connection distance specified in JCSA regulations (see link to JCSA regulations above). If they are beyond the connection distance, lots must be served by an individual on-site sewage disposal system.</p> <p>All subdivisions outside the PSA must be served by individual on-site sewage disposal systems, with primary and reserve drainfields.</p> <p>JCSA uses the design and acceptance criteria, and the regional construction standards found here: https://www.jamescitycountyva.gov/932/Forms-Publications</p>	There are some existing sewer lines outside the PSA that have been approved by the Board of Supervisors. SUP conditions on these lines limit connections to adjacent properties.
Fire protection (19-65)	Fire hydrants are only required when the public water system is extended/constructed – currently applies to central water system developments.	

DIVISION 8. - RURAL RESIDENTIAL DISTRICT, R-8

Sec. 24-347. - Statement of intent.

Generally, the Rural Residential District, R-8, is intended for application to rural areas of the county which remain inside the primary service area where utilities and urban services are planned but not yet fully available and where urban development may be expected in the near future. The district may also be applied to certain outlying areas where residences exist at similar densities or may be appropriate in view of housing needs. The district is intended to maintain a rural environment suitable for farming, forestry and low-density rural residence, together with certain recreational and public or semipublic and institutional uses, until such time as an orderly expansion of urban development is appropriate.

(Ord. No. 31A-88, § 20-35, 4-8-85; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-122, 6-18-90)

Sec. 24-348. - Use list.

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

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with <u>section 24-32</u> .	P	
	Accessory apartments, detached, in accordance with <u>section 24-32</u> .		SUP
	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	

	Group home or residential facility, for eight or fewer adults.	P	
	Group homes or residential facilities for nine or more adults.		SUP
	Group quarters for agricultural workers.		SUP
	Home care facilities.		SUP
	Manufactured home parks.		SUP
	Manufactured homes in accordance with <u>section 24-107</u> and <u>section 24-108</u> not located within the primary service area.		SUP
	Site-built single-family detached dwellings and modular homes.	P	
	Two-family dwellings.		SUP

Commercial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Adult day-care centers.		SUP
	Airports and landing fields, helistops or heliports and accessory uses.		SUP
	Barber and beauty shops.		SUP
	Business, governmental and professional offices.		SUP
	Campgrounds.		SUP
	Cemeteries and memorial gardens, not accessory to a church or other place of worship.		SUP
	Child day-care centers.		SUP

	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities, but not those approved as a part of a planned unit development.		SUP
	Convenience stores; if fuel is sold, then in accordance with <u>section 24-38</u> .		SUP
	Drug stores.		SUP
	Farm equipment sales and service establishments.		SUP
	Farmers' markets, limited in area to 2,500 square feet.	P	

	Farmers' markets over 2,500 square feet.		SUP
	Feed, seed and farm supplies.		SUP
	Flea markets, temporary or seasonal.		SUP
	Food processing and storage, but not the slaughter of animals.		SUP
	Food processing and storage in a residence.		SUP
	Gift shops, antique shops.		SUP
	Golf courses and country clubs.		SUP
	Greenhouses, commercial.		SUP
	Home occupations, as defined herein.	P	

	Horse and pony farms of less than 50 animals (including the raising and keeping of horses), riding stables.	P	
	Horse and pony farms with 50 or more animals.		SUP
	Horse show areas, polo fields.		SUP
	Hospitals.		SUP
	Hotels and motels.		SUP
	House museums.	P	
	Hunting clubs.		SUP
	Kennels.		SUP
	Medical clinics or offices.		SUP
	Nurseries.	P	

	Nursing homes and facilities for the residence and/or care of the aged.		SUP
	Off-street parking as required by <u>section 24-54</u> .	P	
	Photography, artist and sculptor studios.		SUP
	Photography sales and arts and crafts shops.		SUP

	<p>Railroad facilities including tracks, bridges, switching yards and stations.</p> <p>However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.</p>		SUP
	Rental of rooms to a maximum of three rooms.		SUP
	Restaurants, taverns.		SUP
	Rest homes for fewer than 15 adults.	P	

	Rest homes for 15 or more adults.		SUP
	Retail shops associated with community recreation facilities.		SUP
	Retreat facilities		SUP
	Sanitary landfills in accordance with <u>section 24-40</u> , waste disposal or publicly owned solid waste container sites.		SUP
	Slaughter of animals for personal use, but not for commercial purposes.	P	
	Tourist homes.		SUP
	Veterinary hospitals.		SUP

	Wayside stands for sale of agricultural products over 500 square feet in area.		SUP
	Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.	P	
	Yacht clubs and marinas and commercial and service facilities accessory thereto.		SUP
Agricultural Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	

	Commercial livestock or poultry operations for more than 100 slaughter or feeder cattle, 70 dairy cattle, 250 swine, 1,000 sheep, lambs, goats or similar animals, 50 horses, 10,000 chickens or 5,500 turkeys or ducks.		SUP
	Fish farming and aquaculture.		SUP

	General agriculture, dairying, forestry, general farming and specialized farming, excluding the raising of hogs, but not commercial livestock or poultry operations which require a special use permit in the General Agricultural District, A-1.	P	
	Petroleum storage on a farm as an accessory use and not for resale.	P	
	Raising of hogs.		SUP
	Storage and repair of heavy equipment as accessory use to a farm.	P	

	Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.	P	
Civic Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Fire stations or rescue squad stations, volunteer or otherwise.		SUP
	Neighborhood Resource Centers.		SUP
	Places of public assembly used primarily as an event facility in accordance with <u>section 24-48</u> .	P	

	Places of public assembly used primarily as an event facility not in accordance with <u>section 24-48</u> .		SUP
	Places of public assembly.		SUP
	Post offices and public buildings generally.		SUP
	Schools, libraries, museums and similar institutions.		SUP
	Seminaries.		SUP
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	

	Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Radio and television stations or towers.		SUP
	Telephone exchanges and telephone switching stations.		SUP

	<p>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.</p>		SUP
	<p>Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or</p>		SUP

	commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.		
	Utility substations.		SUP
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the		SUP

following are permitted generally and shall not require a special use permit:

(a) Private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line.

(b) Distribution lines and local facilities within a development, including pump stations.

	Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.	P	
	Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.		SUP
	Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities.	P	

Open Uses	Preserves and conservation areas for protection of natural features and wildlife.	P	
	Timbering in accordance with <u>section 24-43</u> .	P	
Industrial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	

	Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of topsoil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which activities do not require a special use permit).		SUP
	Manufacture and sale of wood products.		SUP

(Ord. No. 31A-88, § 20-36, 4-8-85; Ord. No. 31A-99, 10-6-86; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-122, 6-18-90; Ord. No. 31A-131, 6-3-91; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-167, 3-26-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-202, 12-21-99; Ord. No. 31A-259, 1-10-12; Ord. No. 31A-293, 8-12-14; Ord. No. 31A-319, 11-8-16; Ord. No. 31A-336, 8-8-17; Ord. No. 31A-348, 7-14-20)

Sec. 24-349. - Reserved.

Editor's note— Ord. No. 31A-336 adopted August 8, 2017, repealed § 24-349. Former § 24-349 pertained to uses permitted by special use permit only and derived from Ord. No. 31A-88, adopted April 8, 1985; Ord. No. 31A-104, adopted October 5, 1987; Ord. No. 31A-110, adopted September 12 1988; Ord. No. 31A-114, adopted May 1, 1989; Ord. No. 31A-122, adopted June 18, 1990; Ord. No. 31A-131, adopted June 3, 1991; Ord. No. 31A-145, adopted July 6, 1992; Ord. No. 31A-153, adopted November 1, 1993; Ord. No. 31A-176, adopted May 26, 1998; Ord. No. 31A-202, adopted December 21, 1999; Ord. No. 31A-208, adopted August 13, 2002; Ord. No. 31A-220, adopted October 11, 2005; Ord. No. 31A-242, adopted July 14, 2009; Ord. No. 31A-259, adopted January 10, 2012; Ord. No. 31A-293, adopted August 12, 2004; Ord. No. 31A-319, adopted November 8, 2016.

Sec. 24-350. - Area requirements.

Minimum lot size. The minimum lot size shall be three acres.

(Ord. No. 31A-88, § 20-37, 4-8-85; Ord. No. 31A-99, 10-6-86; Ord. No. 31A-202, 12-21-99)

Sec. 24-351. - Setback requirements.

Structures shall be located a minimum of 35 feet from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 60 feet from the centerline of the street. This shall be known as the "setback line," except that the following shall apply:

- (1) Where 40 percent or more of frontage on one side of street within the same block is improved with buildings, no building shall project beyond the average front yard so established.
- (2) No building shall be required to have a front yard greater than that of one of two existing buildings on the immediately adjoining lots on each side, whichever is the farthest removed from the street.
- (3) All subdivisions platted and recorded prior to March 1, 1969, with building setback lines shown on their recorded plat, will be allowed to adhere to these established setback lines.

(Ord. No. 31A-88, § 20-38, 4-8-85; Ord. No. 31A-202, 12-21-99)

Sec. 24-352. - Minimum lot width.

- (a) Lots of up to 43,560 square feet shall have a minimum width at the setback line of 100 feet.
- (b) Lots of 43,560 square feet or more shall have a minimum width at the setback line of 150 feet.

(Ord. No. 31A-88, § 20-39, 4-8-85)

Sec. 24-353. - Yard regulations.

- (a) *Side.* The minimum side yard for each main structure shall be 15 feet. The minimum side yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum side yard of 15 feet.
- (b) *Rear.* Each main structure shall have a rear yard of 35 feet or more. The minimum rear yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum rear

yard of 15 feet.

(Ord. No. 31A-88, § 20-40, 4-8-85)

Sec. 24-354. - Height limits.

Structures may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (1) The height limit for buildings may be increased to 45 feet and to three stories; provided, that the two side yards for the building are increased to a minimum of 15 feet plus one foot for each additional foot of the building's height over 35 feet.
- (2) A public or semipublic building such as a school, church or library may be erected to a height of 60 feet from grade, provided that the required front, rear and side yards shall be increased one foot for each foot in height above 35 feet.
- (3) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to farming operations 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, so as to offer adequate protection to life and property; and
 - e. Such structure will not be contrary to the public health, safety and general welfare.
- (4) No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall be less than the main building in height; provided, however, the height of an accessory building may exceed the height of the main building if the grade of the lot is such that the elevation of the main building exceeds the elevation of the accessory building. The elevation of the main building and accessory building shall be measured from the level of the curb or the established curb grade opposite the middle of the main building. In no case shall an accessory building be more than 45 feet in height; except that silos, barns and other structures normally associated with and accessory to farming operations are controlled by subsection (3) above and may exceed the height of the main structure and may exceed 45 feet in height.
- (5) Heights of communications facilities shall be permitted in accordance with division 6, communications facilities, antennas, towers and support structures.

(Ord. No. 31A-88, § 20-40.1, 4-8-85; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-166, 1-23-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-215, 2-22-05; Ord. No. 31A-223, 4-11-06; Ord. No. 31A-232, 12-11-07; Ord. No. 31A-259, 1-10-12; Ord. No. 31A-319, 11-8-16)

Sec. 24-355. - Special provisions for corner lots.

- (a) For corner lots, the front of the lot shall be the shorter of the two sides fronting on streets.
- (b) No structures shall be located closer than 35 feet to the side street.
- (c) Each corner lot shall have a minimum width at the setback line of 125 feet or more.

(Ord. No. 31A-88, § 20-41, 4-8-85)

Sec. 24-356. - Sign regulations.

To assure an appearance and condition which is consistent with the purposes of the Rural Residential District, R-8, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

(Ord. No. 31A-88, § 20-41.1, 4-8-85; Ord. No. 31A-122, 6-18-90)

Sec. 24-357. - BMP requirements.

To assure an appearance and condition which is consistent with the purpose of the Rural Residential District, R-8, structural BMPs serving the properties within the district shall comply with the landscaping regulations in article II, division 4 of this chapter.

(Ord. No. 31A-202, 12-21-99)

Sec. 24-358. - Buffer requirements.

- (a) *Right-of-way buffer.* Within any major subdivision approved under this article, there shall be planned and maintained buffers along all external existing and planned arterial road rights-of-way, as follows:
 - (1) The minimum right-of-way buffer on Community Character Corridor roads as defined in the Comprehensive Plan shall be 150 feet, except when the average lot depth of the parent parcel is less than 600 feet. In those cases, the required buffer shall be at a depth of 25 percent of the average lot depth.
 - (2) The minimum right-of-way buffer on all non-Community Character Corridor roads shall be 75 feet, except when the average lot depth of the parent parcel is less than 300 feet. In those cases, the required buffer shall be at a depth of 25 percent of the average lot depth.
 - (3) If the buffer is non-wooded as defined for the purpose of this article as having no mature trees, then a minimum of two trees per 400 square feet of area shall be planted with a minimum 50 percent of said trees being evergreen. Otherwise, the buffer shall remain undisturbed or supplemented with additional plantings to achieve the planting ratio stated above.
- (b) *Perimeter buffers.* Within any major subdivision approved under this article, there shall be planned and maintained a perimeter buffer along the perimeter property lines of the development, except for areas adjacent to road rights-of-way. The minimum perimeter buffer shall be 35 feet. Landscaping guidelines for

perimeter buffers shall follow the requirements in section 24-94(a) of this chapter.

(c) *Waiver provisions.* In instances where properties have more than a 300-foot average depth and are located along a Community Character Corridor, or in all instances of perimeter buffers, the planning commission may reduce the buffer depth requirements of this section for residential developments when:

- (1) The development is less than five acres and a majority of the development=s units are dedicated to affordable housing; or
- (2) The developer demonstrates that due to natural or protected features, or due to adjoining physical features, a reduced buffer will screen the development as effectively as a full buffer; or
- (3) The developer demonstrates that the development will be adequately screened and buffered from the road using berms and landscaping. Such a request shall be supplemented with a landscaping plan and/or planting plan with photos of the existing site.

In no case shall the right-of-way buffer be reduced by a waiver provision to less than 75 feet. The perimeter buffer shall not be reduced by a waiver provision to less than 20 feet. The planning commission may also, in the event of granting a waiver, require additional landscaping as determined on a case by case basis.

(d) *Modifications to the landscape requirements.* The planning commission may modify, permit substitutions, or permit transfer of required landscaping in accordance with the provisions set forth in article II, division 4 of this chapter.

(e) *Requirements for buffers.* All required buffers shall be exclusive of lots, remain free of structures and parking, and remain undisturbed, except for additional plantings and selective clearing approved by the director of planning or his designee. Soil stockpiles and staging areas shall not be permitted within any buffer, except that temporary soil stockpiles may be allowed upon approval by the planning commission under the following circumstances:

- (1) The buffer in which the temporary stockpile is to occur is nonwooded, defined as having no mature trees.
- (2) The stockpile should not be visible from a Community Character Corridor or Community Character Area, unless the soil stockpiling is needed for approved berming in that buffer.
- (3) Stockpiles shall not exceed 35 feet in height.
- (4) Stockpiles shall be temporary, with a time limit of six months.
- (5) Once the use of the temporary soil stockpiles is completed, the ground must be adequately prepared for planting and revegetated in a manner that meets or exceeds the amount and quality of vegetation on the site previously.

(f) *Limitations on stormwater management facilities within buffers.* Wet ponds, dry detention basins, and other structural BMPs shall not generally be permitted in the buffers, except that the planning commission may approve them under the following circumstances:

- (1) The need is necessitated by site conditions rather than economic factors; and
- (2) The screening/buffering effect of the buffer has been retained by the design of the BMP and any degradation has been mitigated with additional plantings or berms as necessary.

(g) *Improvements allowed within buffers.* An entrance road, community and directional signage, bicycle and/or

pedestrian paths, and utility connections and drainage improvements shall be permitted within the buffer with approval of the planning commission. Permitted utilities and constructed drainage conveyance systems shall cross the buffer at or near a perpendicular angle to the property line, with clearing kept to a minimum necessary to accommodate the utilities, except that minor improvements to natural drainage channels may be permitted at different angle to the property line upon the recommendation of the environmental director and the approval of the planning commission.

- (h) *Roads within buffers.* Entrance roads through these buffers shall be built to the narrowest cross-section possible. Roads and open space shall be located and designed in a manner that minimizes views of structures within the development from the adjoining primary or secondary road as determined by the planning commission.

(Ord. No. 31A-202, 12-21-99)

Secs. 24-359—24-366. - Reserved.

DIVISION 2. - GENERAL AGRICULTURAL DISTRICT, A-1

Sec. 24-211. - Statement of intent.

The General Agricultural District, A-1, is intended for application to the rural areas of the county generally outside of the primary service area and where utilities and urban services generally do not exist and are not planned for the near future. The purpose of the district is to maintain a rural environment suitable for farming, forestry and low-density rural residence and at the same time to provide for certain recreational and public or semipublic and institutional uses which may require a spacious site and which, with proper conditions imposed, are compatible with rural surroundings. The district also serves to limit the scattering of commercial, industrial and urban residential uses into rural areas where such uses are not planned. The area regulations of the district are intended to provide a measure of flexibility in lot size and arrangement if coupled with a design review to ensure more careful use of the land.

(Ord. No. 31A-88, § 20-28, 4-8-85; Ord. No. 31A-114, 5-1-89)

Sec. 24-212. - Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with <u>section 24-32</u> .	P	
	Accessory apartment, detached, in accordance with <u>section 24-32</u> .		SUP
	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Group home or residential facility, for eight or fewer adults.	P	
	Group homes or residential facilities for nine or more adults.		SUP
	Group quarters for agricultural workers.		SUP

	Home care facilities.		SUP
	Manufactured homes that are on a permanent foundation.	P	
	Manufactured home parks in accordance with the special provisions of article IV.		SUP
	Single-family detached dwellings.	P	
	Two-family dwellings.		SUP
Commercial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Adult day care centers.		SUP
	Airports and landing fields, heliports or helistops and accessory uses.		SUP
	Animal hospitals, veterinary offices and kennels.		SUP
	Automobile graveyards.		SUP
	Automobile repair and service.		SUP
	Automobile service stations; if fuel is sold, then in accordance with <u>section 24-38</u> .		SUP
	Beauty and barber shops.		SUP
	Campgrounds.		SUP
	Cemeteries and memorial gardens, not accessory to a church or other place of worship.		SUP

	Commercial equipment repair accessory to a dwelling with no outdoor storage or operations and the use occupies a building not larger than 2,000 square feet.		SUP
	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities except for facilities approved as part of a subdivision created pursuant to <u>section 24-214(c)</u> .		SUP
	Contractors' warehouses, sheds, and offices.		SUP
	Convenience stores; if fuel is sold, then in accordance with <u>section 24-38</u> .		SUP
	Day care and child care centers.		SUP
	Dinner theaters and dance halls as an accessory use to a restaurant or tavern.		SUP
	Farm equipment sales and service.		SUP
	Farmers' markets, limited in area to 2,500 square feet.	P	
	Farmers' markets over 2,500 square feet in area.		SUP
	Feed, seed and farm supplies.		SUP
	Flea markets, temporary or seasonal.		SUP
	Food processing and storage.		SUP
	Gift shops and antique shops.		SUP
	Golf courses and country clubs.		SUP
	Greenhouses, commercial.	P	

	Home occupations, as defined herein.	P	
	Horse and pony farms (including the raising and keeping of horses), riding stables.	P	
	Horse racing tracks.		SUP
	Horse show areas, polo fields.		SUP
	Hospitals and nursing homes.		SUP
	House museums.	P	
	Hunting preserve or club, rifle or pistol range, trap or skeet shooting.		SUP
	Lumber and building supply stores.		SUP
	Medical clinics.		SUP
	Nurseries.	P	
	Off-street parking as required by <u>section 24-54</u> .	P	
	Petroleum storage, other than on a farm for farm use or accessory for a residence.		SUP
	Professional offices of not more than 2,000 square feet with no more than one office per lot.		SUP
	Race tracks for animals or vehicles, including racing courses for power boats.		SUP

	Railroad facilities, including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.		SUP
	Rental of rooms to a maximum of three rooms.		SUP
	Rest homes for fewer than 15 adults.	P	
	Rest homes for 15 or more adults.		SUP
	Restaurants, taverns.		SUP
	Retreat facilities.		SUP
	Retail sale and repair of lawn equipment with outdoor display area up to 2,500 square feet and repair limited to a fully enclosed building.		SUP
	Retail sales of plant and garden supplies.		SUP
	Retail shops associated with community recreation facilities.		SUP
	Sanitary landfills, in accordance with <u>section 24-40</u> , construction debris landfills, waste disposal or publicly owned solid waste container sites.		SUP
	Slaughter of animals for personal use but not for commercial purposes.	P	
	Slaughterhouses.		SUP
	Small-scale alcohol production.		SUP

	Tourist homes.		SUP
	Upholstery shops.		SUP
	Waterfront business activities: marine interests, such as boat docks, piers, yacht clubs, marinas and commercial and service facilities accessory thereto, docks and areas for the receipt, storage, and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.		SUP
Agricultural Uses	Accessory buildings and structures.	P	
	Accessory uses, including agritourism activities, as defined in <u>section 24-2</u> .	P	
	Fish farming and aquaculture, but shall not include the processing of such products.	P	
	Food processing and storage, when it occurs in private homes per Code of Virginia § 3.2-5130 subdivisions A 3, 4, and 5.	P	
	General agriculture operation, production agriculture or silviculture activity, dairying, forestry, general farming, and specialized farming, including the keeping of horses, ponies and livestock, but not intensive agriculture as herein defined and not commercial slaughtering or processing of animals or poultry.	P	
	Limited farm brewery.	P	
	Limited farm distillery.	P	
	Intensive agriculture as herein defined.	P	

	Petroleum storage on a farm as an accessory use and not for resale.	P	
	Sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation, including wayside stands.	P	
	Storage and repair of heavy equipment as an accessory use to a farm.	P	
	Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.	P	
	Wineries, with accessory commercial facilities.		SUP
Civic Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Fire stations, rescue squad stations, volunteer or otherwise.		SUP
	Places of public assembly used primarily as an event facility in accordance with <u>section 24-48</u> .	P	
	Places of public assembly used primarily as an event facility not in accordance with <u>section 24-48</u> .		SUP
	Places of public assembly.		SUP
	Post offices and public buildings generally.		SUP
	Schools, libraries, museums and similar institutions, public or private.		SUP
	Seminaries.		SUP

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	
	Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Telephone exchanges and telephone switching stations.		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.		SUP
	Utility substations.		SUP

	<p>Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, including pump stations,, are permitted generally and shall not require a special use permit.</p>		SUP
	Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.	P	
	Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.		SUP
Open Uses	Preserves and conservation areas for protection of natural features and wildlife.	P	
	Timbering in accordance with <u>section 24-43</u> .	P	
Industrial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of top soil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which do not require a special use permit.)		SUP

	Manufacture and sale of wood products.		SUP
	Solid waste transfer stations.		SUP
	Storage and repair of heavy equipment.		SUP
	Storage, stockpiling and distribution of sand, gravel and crushed stone.		SUP

Editor's note— Ord. No. 31A-296, adopted June 9, 2015, amended § 24-212 in its entirety to read as herein set out. Former § 24-212 pertained to use list. See the Code Comparative Table for complete derivation.

(Ord. No. 31A-312, 11-8-16; Ord. No. 31A-335, 8-8-17; Ord. No. 31A-348, 7-14-20)

Sec. 24-213. - Reserved.

Editor's note— Ord. No. 31A-296, adopted June 9, 2015, repealed § 24-213, which pertained to uses permitted by special use permit only. See the Code Comparative Table for complete derivation.

Sec. 24-214. - Area requirements.

- (a) *Minimum lot size.* The minimum lot size, except as otherwise specified herein, shall be:
 - (1) One acre for nonresidential uses;
 - (2) Three acres for single-family dwellings;
 - (3) A ratio of one acre of open land per seven horses, eight dairy cattle, 13 slaughter or feeder cattle, 33 swine, or 130 sheep shall be provided for each agricultural operation; and
 - (4) Twenty acres for intensive agriculture:
 - a. No more than 1,000 veal, cattle, horses or similar animals or 3,000 sheep, lambs, goats or similar animals or 7,500 swine or 50,000 turkeys or 100,000 chickens shall be confined at any one site.
- (b) *Minimum lot size for residential lots created after May 1, 1989.* No lot created under the area requirements of this section after May 1, 1989, the date of adoption of this section, unless created pursuant to paragraphs (c) or (d) below, shall be used for any residential dwelling unless the lot size is three acres or more. Provided, however, lots of less than six acres recorded or legally in existence prior to May 1, 1989, the date of adoption of this section, shall be permitted to be subdivided into two lots for single-family residential use so long as no lot size is less than two acres.
- (c) *Purpose of area requirements; conditions for subdivisions with approved special use permits.* It is the purpose of the area requirements in this district to discourage urban residential developments, but at the same time to encourage careful design of low-density residential subdivisions in order to make best use

of the land, reduce development costs and preserve natural amenities and open space. To this end, the minimum lot size may be reduced in subdivisions which are approved by special use permit in accord with the general standards of article I and the special standards of this district. Upon issuance of a special use permit, a subdivision may be approved with a minimum lot size of less than three acres; provided, that all of the following conditions are met:

- (1) The overall gross density of the subdivision shall not exceed one dwelling unit per two acres.
 - (2) There shall be at least three residential lots in the subdivision.
 - (3) No lot shall be less than one acre in area.
 - (4) The subdivision shall only be for single-family detached dwellings.
 - (5) All lots shall front on an approved public street created by the subdivision and no lot shall have direct access to a street not a part of the subdivision. This condition shall not apply to subdivisions of less than five lots.
 - (6) Provision shall be made in subdivision plats and lot conveyances to ensure that lot purchasers have adequate notice regarding limitations on resubdivision of parcels and no resubdivision or sale by any means shall be permitted which would in any way create a violation of this chapter.
 - (7) The general design standards of this section shall be complied with.
 - (8) The subdivision design shall provide good building sites and at the same time make best use of topography and minimize grading and destruction of natural vegetation.
 - (9) The subdivision design shall provide for protection of conservation areas as specified in the Comprehensive Plan or other sections of this chapter.
 - (10) No more than 30 percent of any lot shall be located in a floodplain area as defined in this chapter; provided, however, that up to 50 percent of the area of any lot may be covered by the waters of a lake, pond or canal planned and approved as a part of and wholly within the subdivision.
 - (11) Maintenance of any common open space shall be assigned to a homeowners' association or other approved entity.
 - (12) Lots shall be arranged and building sites shall be designated so as to promote harmonious relationships with the environment and existing public streets and roads; and to this end, the design shall employ such techniques as may be appropriate to a particular case, including location of lots of various sizes, location of building sites with respect to project boundary lines, location of open space and buffer areas and maintenance of vegetation. Unless the subdivision is less than five lots, all structures shall be located a minimum of 150 feet from all roads existing prior to the platting of the subdivision.
- (d) *Lot size for family subdivisions with special use permits.* Upon issuance of a special use permit, a family subdivision may be approved with a minimum lot size of less than three acres, provided no lot shall be less than one acre.
- (e) *Minimum lots sized for two-family dwellings.* Lots for two-family dwellings shall have a minimum area of five acres.
- (f) *Not applicable to lots in existence prior to May 1, 1989.* These minimum sizes shall not apply to lots of

less than three acres recorded or legally in existence prior to May 1, 1989, the date of adoption of this article. Such lots of less than three acres used for residential purposes shall be limited to one single-family residential use.

(Ord. No. 31A-88, § 20-30, 4-8-85; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-165, 9-18-95)

Sec. 24-215. - Setback requirements.

- (a) Structures, except those associated with intensive agricultural uses, shall be located a minimum of 50 feet from any street right-of-way which is 50 feet or greater in width. If the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 75 feet from the centerline of the street; except that where the minimum lot area is three acres or more, the minimum setback shall be 75 feet from any street right-of-way which is 50 feet or greater in width and 100 feet from the centerline of any street right-of-way less than 50 feet in width. Devices for nutrient management plans, pens, and structures associated with intensive agricultural uses shall be 250 feet from any dwelling not owned by the operator of the use, all property lines not associated with the use, all public roads, and 1,000 feet from platted residential subdivisions, residentially zoned districts, areas designated for residential use on the comprehensive plan, schools, parks and playgrounds, recreation areas, public wells, water tanks and reservoirs.
- (b) All subdivisions platted and recorded prior to March 1, 1969, with building setback lines shown on their recorded plat will be allowed to adhere to these established setback lines.

(Ord. No. 31A-88, § 20-31, 4-8-85; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-165, 9-18-95; Ord. No. 31A-169, 5-28-96; Ord. No. 31A-257, 11-22-11)

Sec. 24-216. - Minimum lot width and frontage.

- (a) Lots of five acres or more shall have a minimum lot width at the setback line of 250 feet.
- (b) Lots of three acres or more but less than five acres shall have a minimum lot width at the setback line of 200 feet.
- (c) Lots of one acre or more but less than three acres shall have a minimum lot width at the setback line of 150 feet.
- (d) The minimum lot frontage abutting a public right-of-way shall be 25 feet.

(Ord. No. 31A-88, § 20-32, 4-8-85; Ord. No. 31A-114, 5-1-89)

Sec. 24-217. - Yard regulations.

- (a) *Side.* The minimum side yard for each main structure shall be 15 feet. The minimum side yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum side yard of 15 feet.
- (b) *Rear.* Each main structure shall have a rear yard of 35 feet or more. The minimum rear yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum rear yard of 15 feet.

Sec. 24-218. - Height limits.

Structures may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (1) The height limit for buildings may be increased to 45 feet and to three stories; provided, that the two side yards for the building are increased to a minimum of 15 feet plus one foot for each additional foot of the building's height over 35 feet.
- (2) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to farming operations 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, so as to offer adequate protection to life and property; and
 - e. Such structure will not be contrary to the public health, safety and general welfare.
- (3) No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall not be more than 45 feet in height; except that silos, barns and other structures normally associated with and accessory to farming operations are controlled by subsection (2) above and may exceed 45 feet in height.
 - (4) Heights of communications facilities shall be permitted in accordance with division 6, communications facilities, antennas, towers and support structures.

(Ord. No. 31A-88, § 20-33, 4-8-85; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-166, 1-23-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-223, 4-11-06; Ord. No. 31A-232, 12-11-07; Ord. No. 31A-259, 1-10-12; Ord. No. 31A-312, 11-8-16)

Sec. 24-219. - Special provisions for corner lots.

- (a) For corner lots, the front of the lot shall be the shorter of the two sides fronting on streets.
- (b) No structures shall be located closer than 50 feet to the side street.

(c) Each corner lot shall have a minimum width at the setback line of 150 feet or more.

(Ord. No. 31A-88, § 20-34, 4-8-85; Ord. No. 31A- 114, 5-1-89)

Sec. 24-220. - Sign regulations.

To assure an appearance and condition which is consistent with the purposes of the General Agricultural District, A-1, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

(Ord. No. 31A-88, § 20-34.1, 4-8-85)

Secs. 24-221—24-230. - Reserved.

Chapter 19 - SUBDIVISIONS

Footnotes:

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Cross reference— *Building regulations, Ch. 4; erosion and sedimentation control, Ch. 8; zoning, Ch. 24.*

State Law reference— *Land subdivision and development, Code of Va., § 15.2-2240 et seq.; local planning, Code of Va., § 15.2-2212 et seq.*

ARTICLE I. - GENERAL PROVISIONS

Sec. 19-1. - Short title.

This chapter shall be known and may be cited as the "Subdivision Ordinance of James City County, Virginia," or simply as the "Subdivision Ordinance."

(Ord. No. 30A-15, 1-9-89)

Sec. 19-2. - Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter.

Agent. The James City County planning director or his designee.

Alternative on-site sewage disposal system. A treatment works that is not a conventional on-site sewage disposal system and does not result in a point source discharge.

Approved. The word "approved" shall be considered to be followed by the words "or disapproved," when the sense so requires.

Block. Land containing lots which are bounded by streets or a combination of conservation areas, streets, public parks, cemeteries, railroads, rights-of-way, shorelines or boundaries of the county.

Brownfield site. Real property wherein the expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

Central water system. A water system in which all connections in the subdivision are served by one or more water sources through a common distribution system owned and operated by the James City Service Authority. Central water system shall include all structures, hydrants, property, equipment and appurtenances used in the production, storage and distribution of water.

Commission. The James City County Planning Commission.

Common open space. A parcel of land, an area of water, or a combination of land and water within a site designed and intended primarily for the use or enjoyment of residents, occupants, and owners within that development in which ownership is held in common with other owners of that development.

Conventional on-site sewage disposal system. A treatment works consisting of one or more septic tanks with gravity, pumped, or siphoned conveyance to a gravity distributed subsurface drainfield.

County attorney. The James City County attorney or his designee.

Cul-de-sac. A street with only one outlet having a circular turn-around for a safe and convenient reverse traffic movement.

Development review committee. An administrative subcommittee of the commission charged with reviewing major subdivisions, conceptual plans, appeals of agent decisions, and exceptions to this chapter and making recommendations to the commission.

Division of building safety and permits. The James City County director of building safety and permits or his designee.

Dwelling. Any structure, or portion thereof, which is designed for use for residential purposes, except hotels, motels, boardinghouses, lodging houses, tourist cabins, time-share units, motor lodges, tents, travel trailers, recreational vehicles and similar accommodations. Dwellings may include the following types:

1. Single-family detached. A detached structure arranged or designed to be occupied by one family, the structure having only one dwelling unit.
2. Multi-family. A building or structure including, but not limited to, townhouses, duplexes, and triplexes that are arranged or designed to be occupied by more than one family living in separate dwelling units with separate cooking, toilet facilities, and entrances.
3. Apartments. A building or structure arranged or designed to be occupied by three or more families living in separate dwelling units but sharing the entrance to the building.

Easement. A right granted by a property owner permitting a designated part or interest of the property to be used by others for a specific use or purpose.

Engineering and resource protection division. The director of the James City County engineering and resource protection division or his designee.

Fire chief. The James City County fire chief or his designee.

Governing body. The James City County board of supervisors.

Health department. The Commonwealth of Virginia Department of Health or an authorized official, agent or employee thereof.

Highly erodible soils. Soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for any soil is defined by the Universal Soil Loss Equation as the product of the formula $RKLS-T$ where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

Highly permeable soils. Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the "National Soil Survey Handbook" of November 1996, as amended, in the "Field Office Technical Guide" of the U.S. Department of Agricultural Natural Resources Conservation Service.

Hydric soils. Soils that are saturated, flooded or ponded long enough during the growing season to support wetland vegetation.

Impervious cover. A surface composed of any material that significantly impedes or prevents infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

Improvements. All public and quasipublic utilities and facilities including, but not limited to, streets, sanitary sewers, waterlines, stormwater management and erosion control facilities, electrical service, monuments, signs, sidewalks and streetlights required by this chapter.

Lot. A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open space, lot width, and lot areas as are required by Chapter 24, Zoning, either shown on a plat of record or considered as a unit of property and described by metes and bounds. A lot is synonymous with parcel or tract.

Lot, corner. A lot abutting on two or more streets at their intersection. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.

Lot, double frontage. An interior lot having frontage on two streets.

Lot, flag. A lot where a majority of the parcel does not abut a public right-of-way, but that achieves access to the public road by a narrow section of land not less than 25 feet in width.

Lot frontage. The measurement of a lot along a street right-of-way from one side lot line to the other.

Lot, interior. Any lot other than a corner lot.

Lot of record. A lot, a plat or description of which has been recorded in the clerk's office of the circuit court.

Lot width. The horizontal distance between side lot lines measured at the setback line.

Monument. An iron pipe a minimum of 3/4 inches in diameter with a 24 inch length or a 5/8 inches in diameter reinforcing bar with a 24 inch length driven three inches to nine inches below the surface of the adjacent ground or an alternate type as approved by the agent.

Plat. A map or plan for a tract or parcel of land meeting the requirements of this chapter which is to be or which has been subdivided. When used as a verb, "plat" is synonymous with "subdivide."

Property. A unit or units of land of such size and dimensions that it may be subdivided into two or more lots.

Public sewer. A sewer system owned and operated by a municipality, county, service authority or the Hampton Roads Sanitation District Commission, approved by the governing body, licensed by the State Corporation Commission if required by law, and approved by the health department and State Water Control Board where appropriate.

Public water. A water system owned and operated by a municipality, county or service authority, approved by the governing body, licensed by the State Corporation Commission if required by law, and approved by the health department.

Right-of-way. The total width of land dedicated or reserved for public or restricted travel, including pavement, ditches, drainage facilities, curbing, gutters, pipes, sidewalks, shoulders and land necessary for the maintenance thereof. The right-of-way may contain public or private utilities.

Road, future or planned future right-of-way. Any road or similar transportation facility as shown on an approved plan of development or master plan or designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, Hampton Roads Long Range Transportation Plan or any road plan adopted by the board of supervisors.

Runoff. Precipitation which enters downstream waterways or properties.

Service authority. The James City Service Authority.

Service authority manager. The manager of the James City Service Authority or his designee.

Service authority regulations. The James City Service Authority Regulations Governing Utility Service.

Setback line. A line showing the closest point from a property line that a dwelling or principal structure may be constructed consistent with the zoning ordinance.

Soil absorption systems. On-site sewage disposal systems which utilize the soil to provide final treatment and disposal of effluent from a septic tank in a manner that does not result in a point-source discharge and does not create a nuisance, health hazard or ground or surface water pollution.

Street. An existing or platted right-of-way dedicated for the use of the general public, or portions thereof, either accepted by the transportation department or approved as a private transportation system under the zoning ordinance. A street shall provide access to property by vehicular and pedestrian traffic for all purposes of travel transportation or parking to which it is adopted and devoted. This term is synonymous with road, lane, drive, avenue, right-of-way, highway, or any other thoroughfare.

Street functional classification. Streets shall be functionally classified as follows:

1. Interstate: A highway that is part of the nationwide U.S. Interstate Highway System connecting or involving different states.
2. Expressway and freeway: A roadway designated exclusively for unrestricted movement of traffic. Access is only with selected arterial streets by means of interchanges.
3. Arterial streets (principal, minor): Streets and roads which function within a regional network conveying traffic between major activity centers. The purpose of such streets is to carry relatively large volumes of traffic at higher speeds, and not to serve abutting lots except indirectly through intersecting streets. The arterial classification is further subdivided into "principal arterial" and "minor arterial" based on traffic volumes.
4. Collector streets (major, minor): Streets designed to conduct and distribute traffic between streets of lower order and streets of higher order linking major activity centers. The collector classification is further divided into "major collector" and "minor collector."
5. Local or access streets: Streets designed to carry low to moderate volumes of traffic, at low operating speeds. The primary function of these streets is to provide access to individual lots, typically within a residential subdivision.

The functional classification status of a specific road shall be determined by the agent after consulting with the transportation department.

Subdivide. The division of property into two or more lots.

Subdivider. An individual, corporation, partnership or other entity owning any property to be subdivided.

Transportation department. The Commonwealth of Virginia Department of Transportation or an authorized official, agent or employee thereof.

Yard. The space which lies between the lot line and the nearest point of a structure. The minimum yard required is defined for each zoning district.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-30, 4-13-04; Ord. No. 30A-35, 5-27-08; Ord. No. 30A-39, 7-26-11; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)

Sec. 19-3. - Compliance with chapter mandatory.

- (a) No person shall subdivide land without making and recording a plat of subdivision and fully complying with the provisions of this chapter.
- (b) No plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved by the agent.
- (c) No person shall sell or transfer any land of a subdivision before such plat has been duly approved and recorded as provided herein unless such subdivision was lawfully created prior to the adoption of a subdivision ordinance applicable thereto; provided, that nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.
- (d) No clerk of any court shall file or record a plat of a subdivision required by this chapter until such plat has been approved by the agent as required herein.
- (e) The requirements of this chapter shall be considered separate from, and supplementary to, any requirements otherwise specified by this Code or by state or federal law. Nothing contained herein shall excuse compliance with other applicable ordinances or laws. Where local requirements are in conflict with mandatory state or federal requirements, the state or federal requirements shall prevail.

(Ord. No. 30A-15, 1-9-89)

Sec. 19-4. - Penalties.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating the provisions of this chapter shall be subject to a fine of not more than \$500.00 for each lot or parcel of land so subdivided or transferred or sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt any transaction from such penalties or from other remedies.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99)

State Law reference— Code of Va., § 15.2-2254

Sec. 19-5. - Administration and enforcement of chapter.

The agent is hereby delegated to administer and enforce the provisions of this chapter. The agent shall be considered the agent of the governing body. Notwithstanding an appeal as provided for in section 19-8, approval or disapproval by the agent shall constitute approval or disapproval as though it were given by the governing body. The agent may consult

with the commission on matters contained herein and may call for written opinions or decisions from other county departments, the transportation department, and the health department in considering details of any submitted plat.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99)

State Law reference— State law governing land subdivision and development, Code of Va., § 15.2-2240 et seq.

Sec. 19-6. - Effect of private contracts.

This chapter bears no relation to any private easement, covenant, agreement or restriction, and the responsibility of enforcing such private easement, covenant, agreement or restriction is not implied herein to any public official. When this chapter calls for more restrictive standards than are required by private contract, the provisions of this chapter shall control.

(Ord. No. 30A-15, 1-9-89)

Sec. 19-7. - Changes, erasures and revisions.

No change, erasure or revision shall be made on any preliminary or final plat, nor on accompanying data sheets, after the agent has approved in writing the plat or sheets, unless authorization for such changes has been granted in writing by the agent.

(Ord. No. 30A- 15, 1-9-89)

Sec. 19-8. - Subdivider may appeal from disapproval of plat.

In the event a plat for subdivision is disapproved by the agent or commission, the subdivider may appeal to the governing body. The governing body may override the recommendation of the agent or commission and approve said plat. No appeal shall be made unless it is filed in writing with the clerk of the governing body within 30 days of disapproval by the agent or commission.

(Ord. No. 30A-15, 1-9-89)

Sec. 19-9. - Plan and plat preparation-by whom prepared.

Each subdivision plan and plat shall be prepared by an individual duly qualified as set forth in title 54.1 of the Code of Virginia.

(Ord. No. 30A-15,1-9-89; Ord. No. 30A-27, 12-15-99)

Sec. 19-10. - How chapter may be amended.

This chapter may be amended in whole or in part by the governing body. Any such amendment shall either originate with or be submitted to the commission for recommendation prior to adoption. If no recommendation is received from the commission after 60 days from submission, the governing body may act without a recommendation. No such amendment shall be adopted without a public hearing having been held by the governing body.

(Ord. No. 30A-15, 1-9-89)

State Law reference— For state law as to amendments to county subdivision ordinances, see Code of Va., § 15.2-2253; required filing of amendments, Code of Va., § 15.2-2252.

Sec. 19-11. - Resubdivision same as subdivision.

Any change in a recorded subdivision plat that modifies, creates or adjusts lot lines shall be approved in the same manner and under the same requirements as a new subdivision. This section applies to any subdivision plat of record, whether or not recorded prior to the adoption of a subdivision ordinance. Where a street, alley, easement for public passage or other public area laid out or described in such plat is affected, the plat shall be vacated pursuant to section 19-12 prior to resubdivision.

(Ord. No. 30A-15, 1-9-89)

Sec. 19-12. - Vacation of recorded plat.

Any recorded plat, or part thereof, may be vacated by the governing body pursuant to Code of Va., § 15.2-2271 through § 15.2-2276, as amended or Code of Va., § 15.2-2006 through § 15.2-2008, as amended, as applicable.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-43, 3-8-16)

Sec. 19-13. - Construction and severability of provisions.

This chapter shall be liberally construed so as to effectuate its purposes. If any clause, sentence, paragraph, section or subsection of this chapter shall be adjudged by any court of competent jurisdiction to be invalid for any reason, including a declaration that it is contrary to the constitution of the Commonwealth or of the United States, or if the application thereof to any government, agency, person or circumstance is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application hereof, directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section or subsection hereof, or affect the validity of the application thereof to any other government, agency, person or circumstance.

(Ord. No. 30A-15, 1-9-89)

Sec. 19-14. - Private streets declaration.

If approved streets in a subdivision are not to be constructed to meet the standards necessary for inclusion in the secondary system of state highways, or are not to be dedicated to the transportation department, the subdivision plat and all deeds conveying lots in the subdivision shall contain a statement advising that the streets in the subdivision shall not be maintained by the transportation department or the county, and where applicable, do not meet state design standards.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-15. - Fees.

Fees shall be charged to offset the cost of reviewing plats and plans, making inspections and other expenses incident to the administration of this chapter. The following fees shall be charged and collected as provided below or as set forth in County Code Appendix A—Fee Schedule for Development Related Permits.

- (1) *Fees waived.* Payment of any permit set forth in County Code Appendix A—Fee Schedule for Development Related Permits 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: (i) the other parties to the regional entity similarly waive fees; and (ii) the regional entity has locations in more than one locality.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-20, 5-6-91; Ord. No. 30A-25, 6-25-96; Ord. No. 30A-27, 12-15-99; Ord. No. 30-28, 5-14-02; Ord. No. 30A-29, 4-22-03; Ord. No. 30A-32, 10-26-04; Ord. No. 30A-34, 4-24-07; Ord. No. 30A-35, 5-27-08; Ord. No. 30A-40, 8-9-11; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13; Ord. No. 30A-47, 6-12-18)

Sec. 19-16. - Saving provision.

The adoption of this chapter shall not abate any pending action, liability or penalty of any person accruing or about to accrue, nor waive any right of the county under any provision in effect prior to the adoption of this chapter, unless expressly provided for in this chapter. Any subdivision plan which has received preliminary approval prior to the adoption of this chapter and for which a final plat is recorded within one year from the date of preliminary approval shall have vested rights under the ordinance in effect at the date of preliminary approval. Failure to record a plat within one year shall render the preliminary approval null and void.

(Ord. No. 30A-15, 1-9-89)

Sec. 19-17. - Special provisions for family subdivisions.

In the Rural Residential, R-8, and General Agricultural, A-1 districts, a single division of a lot or parcel is permitted for the purpose of sale or gift to a member of the immediate family of the property owner. For the purposes of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, 18 years of age or older or an emancipated minor under Virginia Code section 16.1-331 et seq., or parent of the owner. Such subdivision shall be subject only to the following provisions:

- (1) The property owner shall have owned the lot or parcel for a period of not less than five years prior to the application for a family subdivision. The property owner shall provide evidence of ownership satisfactory to the county attorney's office with the subdivision application.
- (2) Only one such division shall be allowed per family member and shall not be made for the purpose of circumventing this chapter. Lots created under this section shall be titled in the name of the immediate family member for whom the subdivision is made for a period of no less than three years unless such lots are subject to an involuntary transfer such as foreclosure, death, judicial sale, condemnation or bankruptcy.
- (3) The minimum width, yard and area requirements of all lots, including the remaining property from which the lot is subdivided, shall be in accordance with the zoning ordinance. Land proposed for subdivision shall be suitable for platting in accordance with section 19-32.
- (4) For property not served with public water and public sewer, each lot shall have its on-site sewage disposal

system and water source approved by the health department and shall be shown on the subdivision plat.

- (5) Each lot or parcel of property shall front on a road which is part of the transportation department system of primary or secondary highways or shall front upon a private drive or road which is in a right-of-way or easement of not less than 20 feet in width. Such right-of-way shall remain private and shall include a driveway within it consisting of, at a minimum, an all-weather surface of rock, stone or gravel, with a minimum depth of three inches and a minimum width of ten feet. The right-of-way shall be maintained by the adjacent property owners in a condition passable at all times. The provision of an all-weather drive shall be guaranteed in accordance with section 19-74. An erosion and sediment control plan with appropriate surety shall be submitted for approval if the proposed right-of-way and drive construction disturbs more than 2,500 square feet.
- (6) The corners of all lots created by family subdivisions shall be marked with iron pipes as provided for in section 19-35.
- (7) A final subdivision plan shall be submitted to the agent for approval as provided in section 19-29 of this chapter along with an affidavit describing the purposes of the subdivision and identifying the members of the immediate family receiving the lots created. Any plan submitted shall be subject to the fee set forth in section 19-15.
- (8) The above requirements shall be set forth in a subdivision agreement approved by the county attorney and recorded in the circuit court clerk's office for the City of Williamsburg and County of James City.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-19, 2-4-91; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)

Sec. 19-18. - Exceptions.

The commission may grant an exception to any requirement of the chapter, subject to the following:

- (1) No such exception shall be granted unless the subdivider petitions the commission in writing. The petition should be submitted with the initial submission of the subdivision plan and shall state fully the grounds for the exception and all the facts relied upon by the subdivider. The agent may require such additional information as he may deem necessary to process the request for the exception.
- (2) The agent shall provide written notification of the exception request to all adjacent property owners. The notification shall adhere to the following requirements:
 - (a) Such notice shall specifically describe the exception requested and the date, time and location of the development review committee meeting first considering such request; and
 - (b) Such notice shall be mailed by the agent at least ten days before the development review committee meeting; and
 - (c) Evidence that such notice was sent by first class mail to the last known address as shown on the current real estate tax assessment book shall be deemed adequate compliance.
- (3) The burden shall be on the subdivider to demonstrate the need for an exception.
- (4) The commission shall not approve any exception unless it first receives a recommendation from the development review committee and unless it finds that:
 - (a) Strict adherence to the ordinance requirement will cause substantial injustice or hardship;

- (b) The granting of the exception will not be detrimental to public safety, health, or welfare, and will not adversely affect the property of others;
 - (c) The facts upon which the request is based are unique to the property and are not applicable generally to other property so as not to make reasonably practicable the formulation of general regulations to be adopted as an amendment to this chapter;
 - (d) No objection to the exception has been received in writing from the transportation department, health department, or fire chief; and
 - (e) The hardship or injustice is created by the unusual character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property. Personal, financial, or self-inflicted hardship or injustice shall not be considered proper justification for an exception.
- (5) The commission in authorizing an exception may impose such reasonable conditions in addition to the regulations of this chapter as it may deem necessary in the public interest. The commission may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
- (6) If granted, such exception shall be specifically stated in writing together with the supporting justifications and filed with the subdivision plan or such plat or plans deemed necessary by the agent. A note shall be prominently placed on the record plat detailing any exception so granted.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

ARTICLE II. - PROCEDURES AND DOCUMENTS TO BE FILED

Sec. 19-19. - Preapplication conference and submission of conceptual plan.

- (a) Before submittal of any preliminary or final subdivision plan, the applicant is advised to confer with the subdivision agent and such other agencies of the state and county as the agent deems advisable concerning the proposed subdivision.
- (b) Prior to the submission of any major subdivision plan, the applicant or his representative is advised to submit three copies of a conceptual plan for review by the planning director, or his designee; such action does not constitute the submission of a preliminary plan and is not to be construed as an application for approval in computing time limitations in relation thereto. The planning division shall transmit comments to the applicant within 21 calendar days of submittal of a conceptual plan which meets all applicable submittal criteria.
- (c) The conceptual plan may be granted conceptual plan approval with conditions that should be satisfied prior to final plan approval by the zoning administrator; such action does not constitute final subdivision approval or preliminary plan approval.
- (d) Conceptual plans shall, at a minimum, identify or contain:
 - (1) property lines, project title, title block, legend, north arrow and graphic scale, zoning and zoning of surrounding properties
 - (2) vicinity and location maps and site address
 - (3) county tax parcel identification number, site boundary and parcel site information
 - (4) building location and orientation, location of buildings on adjacent properties, building and landscape

- setbacks, buffers such as resource protection areas (RPA) and community character corridors (CCC)
- (5) entrances/exits/access to the site (vehicular, pedestrian, greenway, etc.) and location of nearby roads
 - (6) greenway connections (on-site and those adjacent to the subject property)
 - (7) narrative description of the proposed use of site
 - (8) location of stormwater management facilities
 - (9) recorded easements (conservation, utility, rights-of-way, etc.)
 - (10) unique natural/visual features (viewsheds, water features, wetlands, etc.)
 - (11) unique natural/visual features to be preserved (mature or specimen trees, known archaeological sites, etc.)
 - (12) list of currently binding proffers or special use permit conditions
 - (13) location of entry signs
 - (14) existing topography of site using county base mapping (five foot contour) or other mapping sources or surveys
- (e) If the planning director determines that one or more of the above submittal requirements is not applicable to the proposed project, the planning director may waive those requirements.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-26, 5-11-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-51, 3-12-19)

Sec. 19-20. - Overall plan.

For multiphased subdivisions which are not subject to a binding master plan approved in accordance with article I of the zoning ordinance, the subdivider shall submit to the agent an overall plan for all phases of the proposed subdivision as part of the first preliminary plan submittal. The purpose of such an overall plan is to permit the agent to advise the subdivider whether his plans are generally in accordance with the requirements of this chapter. The commission, upon submission of any overall plan, may study it and advise the subdivider where it appears that changes are appropriate. The agent may mark the overall plan indicating appropriate changes. The subdivider shall return such overall plan to the agent with each preliminary plan. The overall plan shall, at a minimum, show the name, location and dimensions of all streets entering the property, adjacent to the property or terminating at the boundary of the property to be subdivided. It shall also show the location of all proposed streets, their functional classification (e.g., arterial, collector, etc.) and any future extensions, lots, development phases, parks, playgrounds and other proposed uses of the land to be subdivided and their approximate dimensions and a conceptual layout of the water and sewer systems. The overall plan is not binding on the subdivider or the governing body. Review of an overall plan does not constitute final subdivision approval or preliminary plan approval. For multiphased subdivisions reviewed under this section, review of an overall plan does not, in any way, guarantee approval of future subdivision phases.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-21. - Classification of subdivisions.

Parcels of land existing as of January 1, 1989, shall be considered and known as "parent parcels."

- (a) *Minor subdivision.* A minor subdivision shall be any division of a parent parcel into not more than five parcels abutting an existing public road within the transportation department system and which does not create a

new street or extend an existing street.

- (1) Any contiguous or internal property owned by the same subdivider, or deemed by the agent as a logical part of a contiguous or internal subdivision, cannot be subdivided into greater than five parcels without being reviewed as, and meeting the requirements of, a major subdivision. Any such subdivisions of a parent parcel shall not exceed a total of nine parcels, including the parent parcel.
- (2) Family subdivisions as allowed by section 19-17 shall not count toward this five parcel total. A preliminary or final plan shall include only those submittal requirements of this chapter and requirements for design and minimum requirements required by article III deemed necessary by the agent.
- (b) *Major subdivision.* A major subdivision shall be any division of a parent parcel into six or more parcels or any division which creates a new street or extends any existing street. However, where additional lots are being created for the sole purpose of permanent open space or for the purpose of being dedicated to a conservation organization, as evidenced by documentation acceptable to the planning director, the subdivision may be reviewed as, and meet the requirements of, a minor subdivision.
- (c) *Multifamily subdivision.* A multifamily subdivision shall be a division of a tract of land into lots for multifamily units as shown on an approved site plan pursuant to the zoning ordinance. A preliminary or final plan shall include only those requirements for design and minimum improvements required by article III of this chapter deemed necessary by the agent.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-22. - Procedure for review of minor subdivisions or multifamily subdivisions.

- (a) The subdivider shall submit to the agent one reproducible copy plus eight prints of a final plan for a minor or multifamily subdivision. If a preliminary plan is submitted, the number of copies of the preliminary plans required shall be determined by the agent. Upon submittal, the subdivider shall pay the appropriate subdivision plan review fee.
- (b) Upon meeting all submittal requirements, the plan shall be reviewed by the agent and other agencies of the county and state as deemed necessary by the agent. The agent shall transmit county staff review comments to the subdivider within 45 days. Eight copies of a revised plan shall be submitted to the agent who shall within 30 days review the second submittal of plans for compliance with applicable county regulations, the requirements for final approval and any conditions of the preliminary approval. The agent shall review each subsequent submittal of revised plans within 21 days. The agent shall within 90 days approve or deny the subdivision plan and notify the subdivider of the action in writing. If a final plan is approved, such approval shall be in accordance with section 19-30. The agent shall certify such approval by signing the record plat. If a preliminary plan is approved, the agent shall include in the notification of preliminary approval all conditions required for final approval. If disapproved, the agent shall state in the notification to the subdivider the specific reasons for denial. The reasons for denial shall identify deficiencies in the plan which cause the disapproval by reference to specific duly adopted ordinances, regulations or policies, and shall generally identify such modifications or corrections as will permit approval of the plan.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-16, 11-6-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-37, 6-22-10; Ord. No. 30A-41, 12-11-12)

Sec. 19-23. - Procedure for preliminary plan review for major subdivisions.

- (a) The subdivider shall submit to the agent 12 copies of the preliminary subdivision plan for a major subdivision and pay the appropriate subdivision plan review fee.
- (b) Upon meeting all submittal requirements, the plan shall be reviewed by the agent and other agencies of the county and state as deemed necessary by the agent. The agent shall prepare a composite report on the proposed subdivision to determine if it meets the requirements of this chapter and the zoning ordinance. The report shall include review requirements by other agencies. The preliminary plan and the agent's composite report shall be reviewed by the commission. In order for subdivision plans to be considered by the commission at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective commission meeting.
- (c) The commission shall consider the plan and either grant preliminary approval or disapprove it within 90 days of submittal. The plan may be granted preliminary approval with conditions. The agent shall notify the applicant of the commission's findings in writing within seven days of the commission meeting. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure final approval of the subdivision. If disapproved, the notice shall state the specific reasons for disapproval. The reasons for denial shall identify deficiencies in the plan which cause the disapproval by reference to specific duly adopted ordinances, regulations or policies, and shall generally identify such modifications or corrections as will permit approval of the plan.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-16, 11-6-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-37, 6-22-10; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-44, 7-26-16)

Sec. 19-24. - Procedure for preliminary plan review for major subdivisions of fewer than fifty lots.

Major subdivisions of fewer than 50 lots, including such major subdivisions that are part of a multiphased subdivision of 50 lots or more, may, at the agent's discretion, be reviewed under the procedures set forth in section 19-22.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-16, 11-6-89; Ord. No. 30A-26, 5-11-99; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-25. - Effect of approval of preliminary plan.

Approval by the commission or the agent of the preliminary plan shall not constitute a guarantee of approval by the agent of the final plat.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99)

Sec. 19-26. - Term of validity for the preliminary plan and extension.

- (a) Once a preliminary subdivision plan is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such approval, and (ii) thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such

preliminary subdivision plan approval, and upon 90 days written notice by certified mail to the subdivider, the commission or agent may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.

- (b) If a subdivider records a final plat, which may be a section of a subdivision as shown on an approved preliminary plan, and furnishes to the county a certified check, cash escrow, bond, or letter of credit in an amount and form acceptable to the county for the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the locality, the commonwealth or other public agency, the developer shall have the right to record the remaining sections shown on the preliminary plan for a period of five years from the date of the latest recorded plat of subdivision for the property. The five-year period of validity shall extend from the date of the latest recorded plat. Such right shall be subject to the terms and conditions of the Code of Virginia and subject to engineering and construction standards and the zoning ordinance requirements in effect at the time that each remaining section is recorded.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-18, 1-22-91; Ord. No. 30A-36, 1-12-10)

Sec. 19-27. - Preliminary plan-submittal requirements.

The preliminary plan for a minor or major subdivision shall be on a blue-line or black-line print. The scale shall be 100 feet to the inch for the overall view, and the scale of the detailed drawings shall be appropriate to the level of detail but not less than 60 feet to the inch, except in cases where the agent approves an alternate scale. If more than one sheet is used, sheets shall be numbered in sequence and an index shall be provided. The preliminary plan for a minor or major subdivision shall include the following information:

- (a) The name of the subdivision, owner, subdivider, and surveyor or engineer, the date of drawing, number of sheets, north arrow, tax parcel identification number, zoning and graphic scale. The plan shall also list any proffers or special use permit conditions that affect the property.
- (b) The location of the proposed subdivision on an inset map at a scale of not less than one inch equals 2,000 feet, showing adjoining roads, their names and numbers, subdivisions and other landmarks.
- (c) A closed boundary survey, or existing survey of record, total acreage, acreage of subdivided area, existing buildings and improvements, existing graves, objects or structures marking a place of burial, names of owners and existing property lines within the boundaries of the tract and for adjacent properties thereto, proposed monuments, lots, lot numbers, lot areas, blocks, building setback and yard lines. If any exceptions have been granted by the planning commission in accordance with section 19-18, the plan shall include a note detailing any exception so granted.
- (d) All existing, platted and proposed streets, both private and public, including their names, route numbers and widths; existing and proposed utility or other easements, existing and proposed sidewalks, public areas, parking spaces, culverts, drains, watercourses, lakes, their names and other pertinent data. If the streets are to be private, the plan shall include a private streets declaration in accordance with section 19-14.
- (e) A drainage plan showing the proposed drainage system including all open ditches, closed storm drain pipes and stormwater management facilities proposed to convey the subdivision drainage to an adequate receiving channel. The plan shall include sizes of all pipes and ditches, types of pipes and ditch linings, drainage easements and construction details of any stormwater management facilities. Drainage

calculations shall be submitted with a design report with computations and drainage map to verify the design of the drainage system including the adequacy of the channel receiving drainage from the proposed subdivision.

For multiphased subdivisions, a drainage map shall be provided with drainage calculations for all phases of the subdivision to determine the adequacy of receiving channels. If receiving channels are not adequate, the map shall include the location of proposed stormwater management facilities.

The drainage plan shall include the topographic plan and a soil map of the site. The topographic plan shall be based on recent field run or aerial two-foot contour intervals. Five-foot contour intervals may be used with the approval of the agent. Spot elevations shall be shown at topographic low and high points.

- (f) A stormwater management plan showing proposed stormwater management facilities including best management practices (BMPs) in accordance with chapters 8, 18A and 23 of the county code, and associated checklists. Such plan shall include construction details for all parts of the stormwater and drainage system, including pipe bedding and backfill.
- (g) An erosion and sediment narrative and control plan showing the location, type and details of proposed erosion and sediment control devices to be used during and after construction. The plan shall meet all requirements of the erosion and sediment control ordinance and associated checklists and shall be provided at a scale of 50 feet to the inch except in cases where the engineering and resource protection director approves an alternate scale. The plan shall show existing and proposed contours at intervals of no more than two feet except in cases where the engineering and resource protection director approves an alternative interval.
- (h) Cross-sections showing the proposed street construction, depth and type of base, type of surface, compaction, shoulders, curbs and gutters, sidewalks, bikeways, utilities, side ditches and other features of the proposed streets.
- (i) Street profiles showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the centerline of streets, together with proposed connecting grade lines and vertical curve information.
- (j) Size and location of existing sanitary sewer and water facilities; location and method of proposed connections to existing sewer and water facilities; size and location of proposed sewer and water facilities showing location of proposed water meters, gate valves, fire hydrants, fittings, manholes, sewer laterals and cleanouts; grinder pump locations; profile views of water and sewer mains with manhole rim and invert elevations and percent of slope; sewage pump station location, design and details; and water well facility location, design and details. A capacity study of the existing system, in accordance with service authority regulations, may be required. All improvements shall be in accordance with the latest service authority Water and Sanitary Sewer Design and Acceptance Criteria Standards and Specifications.
- (k) As provided for in Code of Va., §§ 10.1-606.2 et seq., when any part of the land proposed for subdivision lies in a mapped dam break inundation zone, such fact shall be set forth on the plan of the proposed subdivision.
- (l) As provided for in the Code of Va., § 15.2-2242, the agent may request submittal of a phase I environmental site assessment, where the proposed subdivision is located on a brownfield site, or where initial assessments indicate dumping or other contaminating activities have occurred on the property.

- (m) A phased clearing plan in accordance with section 24-89 of the zoning ordinance.
- (n) An outdoor lighting plan in accordance with section 24-130 of the zoning ordinance (these requirements do not apply to lighting on single family lots).
- (o) The following environmental information about the site proposed for development including:
 - (1) All existing easements, disturbed area, impervious cover, and percent impervious estimate;
 - (2) Flood zone designation, Resource Protection Areas (RPAs), soils (highly erodible, hydric, permeable, hydrologic soils group A and B);
 - (3) Full environmental inventory consistent with section 23-10(2) of the county's Chesapeake Bay Preservation ordinance (perennial stream assessment, delineated wetlands, limits of work);
 - (4) Demonstration that the project complies with section 23-9(b)(1), (2), and (3) of the county's Chesapeake Bay Preservation ordinance (how disturbance is being minimized, indigenous vegetation preserved, and impervious cover minimized);
 - (5) County watershed, steep slopes (grade 25 percent or more), sites known for populations of rare or threatened species, locations of existing conservation easements, wooded areas and wildlife habitat; and
 - (6) Description of better site design or low impact development techniques if such is being used.
- (p) For proposed minor subdivisions, a copy of the plat showing the parent parcel to assist in verifying the requirements listed in section 19-21.
- (q) For proposed major subdivisions and multifamily subdivisions, a landscape plan showing street trees per section 19-73.1, and any applicable requirements of article II, division 4 of the zoning ordinance.
- (r) A phase I archaeological study for the area within the limits of disturbance (project area) in accordance with section 24-50 of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:
 - (1) The preliminary plan is for a minor subdivision as defined in section 19-24.
 - (2) The preliminary plan is for a family subdivision as defined in section 19-17.
 - (3) The preliminary plan is for property boundary line adjustments and/or extinguishments.
 - (4) A phase I archaeological study for the project area has been previously completed and no further study is recommended.
 - (5) The preliminary plan is for an amendment that proposes land disturbance of less than 2,500 square feet.
 - (6) The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the archaeological policy.
- (s) A natural resource inventory for the area within the limits of disturbance (project area) in accordance with section 24-51 of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:
 - (1) The preliminary plan is for a minor subdivision as defined in section 19-24.
 - (2) The preliminary plan is for a family subdivision as defined in section 19-17.
 - (3) The preliminary plan is for property boundary line adjustments and/or extinguishments.

- (4) An approved natural resource inventory for the project area has been completed and either found no resources or a natural resource inventory recommendation has been appropriately addressed as determined by the director of planning.
- (5) The preliminary plan is for an amendment that proposes land disturbance of less than 2,500 square feet.
- (6) The Virginia Department of Conservation and Recreation (DCR), or other appropriate state agency, already determined, through a project review, that resources are not on site or would only be located in areas, such as RPAs, that are protected through other regulations.
- (7) The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the director of planning; provided, however, for a site that has been previously disturbed, the director of planning shall consult with the Department of Conservation and Recreation (DCR) to determine if a natural heritage resource has been re-established on the site.
- (8) The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the Natural Resource Policy.

- (t) If the director of planning determines that one or more of the above submittal requirements is not applicable to the proposed project, the director of planning may waive those requirements.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-16, 11-6-89; Ord. No. 30A-17, 2-5-90; Ord. No. 30A-22, 7-17-95; Ord. No. 30A-26, 5-11-99; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-49, 8-14-18; Ord. No. 30A-48, 6-12-18)

Sec. 19-28. - Preliminary plan-multifamily subdivisions.

The preliminary plan for a multifamily subdivision shall be on a blue-line or black-line print. The scale shall be 100 feet to the inch for the overall view, and the scale of the detailed drawings shall be appropriate to the level of detail but not less than 60 feet to the inch, except in cases where the agent approves an alternate scale. If more than one sheet is used, sheets shall be numbered in sequence and an index shall be provided. The preliminary plan shall include the following information:

- (a) The name of the subdivision, owner, subdivider and surveyor or engineer, the date of drawing, number of sheets, north arrow, tax parcel identification number, zoning, and graphic scale. The plan shall also list any proffers or special use permit conditions that affect the property.
- (b) Location of the proposed subdivision on an inset map at a scale of not less than one inch equals 2,000 feet, showing adjoining roads, their names and numbers, subdivisions and other landmarks.
- (c) A closed boundary survey, or existing survey of record, total acreage, acreage of subdivided area, existing buildings, existing graves, objects or structures marking a place of burial, names of owners and existing property lines within the boundaries of the tract and for adjacent properties thereto, proposed monuments, lots, lot numbers, lot areas, blocks, building setback and yard lines. If any exceptions have been granted by the planning commission in accordance with section 19-18, the plan shall include a note detailing any exception so granted.
- (d) All existing, platted and proposed streets, including their names, numbers and widths; existing and proposed utility, drainage or other easements, public areas and parking spaces; culverts, drains and watercourses, lakes, their names and other pertinent data. If the streets are to be private, the plan shall

include a private streets declaration in accordance with section 19-14.

(e) All parcels of land to be dedicated for public use and conditions of such dedication.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-16, 11-6-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-29. - Final plan-submittal requirements.

The final plan for a subdivision shall be on blue-line or black-line print. The scale shall be 100 feet to the inch except in cases where the agent approves an alternate scale. The size of the record plat portion of the final plan shall not be smaller than 8 ¹/₂ " x 11" or larger than 18" x 24" inches. If more than one sheet is used, sheets shall be numbered in sequence and an index shall be provided. In addition to the requirements of the preliminary plan, the final plan for a subdivision shall meet the requirements of 17VAC15-60 et seq. and shall include the following:

- (a) The accurate location and dimensions by bearings and distances, including all curve data, for all lots, and street lines and centerlines of streets. Distances and bearings shall balance and close with an accuracy of not less than one in 10,000 units.
- (b) The data of all curves along the street frontage shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc, tangent, chord and chord bearings.
- (c) When the subdivision consists of land acquired from more than one source of title, the outlines of these tracts shall be indicated by dashed lines, and the identification of the respective tracts shall be shown on the plat.
- (d) A certification of each owner's consent duly acknowledged before a licensed notary public in the following format:

Owner's Certificate

The subdivision of land shown on this plat and known as (name of subdivision) is with the free consent and in accordance with the desire of the undersigned owners, proprietors and/or trustees.

Date

Signature

Name printed

Certificate of Notarization

Commonwealth of Virginia

City/County of _____

I, _____ (Print Name), a Notary Public in and for the City/County and State aforesaid, do hereby certify that the persons whose names are signed to the foregoing writing have acknowledged the same before me in the City/County aforesaid.

Given under my hand this _____ day of _____, (Year).

(Signature)

My commission expires: _____.

Notary registration number: _____.

- (e) Certificates signed by the surveyor or engineer setting forth the source of title of the owners of the land subdivided, the place of record of the last instrument in the chain of title, and that the subdivision

conforms to all requirements of the board of supervisors and ordinances of the County of James City, Virginia, in the following format:

Certificate of Source of Title

The property shown on this plat was conveyed by (previous owner) to (current owner) by (type of instrument), dated (date) and recorded in the Office of the Clerk of the Circuit Court of the County of James City in Deed Book (number), Page (number) or Instrument (number).

Engineer or Surveyor's Certificate

I hereby certify that, to the best of my knowledge or belief, this plat complies with all of the requirements of the Board of Supervisors and Ordinances of the County of James City, Virginia, regarding the platting of subdivisions within the county.

_____	_____
Date	Name

	Name printed

(f) Certificate of approval as follows:

Certificate of Approval

This subdivision is approved by the undersigned in accordance with existing subdivision regulations and may be admitted to record.

_____	_____
Date	Virginia Department of Transportation
_____	_____
Date	Virginia Department of Health
_____	_____
Date	Subdivision Agent of James City County

- (g) If the subdivided property contains wetlands and/or resource protection areas, there shall be a note on the plat which states the following:
- "Wetlands and land within resource protection areas shall remain in a natural undisturbed state except for those activities permitted by section 23-7 of the James City County Code."
- (h) If the subdivided property contains a natural open space easement, there shall be a note on the plat which states the following:
- "Natural open space easements shall remain in a natural undisturbed state except for those activities referenced on the deed of easement."
- (i) The plat shall include the following note:
- "Unless otherwise noted, all drainage easements designated on this plat shall remain private."
- (j) If the streets are to be private, the plat shall include a private streets declaration in accordance with section 19-14.
- (k) If any exceptions have been granted by the planning commission in accordance with section 19-18, the plat shall include a note detailing any exception so granted.
- (l) If the subdivided property requires on-site sewage disposal systems, the plat shall include the following note: "On-site sewage disposal system information and soils information should be verified and reevaluated by the Health Department prior to any new construction."

(m) If the subdivided property contains an on-site sewage disposal system, the plat shall include the following note:

"On-site sewage disposal systems shall be pumped out at least once every five years per section 23-9(b)(6) of the James City County Code."

(n) The plat shall include the following note:

"Monuments shall be set in accordance with sections 19-34 through 19-36 of the county code."

(o) As provided for in Code of Va., § 10.1-606.2, et seq., when any part of the land proposed for subdivision lies in a mapped dam break inundation zone, such fact shall be stated on the plat of the proposed subdivision.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-23, 7-17-95; Ord. No. 30A-27, 12-15-99; Ord. No. 30-33, 2-13-07; Ord. No. 30A-38, 10-12-10; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-45, 7-26-16)

Sec. 19-30. - Procedure for approval of final plan.

The subdivider shall submit for review and approval eight copies of the final plan for a major subdivision or as many copies of the final plat for minor subdivisions or multifamily subdivisions as deemed necessary by the agent. Upon approval of the final plan by the agent, the subdivider shall submit one reproducible copy plus eight prints of the record plat portion of the final plat to the agent for review and approval. The record plat shall not be approved until the applicant:

- (1) Has complied with the requirements and minimum standards of design set forth in this chapter;
- (2) Has incorporated such changes or complied with such conditions on the final plan as may have been stipulated in the letter of notification following action by the commission or agent on the preliminary plan;
- (3) Has made satisfactory arrangements for performance assurances as specified in article IV of this chapter, including improvements required by agencies including the Virginia Department of Transportation and James City Service Authority;
- (4) Has submitted data for major subdivisions in accordance with the "GIS Data Submittal Requirements for Major Subdivisions" policy, as approved by the governing body; and
- (5) Has executed all certificates required in section 19-29.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-50, 8-14-18)

Sec. 19-31. - Term of validity for the final plan.

The subdivider shall record the approved record plat in the clerk's office of the circuit court of the county within 180 days after approval thereof; otherwise, such approval shall become null and void.

(Ord. No. 30A-15, 1-9-89)

ARTICLE III. - REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS

Sec. 19-32. - Land must be suitable.

- (a) The agent shall not approve the subdivision of land if it is determined, after adequate investigations conducted by the transportation department, the health department or the engineering and resource protection director, that the site is not suitable for platting because of possible flooding, improper drainage, steep slopes, utility easements or other features harmful to the safety, health and general welfare of the public.
- (b) In determining the suitability of lots, the minimum criteria shall be for each lot to have an accessible building site that is in compliance with the requirements of the zoning ordinance, and with suitable access from an approved street as specified in sections 19-39 and 19-40.
- (c) Land not suitable within a proposed subdivision shall be platted for uses not endangered by periodic or occasional inundation and which otherwise shall not produce conditions contrary to public welfare or such land shall be combined with other suitable lots.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-39, 7-26-11; Ord. No. 30A-41, 12-11-12)

Sec. 19-33. - Location of utilities.

- (a) All utilities, including, but not limited to, wires, cables, pipes, conduits and appurtenant equipment for electricity, voice, video and data, gas, cable television or similar service, shall be placed underground; provided, that the following utilities shall be permitted above ground:
 - (1) Electric transmission lines and facilities in excess of 50 kilovolts;
 - (2) Equipment, including electric distribution transformers, switch gear, meter pedestals, telephone pedestals, outdoor lighting poles or standards, radio antenna and associated equipment, which is, under accepted utility practices, normally installed above ground;
 - (3) Meters, service connections and similar equipment normally attached to the outside wall of the customer's premises.
- (b) Whenever existing utilities are located aboveground in proposed subdivisions, they shall be removed and placed underground except where they are within ten feet of existing public street rights-of-way.
- (c) Where approved by the transportation department, with the exception of sewer laterals and water service lines, all utilities shall be placed within easements or street rights-of-way, unless otherwise required by the service authority.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)

Sec. 19-34. - Locations and specifications for monuments.

- (a) Monuments shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at right-angle points and at the beginning and end points of curve along each street. Minimum requirements for monument material and installation shall be the same requirements contained in section 19-35 below. Alternate types of monuments may be used if approved by the agent prior to installation.
- (b) At least two new or existing monuments at exterior subdivision boundaries shall be referenced to the county geodetic control network. Control monuments other than those installed by James City County may be used with the approval of the agent and provided that the precision of other monuments used is at least equal to

that of James City County control monuments. Subdivision plats must show the coordinate values in U.S. survey feet of two or more monuments so referenced. Additionally, the geodetic control monument from which the coordinate values are derived shall be referenced including its published coordinate values.

- (c) This requirement shall apply to all subdivisions provided a county geodetic control monument exists within one mile of any exterior subdivision boundary. Surveys connecting to the James City County control monument network shall be conducted with a precision of 1:10,000. Surveyors may be required to submit coordinate value computations and supporting data to the agent.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-21, 5-6-91; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-35. - Lot corner monuments.

All lot corners shall be marked with an iron pipe monument not less than three-fourths inch in diameter and 24 inches long or a five-eighths inch in diameter reinforcing bar monument 24 inches long. The top of such monuments shall be driven three inches to nine inches below the surface of the ground. When rock is encountered, a hole shall be drilled four inches deep in the rock into which shall be cemented a steel rod one-half inch in diameter. The top of the rod shall be flush with the finished adjacent ground grade. Alternate types of monuments may be used if approved by the agent prior to installation.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-21, 5-6-91; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-36. - Monuments-general requirements.

The subdivider shall be responsible for replacing any monument that is damaged, disturbed or destroyed during construction. All monuments disturbed or destroyed shall be reset by a surveyor licensed in the Commonwealth of Virginia.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-21, 5-6-91; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-45, 7-26-16)

Sec. 19-37. - Easements.

Appropriate easements shall be provided by the subdivider. The easements shall be of sufficient width for the specified use, shall meet any applicable agency easement standards, and shall include the right of ingress and egress for installation and maintenance of such use. Wherever possible, easements should be adjacent and parallel to property lines. The agent may require that easements through adjoining property be provided.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-38. - Lot size.

The minimum lot size shall be in accordance with the zoning ordinance provided, however:

- (1) That where public water or public sewer systems or both such systems are not available, such minimum lot size may be increased by the agent in accordance with the recommendation of the health department;
and
- (2) Whenever there shall be plans in existence, approved by either the transportation department or by the

governing body, for the widening, extension, or construction of any street or highway, the commission may require additional setbacks and yards for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way in order to preserve and protect the planned future right-of-way for such proposed street or highway.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99)

Sec. 19-39. - Lot arrangements, design and shape.

The lot arrangement, design and shape shall be related to the topography such that each lot has:

- (1) An acceptable building site in compliance with the requirements of the zoning ordinance and applicable health regulations;
- (2) Suitable access to the building site from an approved street. In the case of flag lots, it must be possible to gain access to the building site through the portion of the flag that abuts the street in a manner that meets all applicable regulations. However, if the flag lot is located in a minor subdivision subject to the shared driveway provisions in section 19-71, the requirement of being able to gain access through the flag may be waived by the agent;
- (3) Unusually shaped or elongated lots, as determined by the agent, established primarily for the purpose of providing minimum square footage, or meeting minimum lot width, setback or yard requirements, shall not be permitted; and
- (4) Sidelines of lots shall be approximately at right angles or radial to the street line.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

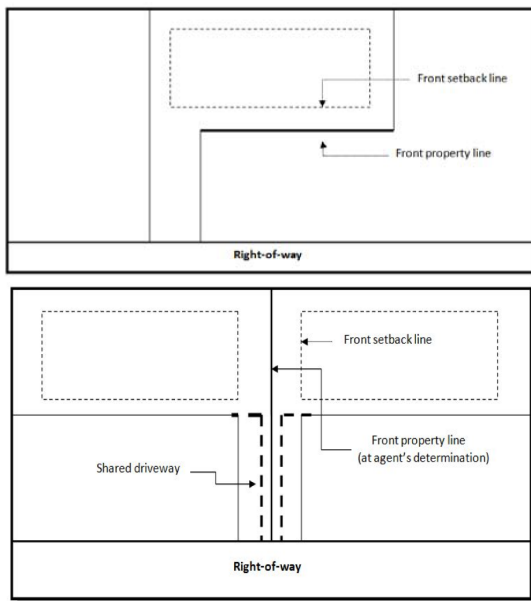
Sec. 19-40. - Lot access and frontage.

Each lot shall abut and have access to a proposed public street to be dedicated by the subdivision plat or to an existing publicly dedicated street. For flag lots, the minimum lot frontage abutting such public street right-of-way shall be 25 feet. In zoning districts which permit private streets and where such streets have been approved via the process specified in section 24-62 of the zoning ordinance, the access and minimum lot frontage requirements can be met through frontage on a private street. If the existing streets do not meet the minimum transportation department width requirement, including adequate right-of-way to accommodate the appropriate pavement width, drainage, sidewalks and bikeways, the subdivider shall dedicate adequate right-of-way necessary for the street to meet such minimum requirement.

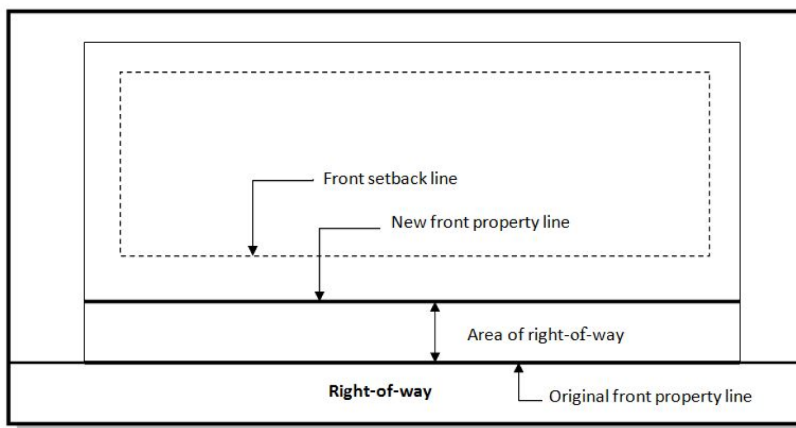
(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)

Sec. 19-41. - Building setbacks and yards.

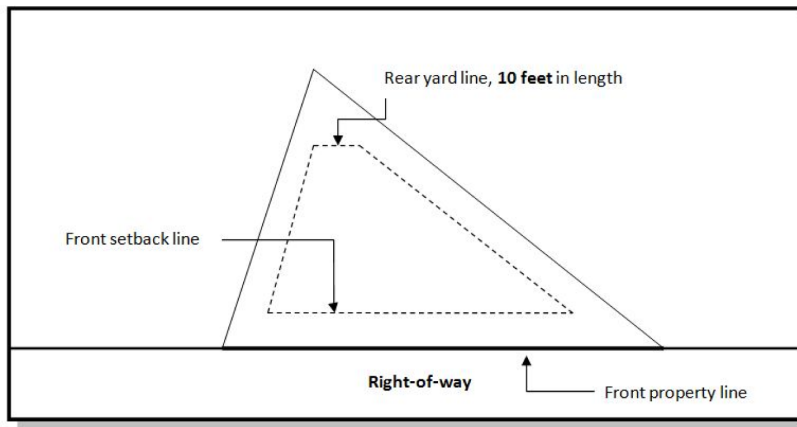
- (a) *Front setback.* The front setback line shall be a line parallel with the front property line at the minimum distance specified in the zoning district regulations and determined as follows:



- (1) For a flag lot, the front setback shall be measured from the front lot line, which is the lot line nearest and parallel or approximately parallel to the street to which the lot has access (see graphic). However, for lots within minor subdivisions that front on a shared driveway, the agent may determine that the front lot line is the lot line running parallel, or approximately parallel, to the shared driveway. In those instances the front setback line shall be measured accordingly (see graphic).
- (2) For a corner lot, the front property line of the lot shall be the shorter of the two sides fronting on streets, and the front setback line shall be measured accordingly.
- (3) In instances where right-of-way has been dedicated in accordance with section 19-42 of this chapter, the front setback line shall be measured from the new property line (i.e., the internal line of the dedicated area) (see graphic).



- (b) *Side and rear yard setbacks.* The front property line shall be used to determine the side and rear property lines. The minimum side and rear yard setback as specified in the zoning ordinance shall then be measured from these property lines. For rear yards where the lot is triangular or otherwise irregularly shaped, the yard setback shall be a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line (see graphic).



(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

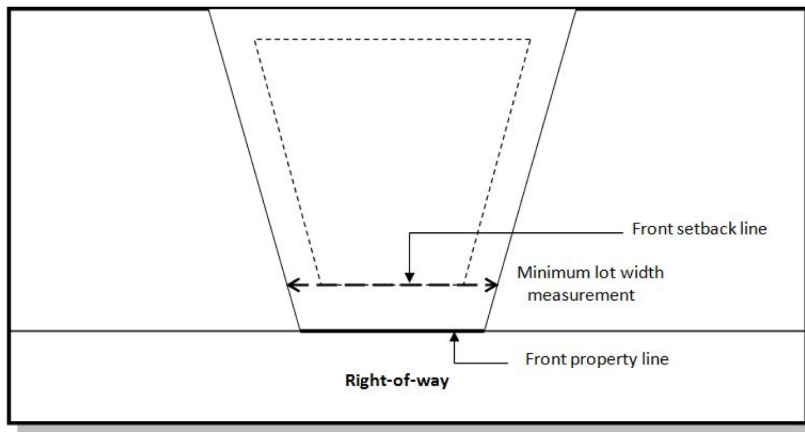
Sec. 19-42. - Street right-of-way dedication.

- (a) The subdivider of any major subdivision shall construct and dedicate a new public street to provide access to the lots. In zoning districts which permit private streets and where such streets have been approved by the process specified in section 24-62 of the zoning ordinance, the new street may be private.
- (b) In the case of lots fronting on an existing street right-of-way, if the existing street right-of-way is less than 50 feet in width, the subdivider shall dedicate half of the width necessary to result in a 50 foot right-of-way. In instances where the right-of-way is a prescriptive easement and the land is owned by the property owner to the street's centerline, the full area must be dedicated. In all other instances, the width dedicated shall be one half of the numerical difference between the existing width and 50 feet. Such area on the plat shall be indicated as dedicated to public use. This requirement may be waived or modified if an alternative minimum right-of-way width has been deemed appropriate by the agent.
- (c) In addition, whenever there are plans in existence, approved by either the transportation department or by the governing body, for the widening, extension or construction of any street or highway, the agent may require dedication of right-of-way sufficient to preserve and protect the planned future right-of-way for such proposed street or highway.
- (d) The area of the property dedicated as right-of-way shall not be counted toward meeting the minimum area requirements specified in the zoning districts.

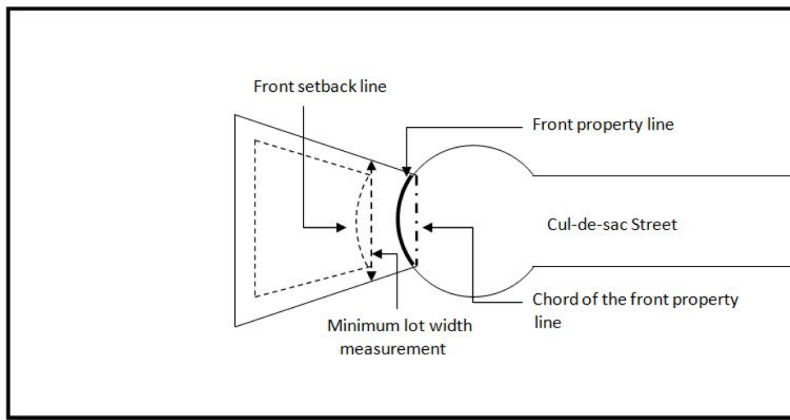
(Ord. No. 30A-41, 12-11-12)

Sec. 19-43. - Lot width.

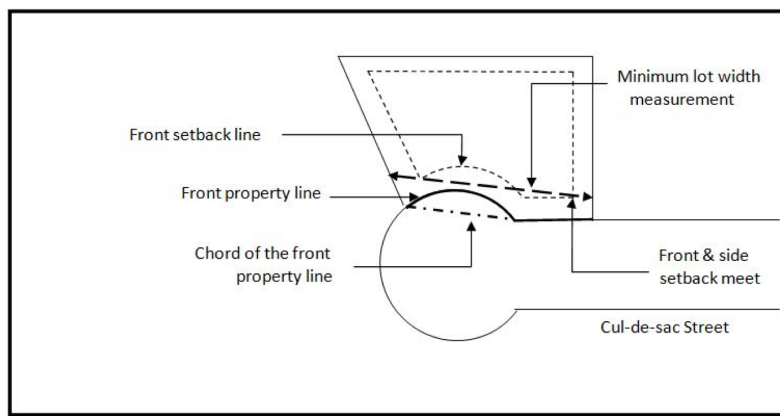
- (a) Where the front property line is straight, the lot width shall be measured as the distance between the side lot lines measured at the front setback line along a straight line parallel to the front property line (see graphic).



- (b) Where the front property line is an arc, the lot width shall be measured as the distance between the side lot lines measured at the front setback line along a straight line parallel to the chord of the front property line. For the purposes of meeting this requirement, "at the front setback line" shall mean that the line used to measure the width passes through at least one of the points formed by the meeting of the front setback line and the side setback line (see graphic).



- (c) In the case of irregular lots (front lot lines that contain arcs of opposing directions or both an arc and a straight segment), the lot width measurement method ((a) or (b) above) shall be based on the arc or straight segment that is of greatest length (see graphic).



- (d) Unusually shaped or elongated lots, as determined by the agent, that render reasonable measurement of the setbacks and minimum lot widths impossible, shall not be permitted.
- (e) Should the proposed lot fail to meet minimum lot width at the minimum front setback distance specified in

the zoning district regulations, the overall front setback distance may be increased to the point where the minimum lot width is met, if that is possible, provided that the resulting lot continues to meet all other setback and yard requirements and retains a suitable buildable area.

(Ord. No. 30A-41, 12-11-12)

Sec. 19-44. - Lot remnants.

Remnants of lots not meeting minimum lot requirements shall not generally be created by the subdividing of a tract. All such remnants shall be added to adjacent lots or, as approved by the agent, identified as common open space or natural open space.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-45. - Double frontage lots.

Double frontage lots shall not be permitted except where it is necessary that they abut existing streets with a functional classification other than local. Any access to such an existing street shall be prohibited by easement. This section shall apply to corner lots only if the lots abut such an existing street.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-46. - Separate ownership of lots to be subdivided.

Where the land covered by a subdivision includes two or more parcels in separate ownership, and lot arrangement is such that a property line is extinguished in the subdivision, each lot so divided shall be transferred by deed to single ownership simultaneously with the recording of the final plat. Such a deed shall be recorded with the final plat.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-47. - Lot frontage.

Lots within major subdivisions shall not front on existing streets other than streets which are part of a recorded subdivision or an extension thereof.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-48. - Block length.

The length of blocks shall be determined by public safety, traffic flow and existing topographic conditions. Where streets are approximately parallel, connecting streets shall be provided. In addition, a minimum 50-foot right-of-way shall be platted to the property line at suitable intervals, as determined by the agent, where appropriate to afford access to undeveloped land. Such rights-of-way shall meet all applicable transportation department regulations.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-49. - Block width.

Blocks shall be designed to consist of two tiers of lots. If such block design is prevented by topographical conditions, open space, buffers, size of the property, adjoining major streets, railroads or waterways, the agent may approve a single tier of lots.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-50. - Street alignment and layout.

- (a) Streets in new subdivisions shall be designed to coordinate with other existing or planned streets contiguous to or within the general area of the subdivision as to location, width, grades and drainage. All street intersections shall be in accordance with transportation department standards. Street intersection jogs, with centerline offsets of less than 200 feet, shall be prohibited.
- (b) Where streets are planned in multi-phased subdivisions, and when those streets are planned to be constructed in different phases, the following requirements shall apply:
 - (1) These rights-of-way shall be clearly marked on the plats and labeled "Future Public Street" or "Future Public Street Extension" as appropriate.
 - (2) The following notation shall be incorporated into any plat showing a stub or future street: "This right-of-way is platted with the intent of being extended and continued in order to provide ingress and egress to and from future subdivisions or adjacent property."

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-51. - Street construction standards.

- (a) Subdivision streets, unless otherwise specifically provided for in this chapter, shall be paved and dedicated for public use in the state system of primary or secondary highways. Streets shall have a right-of-way width in accordance with transportation department standards. Street construction plans shall be submitted to the transportation department for approval as part of the subdivision review process required by this chapter. Construction of subdivision streets, unless otherwise permitted by this chapter, shall be in conformance with transportation department standards and accepted into the state system of primary or secondary highways prior to release of the construction surety. Streets of the entire subdivision as depicted on the master plan shall be designed to fit into a street hierarchy separating streets into categories based on traffic levels in accordance with transportation department standards.
- (b) Any private street permitted shall be certified to the satisfaction of the director of community development, or his designee, as having been constructed in accordance with all ordinance requirements and approved plans. Until such time as the director of community development has accepted and approved such certification, surety required to guarantee the proper construction of such private streets shall not be released. Construction certification shall be in accordance with administrative guidelines for certification of private street construction.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-24, 1-23-96; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13; Ord. No. 30A-46, 10-11-16)

Sec. 19-52. - Street drainage.

- (a) All drainage conveyance systems and associated components shall comply with the James City County drainage c guidelines.
- (b) Streets with a longitudinal slope of less than 0.75 percent as shown on the profile sheet of the preliminary and final plan shall be constructed as curb and gutter streets or as open ditch streets with a concrete paved ditch. The minimum longitudinal slope for any street to be constructed with a paved ditch shall be 0.5 percent.
- (c) The minimum longitudinal slope for curb and gutter sections shall be 0.3 percent. If curb and gutter is proposed for any portion of a subdivision, it shall be required for all subsequent sections which extend a curb and gutter improved street.
- (d) Drainage from street rights-of-way must be contained in either a pipe system constructed of materials approved by the transportation department, when within a street right-of-way, or a concrete paved ditch to the point where it outfalls into a drainage system that is adequate to convey the anticipated stormwater flows. Adequacy shall be provided consistent with state minimum standards. The paved ditch must have a minimum longitudinal slope of 0.3 percent. The upstream invert of any outlet pipe shall be 0.5 feet higher than the downstream invert and have a minimum slope of 0.2 percent. The downstream invert of the pipes or ditches must be at or above natural, existing ground. Side slopes of ditches not located within a public street right-of-way shall not exceed a slope of 3:1. These requirements may be waived or modified by the engineering and resource protection director upon written request and justification by the owner or developer.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-39, 7-26-11; Ord. No. 30A-41, 12-11-12)

Sec. 19-53. - Pedestrian accommodations.

Pedestrian accommodations shall be required for all major subdivisions in accordance with section 24-35 of the zoning ordinance.

(Ord. No. 30A-17, 2-5-90; Ord. No. 30A-41, 12-11-12)

Sec. 19-54. - Cul-de-sac streets.

Cul-de-sac streets shall not exceed 1,000 feet in length. A cul-de-sac's length is measured from the center point of its turnaround, along the centerline of its right-of-way, to the centerline of the right-of-way of the nearest diverging or intersecting road. Each cul-de-sac shall be terminated by a turnaround meeting minimum transportation department and fire department standards.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-55. - Private streets.

There shall be no private streets permitted in any subdivision except where permitted by the zoning ordinance.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-56. - Street and subdivision names.

- (a) Proposed streets which align with existing streets shall bear the names of the existing streets. Names of proposed streets or subdivisions shall not duplicate, irrespective of suffixes, or be similar in sound or spelling

to existing street or subdivision names in James City County, the City of Williamsburg, or the northern portions of York County, and the southern portions of New Kent County which may be served by the Williamsburg or James City County Post Office, by common zip code or by interjurisdictional emergency services.

- (b) Street names shall be indicated on the preliminary and final plat and shall be approved by the agent. Names of existing streets or subdivisions shall not be changed except by approval of the governing body.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-57. - Street signs.

Permanent street identification signs shall be installed at all intersections. The signs shall be of a design approved by the agent, but at a minimum, the sign face shall meet all the design requirements of the transportation department.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-58. - Public water.

If public water is available, it shall be extended to all lots within a subdivision including recreation lots. Availability of public water shall be determined in accordance with the service authority regulations governing utility service.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-59. - Water facilities.

- (a) Major subdivisions inside the primary service area must connect to the service authority or Newport News Waterworks water system and the public sewer system.
- (b) If public water is not available, the subdivider of any major subdivision outside the primary service area shall construct a central water system including distribution lines, storage, treatment and supply facilities within the subdivision. Central water service shall be extended to all lots within a subdivision, including recreation lots. Upon completion and acceptance of the improvements, the water system, together with all necessary easements and rights-of-way, including the well lot, shall be dedicated to the service authority by deed and an accompanying plat.
- (c) The central water system requirement may be waived by the service authority manager. Such a waiver shall be requested in writing by the subdivider and approved prior to submission of preliminary plans. Any waiver may be subject to reasonable conditions which shall be communicated in writing to the agent and subdivider.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-60. - Individual wells.

If public water is not available, each lot in a minor subdivision shall be served by an individual well. All individual wells shall be approved by the health department or the service authority prior to approval of the subdivision plat.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-61. - Public sewer.

If public sewer is available, it shall be extended to all lots within the subdivision, including recreation lots. Availability shall be determined in accordance with the service authority regulations governing utility service.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-62. - Individual sewer.

If public sewer is not available, each subdivision lot shall be served by individual on-site sewage disposal systems in accordance with the following:

- (1) Individual on-site sewage disposal systems for each lot must be approved by the health department and shall be a soil absorption system of conventional or alternative design.
- (2) The plans for such subdivisions shall include specific on-site sewage disposal system locations, including primary and reserve drainfields and soils information, as well as appropriate notation as required in section 19-29 (l) and (m). The immediate area in and around each proposed system must be shown using a contour interval not greater than two feet; the contour area shown outside the system should be sufficient to establish the relationship of the area to relevant topographic features such as, but not limited to, drainage ways, sink holes, road cuts, and steep slopes. The record plat shall clearly designate each lot which has been approved by a soil absorption system of alternate design and shall contain a note which clearly discloses that such alternate systems may entail additional expenses.
- (3) For the purpose of subdivision of new lots, the on-site sewage disposal system must meet health department regulations that enable the health department to approve the system in perpetuity through a certification letter. For these new proposed lots, the applicant shall obtain subdivision approval from the county prior to health department issuance of any construction permits.

Any proposed lots not suitable for the installation of on-site sewage disposal systems shall be combined with lots that are suitable.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-31, 4-13-04; Ord. No. 30A-41, 12-11-12)

Sec. 19-63. - Regulations governing utility service.

All subdividers shall comply with the service authority regulations governing utility service.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-64. - Inspection of public water, sewer, and stormwater system.

- (a) Inspection of public water or sewer system installations shall be the responsibility of the service authority. Any subdivider of a subdivision shall obtain a certificate to construct sewer or water lines and facilities from the service authority prior to either extending existing facilities or building new facilities. Certificates to construct shall not be issued until the subdivider has paid the service authority inspection fees.
- (b) Inspection of public stormwater system installations shall be the responsibility of the county. Any subdivider of a subdivision shall obtain a certificate to construct stormwater system installations prior to either altering existing installations or building new installations. Surety provided in accordance with section 19-74 shall not be released until approved in accordance with section 19-74(b).

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-20, 5-6-91; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-32, 10-26-04; Ord. No. 30A-35, 5-27-08; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)

Sec. 19-65. - Fire protection.

Fire hydrants shall be installed in subdivisions at locations designated by the fire chief and the service authority at the time of an extension or construction of a public water system.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-66. - Streetlights.

- (a) The subdivider shall install streetlights as determined by the engineering and resource protection director and in accordance with article II, division 7 of the zoning ordinance and the streetlight standards policy, as approved by the governing body, in those subdivisions which require the construction of streets. The subdivider shall deposit with the agent one year's rent for the streetlight system prior to approval of the final plan. If the streets within the subdivision are not accepted by the transportation department prior to the end of the one-year billing period covered by the deposit, the subdivider shall compensate the county for any additional rental charges incurred prior to release of the subdivision surety.
- (b) Streetlights, in subdivisions with private streets, shall be installed by the subdivider as determined by the engineering and resource protection director and in accordance with article II, division 7 of the zoning ordinance and the streetlight standards policy, as approved by the governing body. Such streetlights shall be maintained and all operating expenses paid by the homeowners' association or other legal entity responsible for such expenses. The establishment of a homeowners' association or other legal entity shall be demonstrated to the satisfaction of the county attorney.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-39, 7-26-11; Ord. No. 30A-41, 12-11-12)

Sec. 19-67. - Off-site sewer, water, and drainage costs.

The subdivider shall be required to pay a pro rata share of the cost of providing reasonable and necessary sewer, water or drainage improvements located outside of the property limits of the land owned or controlled by him whenever the following conditions exist:

- (1) The county determines that such off-site improvements to sewer, water or drainage are necessitated at least in part by the construction or improvement of the subdivision.
 - (2) The county or other appropriate authority has established a general sewer, water or drainage improvement program for an area having related and common water, sewer and drainage conditions.
 - (3) The subdivider's property is located within said designated area covered by such program.
 - (4) The estimated cost of the total water, sewer or drainage improvement program has been determined.
 - (5) The estimated water flow, sewage flow or stormwater runoff has been established for the designated area served by such program.
- (b) The subdivider's share of the above-estimated cost of improvements shall be limited to the proportion of such estimated cost which the increased water and sewage flow or increased volume and velocity of stormwater

runoff to be actually caused by his subdivision bears to the total estimated volume and velocity of such water, sewage or runoff from such area in its fully developed state.

- (c) Such payment received by the county shall be expended only for construction of those facilities for which the payment was required, and until so expended shall be held in an interest-bearing account for the benefit of the subdivider; provided, however, that, in lieu of such payment, the county may permit the subdivider to post a bond with surety satisfactory to the county conditioned on payment at commencement of such construction.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-68. - Off-site road improvements.

A subdivider may voluntarily contribute and the county may accept funds for off-site road improvements substantially generated and reasonably required by the construction or improvement of the subdivision.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-69. - Dedication and reservation of land for public purposes.

- (a) A subdivider may be required to dedicate or reserve land in the following ways:
 - (1) Up to a maximum of five percent of the land subdivided for public purposes including, but not limited to, parks, playgrounds, well lots, schools, libraries, municipal buildings and similar public or semipublic uses;
 - (2) Whenever there shall be plans in existence, approved by either the transportation department or by the governing body, for the widening, extension or construction of any street or highway, the commission may require the dedication or reservation of necessary right-of-way, including right-of-way for turn lanes, drainage, sidewalks and bikeways, in order to preserve and protect the planned future right-of-way for such proposed street or highway.

The governing body shall not be required to compensate any owner for such land if the need for the land is substantially generated by the subdivision. No land shall be reserved in such manner that would render it unusable to the subdivider if not used for the intended public purpose. The subdivider may petition the governing body to release the reservation of any land so reserved if not used for a proper purpose within a reasonable time.

- (b) A subdivider that provides for the transfer of adequate and suitable land for parks and playgrounds to a subdivision homeowners' association or a subdivision recreation association shall not be required to dedicate additional land for parks and playgrounds.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-70. - Establishment of homeowners association.

Within any major subdivision approved under this article in which an area is intended to be used in common for recreation and/or conservation, or other public or semipublic purposes, or where other improvements have been made in which operation and/or maintenance is the responsibility of the homeowners, no lot shall be approved, recorded, sold,

or used within the development until appropriate documents in a form approved by the county attorney have been executed. Such documents shall set forth the following:

- a. The nature of the permanent organization under which common ownership is to be established, including its purpose, and provisions establishing requirements for mandatory membership;
- b. How it shall be governed and administered;
- c. The provisions made for permanent care and maintenance of the common property or improvements, including surety when required by the county;
- d. The method of assessing the individual property for its share of the cost of adequately administering, maintaining and replacing such common property; and
- e. The extent of common interest held by the owner of each individual parcel in the tract held in common with others.

(Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)

Sec. 19-71. - Entrance feature review.

The developer shall submit plans for all residential subdivision identification signs, supporting structures, and entrance features to be reviewed with the preliminary subdivision plans under the requirements of article II, division 3 of the zoning ordinance.

(Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-72. - Stormwater management feature review.

Stormwater management features shall be screened in accordance with article II, division 4 of the zoning ordinance.

(Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-73. - Shared driveway requirements for minor subdivisions.

- (a) For all minor subdivisions of three or more lots, direct access from all lots to the existing road shall be limited to one shared driveway.

This requirement shall not apply to developed lots within a proposed minor subdivision. However, as long as there are three or more other lots that are undeveloped, this requirement shall apply to those lots. Upon the request of the subdivider, and after finding that such waiver would not adversely affect public health, safety or welfare, the agent may waive this requirement for subdivisions inside the primary service area which are along local roads, as defined.

- (b) Such driveway shall have a paved surface at least ten feet wide consisting of two inches of pavement over four to six inches of stone aggregate. In addition, the shared driveway must meet all applicable transportation department requirements for the portion of the driveway that ties into the public road. A detail depicting the driveway specifications shall be included on the subdivision plat. An erosion and sediment control plan and land disturbance permit may be required for the shared driveway, as determined by the engineering and resource protection director.

- (c) Such driveway shall be located within a shared access easement that is depicted on the subdivision plat.
- (d) No such subdivision shall be recorded until appropriate shared care and maintenance documents in a form approved by the county attorney have been executed. Such documents shall be recorded concurrently with the subdivision plat and shall set forth the following:
 - (1) The provisions made for permanent care and maintenance of the shared driveway and any associated easement, including surety when required by the county; and
 - (2) The method of assessing the individual property for its share of the cost of adequately administering, maintaining and replacing such shared driveway.

(Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)

Section 19-73.1. - Street trees.

Street trees shall meet the following requirements:

- (a) In all major subdivisions, deciduous shade trees shall be planted as street trees along all rights-of-way within the subdivision. Such trees shall generally be located within a five-foot landscape preservation easement contiguous to such right-of-way. Where located within an easement, the subdividing landowner shall dedicate the easement together with a maintenance easement to the property owners' association or other entity approved by the agent and county attorney. Street trees may also be located within the right-of-way. When located within the right-of-way, the trees will need to meet any applicable Virginia Department of Transportation (VDOT) standards and maintenance provisions. Street trees should only be located within the right-of-way when topographic, utility or other constraints prohibit the landscape preservation easement from being located adjacent to the right-of-way.
- (b) The easement or right-of-way shall contain at a minimum, one tree planted approximately every 40 feet.
- (c) All trees planted to meet this requirement shall have a minimum caliper of one and one-half inch and conform to the provisions of section 24-94 of the zoning ordinance. Existing trees within the landscape preservation easement that are protected and preserved in accordance with the standards contained in the zoning ordinance may be used to satisfy the planting requirement.
- (d) All street trees shall be deciduous shade trees that are native species or street trees commonly planted in James City County and adaptive to the soils and climate of James City County. If an applicant wishes to substitute the required shade trees with an evergreen or ornamental tree, a landscape modification request form referenced in section 24-91 of the zoning ordinance may be submitted for consideration by the planning director.
- (e) Installation. Unless otherwise approved by the director of planning or his designee, plantings shall occur between September and February while the plant materials are dormant. Installation shall be guaranteed in accordance with article IV of this chapter.

(Ord. No. 30A-48, 6-12-18)

ARTICLE IV. - PERFORMANCE ASSURANCES

Sec. 19-74. - Installation of improvements and bonding.

- (a) Prior to approval of the final plat, all publicly or privately maintained and operated improvements which are required by this chapter shall be completed at the expense of the subdivider. Pending such actual completion, the subdivider may obtain final plat approval by providing for completion of the required improvements by entering into an agreement with the county and furnishing to the county a certified check, bond with surety satisfactory to the county, or a letter of credit in an amount to cover the cost of all the improvements required to be installed by the subdivider as estimated by the engineering and resource protection director. Such documents shall be submitted to the engineering and resource protection director. The form of the agreement and type of surety shall be to the satisfaction of and approved by the county attorney. The length of time in which the improvements are to be completed shall be determined by the engineering and resource protection director. If the improvements are not completed in a timely manner, the engineering and resource protection director shall proceed to complete the improvements by calling on the surety.
- (b) Upon written request by the subdivider, the engineering and resource protection director shall make periodic partial releases of surety in a cumulative amount equal to no less than 80 percent of the original amount of the surety based upon the percentage of facilities completed and approved by the county, service authority or state agency having jurisdiction. Periodic partial releases shall not occur before the completion of at least 30 percent of the facilities covered by any surety or after completion of more than 80 percent of said facilities. The engineering and resource protection director shall not be required to execute more than three periodic partial releases in any twelve-month period.
- (c) Within 30 days after receipt of written notice by the subdivider of completion of part or all of the facilities required to be constructed, the engineering and resource protection director shall notify the subdivider of any nonreceipt of approval by an applicable state agency, or of any specified defects or deficiencies in construction and suggested corrective measures. "Written notice" shall consist of a letter from the subdivider to the engineering and resource protection director requesting reduction or release of the surety along with a set of as-built plans, if required, and a certificate of completion by a duly licensed engineer.
- (d) If no action is taken by the engineering and resource protection director within the thirty-day period, the request shall be deemed approved and a partial release granted to the subdivider. No final release shall be granted until after expiration of such thirty-day period and there is an additional request in writing sent by certified mail to the county administrator. The engineering and resource protection director shall act within ten working days of receipt of this request. If no action is taken, the request shall be deemed approved and final release granted to the subdivider.
- (e) Upon final completion of said facilities, the engineering and resource protection director shall release any remaining surety to the subdivider. For the purposes of final release, completion shall be deemed to mean either:
 - (1) Acceptance of the public facility for operation and maintenance by the state agency, county government department or agency or other public authority which is responsible for maintaining and operating such facility upon acceptance. This process only applies to those agencies that operate and maintain the applicable systems.
 - (2) Review and approval of the facility's as-builts and construction certifications as required, and acceptable resolution of any field-related deficiencies as determined by the engineering and resource protection

director.

- (f) In instances of multifamily or apartment development that will not involve subdivision of land, required public improvements shall be guaranteed in accordance with section 24-8 and 24-42 of the zoning ordinance. In addition, in instances of conditions attached to a rezoning or amendment to a zoning map, improvements required by the conditions shall be guaranteed in a public improvement bond in accordance with section 24-17 of the zoning ordinance.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-39, 7-26-11; Ord. No. 30A-41, 12-11-12)

**Unapproved Minutes of the August 11, 2022
Policy Committee Regular Meeting**

ORD-22-0002, Amendments for R-8, Rural Residential and A-1, General Agriculture Lot Size and Related Requirements

Ms. Linda Rice, 2394 Forge Road, spoke in favor of increasing lot size in rural areas zoned R-8 and A-1 to a 20-acre lot minimum. Ms. Rice stated that the change would also conserve groundwater by reducing the number of wells outside of the Primary Service Area (PSA). Ms. Rice stated her appreciation for considering the ordinance and for the work of Planning staff and expressed hope that the Board of Supervisors would approve the ordinance.

Ms. Roberta Sulouff, 100 Paddock Lane, representing Habitat for Humanity, 11011 Warwick Blvd, stated that having a rural area helps to give the county its character; however, Habitat for Humanity is concerned about the impact of these large lot sizes on affordable housing. Ms. Sulouff stated that most of the affordable land in the county is in the northern part and asked the committee, Planning Commission, and Board of Supervisors to further explore the impact of this policy on the county's affordable housing goals.

Mr. Thomas Wysong stated this proposed ordinance follows unanimous approval of the Comprehensive Plan in Fall 2021 and a Board of Supervisors (BOS) initiating resolution in Spring 2022. Mr. Wysong stated direction from the resolution was to amend the Zoning and Subdivision ordinances for R-8 and A-1 zoning districts to be consistent with the stated rural lands designation description and development standards outlined in the 2045 Comprehensive Plan. He stated the directive stated a density of no greater than one residence per 20 acres, grandfathering all parcels in existence as of January 1, 2022 that are 25 acres or less, and eliminating the central well requirement for major subdivisions. Mr. Wysong presented draft ordinance language and stated staff recommends that the Policy Committee recommend approval of the draft Ordinance to the Planning Commission.

Mr. Rich Krapf asked if grandfathered parcels would retain the right of a 3-acre lot minimum lot size if the property was sold.

Mr. Wysong stated this was correct, as it would be based on the date of the parcel creation.

Mr. Frank Polster asked if staff could provide the number of parcels affected for R-8 and A-1.

Mr. Wysong stated staff would provide this information.

Mr. Jack Haldeman stated he and Mr. Krapf participated on the Workforce Housing Task Force and that affordable housing would likely be built in the Primary Service Area (PSA) to allow access to utilities, jobs, and public transportation. He also stated that affordable housing is likely to be multi-family housing and unaffected by the policy change.

Mr. Polster asked for staff to define which properties would be included or excluded, such as James City County properties and for staff to clarify how this affects properties with Purchase of Development Rights (PDR) or any easements. Mr. Polster further stated he would like to see how the Natural and Cultural Assets mapping plan would interact with buffers and cluster placements to avoid impacting the value of the land and connection points.

Mr. Krapf agreed.

Mr. Haldeman asked if the ordinance changes would apply to parcels already master planned such as Summer Place.

Mr. Josh Crump confirmed for Summer Place that the construction plan is approved for 47 lots and would be grandfathered in to allow 1 unit per 3 acres. Other phases would be evaluated for vested rights as they are submitted.

Mr. Polster asked if any upcoming proposals would be affected.

Mr. Crump stated this would be evaluated with the County attorney at the time of submission.

Ms. Ellen Cook stated vested rights are guided by State code provisions and related to what point of the process the project is in.

Mr. Wysong clarified that ordinance requirements would be implemented for the entirety of the R-8 and A-1 zoning districts. He stated that parcels under 25 acres would continue with the 3-acre minimum lot size and parcels over 25 acres would require the 20-acre minimum lot size.

Mr. Polster stated he was concerned that affordable housing in the form of RV and mobile home parks would be affected by this.

Ms. Cook replied those parcels are within the PSA and should have a designation other than Rural Lands, and that future development or redevelopment could be done which is compatible with the Comprehensive Plan's residential designations.

Mr. Wysong confirmed the mobile home park is designated for moderate density residential. He asked if the committee would like a map showing parcels both larger and smaller than 25 acres.

Mr. Polster stated he was more interested in the language than a map.

Mr. Haldeman stated Mr. Wysong sent a helpful map of R-8 and A-1 parcels larger than 25 acres and that the change would be applied on a case-by-case basis.

Staff stated that the change would be applied to the entire zoning district; however, parcels with projects currently under review would be considered individually.

Mr. Haldeman asked if the County should encourage more clustering.

Mr. John Risinger stated the Comprehensive Plan maintains the same density for by-right conventional lots and for clusters in Rural Lands.

Mr. Krapf asked for staff to summarize what staff would like to accomplish with the discussion.

Mr. Wysong stated that staff recommends the Committee recommend approval of the A-1 and R-8 draft language to the Planning Commission.

Mr. Haldeman asked for clarification on the ordinance language for section 24-214 and 24-222.

Mr. Wysong stated the cluster standards language was moved from one section to the other but that the only change was the unit density language.

Mr. Polster asked what standards would be used for development within the R-8 district.

Mr. Wysong replied that a subdivision application would be subject to the requirements of the subdivision ordinance, including the 20-acre minimum.

Mr. Polster asked if the design guidelines in the Comprehensive Plan would apply.

Mr. Wysong stated those would only be applied to legislative cases. He detailed that a cluster development in A-1 would require a Special Use Permit and may include additional requirements.

Mr. Polster asked if a cluster development within the R-8 district and within the PSA would be prohibited.

Mr. Wysong stated this was correct, that the type of rural cluster permitted in A-1 is not permitted in R-8.

Mr. Polster asked if only one residence per 20 acres would be allowed.

Mr. Wysong stated this was correct.

Mr. Polster asked about design guidelines for R-8 within the PSA.

Mr. Wysong stated the guidelines would be considered at the time of a legislative application which would be subject to Comprehensive Plan guidance.

Mr. Polster asked about design guidelines for R-8 commercial development.

Mr. Wysong stated that by-right development would not be subject to design guidelines.

The Committee discussed by-right development and the possibility of an applicant rezoning for different uses. Staff confirmed that the design guidelines in the 2045 Comprehensive Plan would apply during the legislative process.

Mr. Polster asked for a copy of the design guidelines.

Mr. John Risinger stated the guidelines for the applicable current land use designation would apply.

Mr. Wysong agreed that staff would refer to the appropriate land use designation description in the Comprehensive Plan.

Mr. Risinger stated that this is the current process staff follows and that staff will continue to.

Mr. Polster asked if any easements would be affected.

Mr. Wysong stated that the minimum area requirements would not affect any existing easements on a property and that any easements would remain in place.

Mr. Polster asked if any portion of the properties not in an easement would be affected.

Mr. Wysong stated the zoning and any easements would both remain applicable factors for properties.

Mr. Risinger stated easements are an overlaying regulation that also require consideration.

Ms. Christy Parrish stated the easement does not trump the zoning district.

Ms. Cook stated easements are separate from the zoning. She stated that changing the minimum lot size would apply to all parcels in the zoning district and was not property specific.

Mr. Wysong stated some conservation easements are not in perpetuity.

Mr. Polster asked about the impact to the landowner.

Ms. Cook stated the impact would be if a landowner wanted to go through a subdivision, they would be subject to the minimum lot size in the drafted ordinance amendment.

Mr. Wysong stated that every affected property owner (approximately 4,700) would receive a mailing for the proposed change.

Mr. Polster stated he was not comfortable moving forward to the Planning Commission at this time.

Mr. Krapf stated the Committee needed to discuss any relevant issues and the potential for unintended consequences.

Mr. Polster stated applying the Natural and Cultural Lands information was important and may relate to changes in how projects and clusters come to the Development Review Committee in the future.

Mr. Haldeman stated he believed the drafted ordinance fulfilled the directive from the Board of Supervisors.

Mr. Polster stated that he would like to change the cluster portion of the ordinance to have a different process and incorporate the Natural and Cultural Lands considerations.

Ms. Cook stated that the cluster portion of the draft ordinance amendment before them only involved the density, and that the third agenda item would begin the discussion on revisiting the standards for cluster development.

Mr. Haldeman asked if the committee could discuss all agenda items and then vote on each item.

Mr. Polster agreed.

Mr. Wysong stated the A-1 and R-8 density changes are a separate agenda item in response to the Board of Supervisor's initiating resolution.

Mr. Krapf stated that he believed the A-1 and R-8 updates to be straightforward.

Mr. Polster stated he was concerned that approving the cluster language would preclude further discussion and changes.

Mr. Wysong stated that an aspect of cluster development would be approved to directly respond to the resolution.

Mr. Polster stated that he was uncomfortable with amending A-1 now and that he would like to see how rural clusters are affected by scenic roadways, open space, buffering, etc.

Mr. Krapf stated that he agreed with Mr. Polster and would like an additional Policy Committee discussion.

The Committee discussed some of the advantages and disadvantages of clustering.

Ms. Cook stated that the Comprehensive Plan Rural Lands designation description guidance does include clustering guidance.

Mr. Krapf stated that it would be an interesting discussion if an ordinance was amended to conflict with the Comprehensive Plan.

Mr. Krapf asked Mr. Haldeman what his thoughts were.

Mr. Haldeman stated he supported tabling the discussion.

Mr. Polster commended staff's work.

Mr. Krapf agreed.

Mr. Wysong stated staff appreciated the Committee's time to review the materials and their thoughtful approach to each item.

**Unapproved Minutes of the August 22, 2022
Policy Committee Special Meeting**

ORD-22-0002, Amendments for R-8, Rural Residential and A-1, General Agriculture Lot Size and Related Requirements

Mr. Thomas Wysong stated the Policy Committee requested a special meeting to continue discussion on ORD-22-0002 Amendments for R-8 Rural Residential and A-1 General Agricultural Lot Size and Related Requirements as a follow-up to the August 11th meeting. He stated the effort builds on the unanimous approval of the Comprehensive Plan in fall of 2021 and the Board of Supervisors (BOS) adopted an Initiating Resolution this spring pertaining to the R-8, Rural Residential and A-1, General Agricultural Districts. He stated this resolution contains three specific Board directives. He stated that the first directive is to amend the Zoning and Subdivision Ordinances to revise the R-8 and A-1 Districts to be consistent with the stated Rural Lands Designation Description and Development Standards contained in the adopted 2045 Comprehensive Plan. He stated these standards state the “subdivision of lots should occur at a density of no greater than one residence per twenty acres” (1:20 ratio). He stated that the second directive is to include language that grandfathers all parcels in existence as of January 1, 2022, that are 25 or fewer acres in size. He stated that the third directive is to include language that eliminates the central well requirement for subdivisions that are consistent with the stated Rural Lands designation description and development standards. He stated in response to these directives, staff prepared draft Ordinance language to: increase the minimum lot size in the A-1 and R-8 zoning districts from three acres to 20 acres, with all parcels in existence as of January 1, 2022, that are 25 or fewer acres in size being grandfathered with the existing three-acre minimum lot size; increase the overall density for the A-1 cluster configuration option from one unit per two acres to one unit per 20 acre; and eliminate the central well requirement for new major subdivisions, meaning these subdivisions are required to have individual wells on each lot. He stated the prepared draft language has not been revised since the previous Policy Meeting and staff recommends the Committee recommend approval of the attached draft Ordinance for consideration by the Planning Commission at their September 7th meeting.

Mr. Jack Haldeman stated he thought that the draft language set forth by staff met the directives in the initiating resolution by the BOS. He stated the recommendation was tabled to obtain clarification on how the ordinance amendments would affect Natural and Cultural Asset Plan mapping, wildlife corridors, and new clustering standards. He asked staff for any updates.

Mr. Frank Polster stated he is fine with clustering inside the Primary Service Area (PSA), as the standards are within the existing separate residential cluster overlay district ordinance, and that he also agrees with the 1:20 ratio for R-8 and A-1 in rural areas. He stated that upcoming meetings would involve discussing setbacks and clustering. He stated he recommended the Committee approve the ordinance to move forward to the Planning Commission and BOS.

Mr. Rich Krapf stated that he was also fine with the 1:20 ratio. He stated he questioned the need for rural residential clusters because the 1:20 ratio would preserve rural character. He stated that performance standards for rural clusters may be needed to align with the Comprehensive Plan.

Mr. Polster stated that was correct. He stated that the clustering memorandum included language on natural and cultural assets that he would like to revisit this after this issue.

Mr. Tim O'Connor stated he believed clusters would be treated differently than the 1:20 ratio based on conversations from the Comprehensive Plan. He stated he was okay with this ratio for by-right development but believed it to be punitive for clusters. He also stated his concern regarding a potential reduction in developable acreage. He asked for confirmation if an initiating resolution from the BOS for this existed.

Ms. Ellen Cook stated the BOS resolution regarding calculation of net developable acreage is stated as being for the residential zoning districts, which are primarily inside the PSA.

Mr. Polster asked if clustering in the rural lands in the A-1 and R-8 zoning district outside the PSA would be discussed at future Policy Committee meetings.

Ms. Cook confirmed.

Mr. O'Connor asked if the current amendments would cap A-1 cluster development at the 1:20 ratio.

Mr. Polster stated this was correct.

Mr. O'Connor stated he did not agree with this.

Mr. Haldeman asked if the initiating resolution and Comprehensive Plan allowed for any adjustments to cluster development density. He stated direction should be consistent with the Comprehensive Plan, which stated a 1:20 development density.

Mr. O'Connor stated he thought the Comprehensive Plan did not state a density for clusters and the 1:20 ratio was applied in a different section.

Ms. Cook stated she believed that during the process of updating the Comprehensive Plan the Planning Commission Working Group recommended to the BOS to not have the 1:20 density apply to rural clusters. She stated the BOS did not direct staff to make this change in the Comprehensive Plan. She stated there is language in the cluster portion of the rural lands designation description that states the cluster density would be at the same density as the standard lot size. She stated the language as written would keep the density consistent between these options.

Mr. Haldeman asked if the ordinance could be changed in a way that was inconsistent with the Comprehensive Plan and if the density for clusters could be lower.

Mr. Polster asked if the Policy Committee could recommend the Planning Commission recommend the BOS revisit this issue.

Mr. Krapf stated that Vlad from the consulting firm EPR PC had made a good point at the August 11th meeting that rural clusters may not preserve rural character. He stated rural residential clusters may no longer be of use in James City County with this new density and that the density should be lower.

Mr. Polster stated this issue relates to setbacks and viewsheds and cannot be separated.

Mr. Krapf agreed.

Ms. Cook stated the amendments before the committee would keep the cluster language consistent with standard lot sizes and consistent with recommendations in the Comprehensive Plan. She stated that future discussions would address other cluster standards such as setbacks and development design.

Mr. Krapf asked if the committee could recommend the amended ordinance and continue to discuss clusters, setbacks, and other discussion items. He asked to confirm the update would recommend a new by-right standard and allow for additional elements to be addressed later.

Ms. Cook stated this was correct and represented a phased approach.

Mr. O'Connor stated he was concerned that opportunities for affordable housing stock may be eliminated through this and other changes.

Mr. Haldeman stated this concern came up during the last meeting via a representative from Habitat for Humanity. He stated that in the Comprehensive Plan workforce and affordable housing is recommended to be within the PSA to be closer to jobs and public transportation, not in Rural Lands.

Mr. Krapf stated there is also grandfathering for parcels smaller than 25 acres and that densities of 1:3 would be allowed by-right.

Mr. O'Connor stated he did not think this would be enough to develop affordable housing. He stated wells and septic systems are not affordable when combined with the requirement to have a larger lot to accommodate a reserve field. He cited Bush Springs Road as an example.

Mr. Haldeman stated he did not know how affordable housing could be built anywhere with current inflation.

Mr. O'Connor said he currently is working with Habitat for Humanity on 1,300 homes in Charlottesville and that it requires building vertically.

Mr. Polster made a motion to recommend approval of the draft ordinance as shown in Attachments 3, 4, and 5 to the Planning Commission.

The motion passed 4-0.

**Unapproved Minutes of the September 7, 2022
Planning Commission Regular Meeting**

ORD-22-0002. Amendments for R-8, Rural Residential and A-1, General Agricultural Lot Size and Related Requirements

Mr. Thomas Wysong, Senior Planner stated that in the fall of 2021, the Board of Supervisors unanimously approved the James City County 2045 Comprehensive Plan: Our County, Our Shared Future. Mr. Wysong stated that this long-term vision for the County includes preserving the County's rural character as a priority, which was an important concern shared by the citizens of the County during the plan update process.

Mr. Wysong stated that in the spring of this year, the Board of Supervisors adopted an Initiating Resolution pertaining to the R-8, Rural Residential and A-1, General Agricultural Districts. Mr. Wysong stated that the resolution contained three specific directives.

Mr. Wysong stated that the first directive was to amend the Zoning and Subdivision Ordinances to revise the R-8 and A-1 Districts to be consistent with the stated Rural Lands Designation Description and Development Standards contained in the adopted 2045 Comprehensive Plan. Mr. Wysong stated that these standards state that "subdivision of lots should occur at a density of no greater than one residence per twenty acres."

Mr. Wysong stated that the second directive is to include language that grandfathers all parcels in existence as of January 1, 2022, that are 25 or fewer acres in size.

Mr. Wysong stated that the third directive is to include language that eliminates the central well requirement for subdivisions that are consistent with the stated Rural Lands designation description and development standards.

Mr. Wysong stated that in response to these directives, staff prepared draft Ordinance language to:

- Increase the minimum lot size in the A-1 and R-8 zoning districts from three acres to 20 acres, with all parcels in existence as of January 1, 2022, that are 25 or fewer acres in size being grandfathered with the existing three-acre minimum lot size.
- Increase the overall density for the A-1 cluster configuration option from one unit per two acres to one unit per 20 acres
- Eliminate the central well requirement for new major subdivisions, meaning these subdivisions are required to have individual wells on each lot.

Mr. Wysong stated that the prepared draft language was reviewed by the Policy Committee at its August 11 and August 22 meetings. Mr. Wysong further stated that the Policy Committee recommended this language proceed to the Planning Commission by a vote of 4-0.

Mr. Wysong stated that staff recommends that the Planning Commission recommend approval of the attached draft Ordinance to the Board of Supervisors.

Ms. Null requested confirmation that the language that is in the adopted Comprehensive Plan is what is in the resolution and noting has been changed.

Mr. Wysong confirmed that the language is identical.

Ms. Null requested confirmation that language in the initiating resolution also matches.

Mr. Wysong stated that it does.

Ms. Null requested confirmation that all meeting related to this matter were open to the public.

Mr. Wysong confirmed that the meetings were open to the public.

Mr. Krapf asked for clarification on the rural cluster. Mr. Krapf stated that his understanding is that the developer would have flexibility with lot size as long as the density of the development maintains the density of one unit per 20 acres of developable land.

Mr. Wysong stated that this is correct.

Mr. O'Connor inquired if that constituted a cap on the number of units.

Mr. Wysong stated that the subdivision could have some smaller lots but overall, no more dwelling units than one per 20 acres.

Mr. Haldeman inquired about the minimum lot size for the cluster.

Mr. Wysong stated that it is one acre as the ordinance is currently drafted.

Mr. Rodgers inquired how it was determined that 25 acre lots should be grandfathered and allowed to develop with the existing three-acre minimum lot size.

Mr. Wysong stated that this was the acreage specified by the Board of Supervisors in the initiating resolution.

Dr. Rose inquired why the date of January 1, 2022, was selected and the impacts on properties that might be in the process of being subdivided.

Mr. Wysong stated that, again, this is the date that the Board of Supervisors specified in the initiating resolution. Mr. Wysong stated that lots created after that date would need to conform with what is adopted in the ordinance.

Mr. Krapf inquired if a property would still be grandfathered if it is sold at any point.

Mr. Wysong stated that the change in ownership would not affect the status.

Mr. O'Connor inquired what other ordinance changes are being considered.

Mr. Wysong stated that the Board adopted initiating resolutions to consider the setbacks off of scenic roads and standards for rural clusters which are different than the density.

Mr. Holt noted that there are several additional initiating resolutions; however, they are unrelated to the A-1 and R-8 districts.

Mr. O'Connor inquired if there is one that deals with developable acreage.

Mr. Holt stated that the one related to developable acreage does allow for consideration to be given for undevelopable acreage, more specifically defined as resource protection area, flood plain, and steep slopes. Mr. Holt stated that while these calculations do not speak directly to minimum lot size, they could factor into overall density of a new development.

Mr. O'Connor inquired about the minimum number of lots to require an HOA.

Mr. Holt stated that it would have to be a major subdivision.

Mr. O'Connor opened the Public Hearing.

Mr. Eric Joss, 3006 Forge Road, Friends of Forge Road, addressed the Commission in support of the Ordinance Amendments.

Mr. C. Michael Apperson, 4950 Fenton Mill Road, addressed the Commission in opposition to the ordinance amendments.

Mr. Bruce Abbott, 4478 Centerville Road, addressed the Commission in opposition to the ordinance amendments.

Mr. Payten Harcum, 3183 Chickahominy Road, addressed the Commission in opposition to the ordinance amendments.

Mr. Donald A. Hazelwood, 9808 Fire Tower Road, addressed the Commission in opposition to the ordinance amendments.

Ms. Sheila Chandler, 7900 Newman Road, addressed the Commission in opposition to the ordinance amendments.

Mr. Ronald Bowmer, 115 Wilderness Lane, addressed the Commission in opposition to the ordinance amendments.

Mr. Randy Taylor, 204 Crescent Drive, addressed the Commission in opposition to the ordinance amendments.

Mr. Louis Condelee, 100 E. Byrd Street, addressed the Commission in opposition to the ordinance amendments.

Mr. Gary Massie, 8644 Merry Oaks Lane, addressed the Commission in opposition to the ordinance amendments.

Mr. David Brown, 1502 Bush Neck Road, addressed the Commission in opposition to the ordinance amendments.

Ms. Mary Aadahl, 2724 Forge Road, addressed the Commission in opposition to the ordinance amendments.

As no one further wished to speak, Mr. O'Connor closed the Public Hearing.

Mr. O'Connor opened the floor for discussion by the Commission.

Mr. Polster stated that this issue has been in the works for two years starting with the public input for the Comprehensive Plan update. Mr. Polster stated that the consultant looked at many other counties to see how their rural lands were zoned. Mr. Polster noted that both Albemarle County and Loudoun County have the one lot per 20 acres ratio. Mr. Polster further stated that during the public meetings, one of the specific questions presented in an activity was the minimum lot size. Mr. Polster stated that, although the majority of the responses did not come from owners of rural lands, the response leaned dramatically toward the one lot per 20 acres. Mr. Polster stated that one of the issues that the Planning Commission wrestled with was the investment that citizens have in these properties that represents their livelihood and a nest egg for the future. Mr. Polster stated that this is the first time that the Commission has been able to hear about the individual impacts of the potential changes. Mr. Polster stated that he encourages the citizens to provide the same feedback at the Board of Supervisors Public Hearing.

Mr. Haldeman stated that one concern he noted was the ability to give a small parcel of land to an immediate family member. Mr. Haldeman stated that this is still available under the ordinance provisions.

Mr. Holt stated that under the current ordinance, it is possible to create a family subdivision parcel less than three acres if an SUP is granted. Mr. Holt further stated that the same provision carries forward under these proposed ordinance amendments.

Mr. Haldeman stated that he voted for the Comprehensive Plan land use changes, and he further voted for the amendments at the Policy Committee level and intends to recommend approval to the Board of Supervisors. Mr. Haldeman stated that the Rural Lands designation description states: "Residential development is not a recommended use and is discouraged outside the Primary Service Area in the Rural Lands." Mr. Haldeman stated that this statement has been in the County's Comprehensive Plans since inception. Mr. Haldeman further stated that all of the residential zoning districts as well as residential Comprehensive Plan designations are within the PSA. Mr. Haldeman stated that the goal of the Community Character chapter in the Comprehensive Plan is: "The County will be a good steward of the land by preserving and

enhancing the scenic, cultural, rural, farm, forestal, natural, architectural, and historic qualities that are essential to the County's distinctive character, economic vitality, and overall health and quality of life of its residents.” Mr. Haldeman stated that 75% of the responses from the community engagement efforts supported this goal. Mr. Haldeman stated that the goal of the Land Use chapter is to “Achieve a pattern of land use and development that reinforces and improves the quality of life for citizens by encouraging infill, redevelopment, and adaptive re-use within the PSA; limiting development on rural and natural lands outside the PSA; and achieving the other eight goals of this Comprehensive Plan.”

Mr. Haldeman stated that guidance from the Comprehensive Plan includes: guide new residential development to areas served by public utilities and that are convenient to public transportation, major thoroughfares, employment centers, schools, recreation facilities, and shopping facilities; foster the development of “complete communities” by locating new housing proximate to transit service, shopping, employment areas, recreational areas, schools, and community facilities; pursue a more compact development pattern within the PSA and reduce the need to develop on rural and environmentally sensitive lands outside the PSA; provide a more compact development pattern within the PSA) and reduce new development in rural lands outside the PSA, as well as potential reductions in the PSA; and the land use statement that “It is intended that most residential, commercial, and industrial development will occur within the PSA.”

Mr. Haldeman stated that there is no ambiguity about county’s intention for the Rural Lands, nor has there been since the first Comprehensive Plan that was adopted in 1975. Mr. Haldeman further stated that the preceding statements did not materialize out of thin air; they are the product of exhaustive periodic Comprehensive Plan reviews and outreaches to county residents.

Mr. Haldeman stated that for the most recent Comprehensive Plan update a survey was conducted by the University of Virginia. Mr. Haldeman stated that some of the findings were:

- Efforts to protect and improve the natural environment including water quality, air quality, and environmentally sensitive areas: 95.2% said that it was very or somewhat important but only 80% were satisfied with county’s efforts.
- Efforts to protect and preserve the County's rural character. 85.2% said it was important, but only 69.5% were satisfied.
- 93.6% felt that the level of residential development in the county was about right or too high.

Mr. Haldeman stated that during the Public Engagement phase 97.4% of responses indicated that it was important (86.1% very important, 11.3% somewhat important) for the County to do more to improve our efforts to protect and preserve our natural environment. Mr. Haldeman further stated that 36.7% chose protecting and preserving natural environment as most important for the County to improve, making it the highest ranked choice. Mr. Haldeman stated that 90% of the responses ranked that it was important (64.8% very important, 25.2% somewhat important) for the County to do more to improve efforts to protect and preserve our rural character; and 71.3% supported protecting as much rural and environmentally sensitive land as possible.

Mr. Haldeman stated that the PSA was established in the first Comprehensive Plan, adopted in 1975 stating that “The PSA should provide for adequate economic growth and County housing needs at all levels of affordability.” Mr. Haldeman stated that it did and it does: The population of the county increased from 17,000 to nearly 80,000 from 1970 until now. Using County data, planning staff estimates that there is capacity for 10,600 additional dwelling units within the PSA, which could increase the county’s population by almost one-third, assuming 2.1 people per dwelling unit. Mr. Haldeman stated that there have been dozens of new businesses located in the County in the past fifty years, and there remains 3,400 acres of land suitable for additional nonresidential development within the PSA. Mr. Haldeman stated that the County’s residential, commercial, and industrial development policies have been and are expansive, but they drew the line – literally – at the Rural Lands; but the line didn’t hold.

Mr. Haldeman stated that the three-acre density restriction and the central well requirement no longer discourage residential development. Mr. Haldeman stated that the Planning Commission Working Group (PCWG) considered the experience of other high-growth Virginia counties and learned that “Experience in growing localities like James City County has shown that it is very hard to achieve long-term successful rural protection without supportive agricultural zoning. Rural zoning with minimum lot sizes of 1-10 acres is generally not conducive to the protection of rural character over the long term as it gradually converts the landscape both visually and functionally into a large lot residential character as land is subdivided into lots. In general, the most successful zoning for rural protection has been achieved in the 20-50 acres per dwelling unit range of density ...”. Mr. Haldeman stated that this has proved to be the case in James City County, as the total number of dwelling units in the County has increased by approximately 5.4% from 2015 to 2019, while the number of dwelling units located in land designated for Rural Lands has increased by approximately 7% during that same time, at an average of 57 units annually”. Mr. Haldeman stated that this growth directly contradicts the goals of the County and the stated wishes of county residents. Mr. Haldeman noted that the County has discouraged residential development in the Rural Lands for decades with sound environmental, economic, fiscal, and quality-of-life reasons for that policy and that the policy is supported by strong majorities of County residents. Mr. Haldeman stated that, unfortunately, the present system has not been working which is why he plans to vote for the amendments.

Mr. Krapf stated that every land use case that comes forward affects individuals and the Commission is cognizant of those impacts. Mr. Krapf stated that throughout the Comprehensive Plan update there were numerous opportunities for public input. Mr. Krapf stated that the one fact that came out of the review, is that if the goal is control development in rural lands, the current practices are not effective. Mr. Krapf further stated that based on other jurisdictions one unit per 20 acres is the bare minimum and that one unit per 50 acres is a better ratio; however, there was no appetite for the larger minimum lot size. Mr. Krapf stated that ultimately the goal is to have a better tool to control residential growth in rural lands. Mr. Krapf stated that development does not occur in a vacuum; there are always associated impacts such as needs for schools, infrastructure, transportation, and emergency service. Mr. Krapf stated that those expenses are born by the citizens of the County. Mr. Krapf further stated that the Commission is charged with making good land use recommendations to the Board of Supervisors and that the Commission’s guiding document is the Comprehensive Plan which is the citizens’ document. Mr. Krapf stated that for the landowners who cannot or do not want to farm their land, he hopes that the County will be

proactive in implementing the recommendations of the Rural Economic Development Committee. Mr. Krapf stated that he intends to support the ordinance amendments.

Mr. Rodgers stated that he does not completely follow how the acreage limit to be grandfathered under the current ordinance regulations was determined and how it works to advance the County's goals.

Mr. Holt stated that the Board of Supervisors discussed the matter as part of the deliberation of the Comprehensive Plan and as part of developing the initiating resolution. Mr. Holt stated that the feedback from the public is what informed those decisions.

Mr. Polster stated that, as he recalled, staff presented information to the Board of Supervisors with a breakdown of the parcels that would be impacted under different scenarios and the decision was based on the number of parcels that would be affected by the one unit per 20 acres.

Mr. Rodgers stated that his question was primarily centered around why the properties under 25 acres were chosen to be grandfathered.

Mr. Holt stated that this came from citizen feedback during the Comprehensive Plan considerations and meeting related to the ordinance amendments.

Dr. Rose stated that he struggles with the need to preserve rural landscapes and the impact on the citizens. Dr. Rose stated this is a large jump in minimum acreage only to correct a problem that others created. Dr. Rose stated that he finds it difficult to balance the desire for the scenic views and community character with the impact of these changes on the landowners. Dr. Rose stated that he would like to see more flexibility and less of an increase in the minimum acreage. Dr. Rose stated that he is inclined not to support the amendments.

Ms. Null stated that there is enough land within the PSA to accommodate future development needs. Ms. Null further stated that she does not want to see the rural lands destroyed by housing developments. Ms. Null further stated that the amendment will allow for economic endeavors while preserving the character of the area.

Mr. O'Connor stated that it is always in the forefront of his mind that these rural lands represent the landowners' investment and financial security. Mr. O'Connor stated that he is not comfortable with the impacts of the Comprehensive Plan update being borne by the landowners. Mr. O'Connor stated that he finds that the ordinance amendments are incomplete without more clarity on the cluster requirements and the impacts of other potential ordinance amendments. Mr. O'Connor stated that although he did vote for the Policy Committee to advance the matter to the Planning Commission for the Public Hearing, he is not inclined to support the amendments until the other ordinance amendments are drafted.

Ms. Null inquired if there was an option to defer the matter.

Mr. Holt stated the ordinance amendments have not yet been advertised for a Public Hearing before the Board of Supervisors. Mr. Holt stated that if the Commission wished to defer the matter, it would need to be to a date and time certain to maintain the continuity of the Public Hearing.

Mr. O'Connor stated that he is not an advocate of a deferral.

Mr. Polster stated that he is finding it difficult to consider this ordinance amendment in light of the possible further impacts of the ordinance revisions that are pending.

Mr. Holt stated that what is before the Commission for decision should be fairly clear cut; however, any further ordinance amendments will be publicly advertised and will be the subject of Public Hearings.

Mr. Polster stated that his comments were primarily to ensure that the public understands that there will be more changes to come.

Mr. Polster made a motion to recommend approval of the ordinance amendments.

On a roll call vote, the Commission voted to recommend approval of ORD-22-0002. Amendments for R-8, Rural Residential and A-1, General Agricultural Lot Size and Related Requirements (4-3)

Katie Pelletier

From: Lee Alexander <lalexa1103@aol.com>
Sent: Monday, September 5, 2022 2:45 PM
To: Planning
Subject: [External]RE: ORD-22-0002 Amendments for R-8, Rural Residential and A-1, General Agricultural lot size and related requirements.

Often, when considering changes to seminal guidance documents such as the JCC code, it is good to take a look of what our goal was in the first place. It helps to bring us to a common starting point, both for those who guide our county, and for those who may only have a passing acquaintance with the matter.

The following is the overarching goal of Section 6 of the 2045 Comp Plan on Community Character. - "The County will be a good steward of the land by preserving and enhancing the scenic, cultural, rural, farm, forestal, natural, architectural, and historic qualities that are essential to the County's distinctive character, economic vitality, and overall health and quality of life of its residents."

I believe this proposal is in line with the 2045 Comprehensive Plan Goal on Community Character. I believe it is a solid step toward maintaining if not enhancing the rural character of the county in terms of "natural topography; large wooded areas; open vistas and wetlands..." I believe it also will have other benefits over time in terms of mitigating future traffic congestion and may help lessen the impact of county growth on our school system.

It should also reassure county residents who came (and will come) to James City County to "live in the country", that they can do so without fear of the over development, congestion, and related issues they see happening in other places.

I have great appreciation for those on staff that worked on this proposal to amend the JCC Code, as well as the hard work of the county staff and planning commission over the past few years to develop and implement the 2045 Comprehensive Plan. There are many county residents that have placed their hope and trust in this plan as the best way to protect the rural nature of the county we love so well. Thank you.

I request that this be made part of the record.

Best Regards
Lee Alexander

Katie Pelletier

From: Timothy Trampenau <captain.trampenau@gmail.com>
Sent: Monday, September 5, 2022 2:53 PM
To: Planning
Subject: [External]Comment on ORD-22-0002

Hello,

My name is Tim Trampenau (7512 Little Creek Dam Road). My wife, Libby, and I fully support ORD-22-0002. We were drawn to James City County because of its distinctly rural and open feel. We would like to see reasonable limitations on the high density developments that have ruined the character of so many of the cities and towns in America. Thank you for your time and I hope you will vote to approve this amendment.

Cheers, Tim

Date: August 29, 2022

From: Linda Rice, President of Friends of Forge Road and Toano
2394 Forge Road, Toano, VA 23168
lindarice678@cox.net

To: The Honorable Members of the James City County Planning Commission

Re: Comments in support of ORD-22-0002: Increase of minimum lot size from 3 to 20 acres

Friends of Forge Road and Toano ("F.O.R.T.") is a non-profit group founded in 2004 by concerned citizens in Upper James City County. We work with other neighborhood associations and various other groups to promote the preservation of rural areas, enhance awareness of our region's historic significance and support agri-tourism. Some of our members have served on the James City County Planning Commission, the Chesapeake Bay Board, the Wetlands Board, the James City County Historical Commission and the Purchase of Development Rights Committee.

In the first instance, F.O.R.T. applauds and is most appreciative of the extensive and diligent work which the Board of Supervisors, the Planning Commission, the Policy Committee, JCC Staff and other involved persons have devoted and are devoting to analyzing and formulating these critical amendments to our zoning ordinance.

F.O.R.T. strongly supports increasing the minimum lot size from 3 to 20 acres and accordingly is in favor of the proposed zoning ordinance changes to JCC Code, Chapter 24 which the Planning Commission will have before it at its September 7, 2022 hearing. As noted in the amendment proposals, these amendments will bring the zoning ordinance into conformance with the 2045 Comprehensive Plan by matching the density within the A-1 district and the R-8 district to the recommended density in the Rural Lands Designation Description and the Development Standards in the Comprehensive Plan.

Further, these amendments will help preserve our ever shrinking, finite rural areas. In addition, these zoning changes will complement the County's commitment to its natural and cultural assets, will help promote agri-tourism and will invigorate support for our very important Purchase of Development Rights program.

Again, we thank you for your diligence and anticipated support of these amendments.

Respectfully submitted,

Linda Rice, President
Friends of Forge Road and Toano

To: The James City County Planning Commission
From: Nancy Cottrell Kruse, Lombardy Farm, Forge Road
Date: September 5, 2022
Re: Proposed A1 Zoning Changes

I am writing to oppose the proposed policy change in density in A1 zoning from 1 unit per 3 acres to 1 unit per 20 acres for landowners owning more than 25 acres. This increase in lot size is a **7 fold downzoning** to landowners. Larger landowners are targeted to bare 100% of the cost of this program. Development property has considerable more monetary value than agricultural property in James City County (JCC). Under this proposed downzoning policy, this development value would be taken from these targeted landowners. This is simply **inequitable** and discriminatory. Furthermore, farmers who have a bad year and face selling off property for cash flow purposes, would be forced to sell 20 acres instead of 3 acres. The County would be placing undue hardship on farmers with this new policy!

Besides the extreme depravation placed on the larger landowners, there are many negative externalities caused by this market distortion.

1. JCC housing prices will rise across the board due the additional restriction placed on housing supply. There is overwhelming empirical evidence in Virginia counties using large lot zoning of rapidly escalating housing prices and of tightened housing supply.
2. JCC workers seeking to buy a home are increasingly priced out of the market and an ever larger percentage of workers are unable to afford a home as the housing cost gap widens. Thus, this rural land policy has a negative impact on the availability of workforce housing, simply because existing units become increasingly out of reach for working families.
3. Large lot zoning is termed "Exclusionary Zoning". Because minorities compose a greater percentage of our lower income population, they are disproportionately shut out of the housing market. They are also shut out of the large lot housing, which could potentially be over 20,000 acres of JCC. This "Exclusionary Zoning" favors the wealthy. By using zoning restrictions to zone out lower-income families, wealthy residents protect the value of their homes. Exclusionary zoning promotes income segregation by creating areas of concentrated poverty and concentrated wealth.
4. As the difference between the median housing price and the price the average worker can afford to pay for a house widens, the cost of government programs supporting affordable housing and workforce housing increases and spirals out of control.
5. Empirical evidence indicates large lot zoning has a negative fiscal impact to the tax base.
6. Large lot zoning exacerbates suburban sprawl as people continue to move further out creating increased commuter traffic. More road infrastructure is needed for fewer homes. The desired "feel" of rural character and farming is not achieved. Thus, the policy tool has not been proven effective in meeting its goal.

In summary, this proposed change to A1 zoning would codify inequity into both the land and housing markets and widen the gap between the haves and have nots in the County. Thus, I respectfully urge the Planning Commission vote against the amended A1 changes and revisit the many other equitable tools available for view shed preservation and land preservation.

Thank you for your service to our community and for your consideration of these issues,



Nancy C. Kruse

To the Planning Commission of James City County & Concerned Citizens

I have received disturbing communications from the powers that be in the mother county of James City. It seems Orwellian changes to constitutionally protected property rights are being thrust forward. I am familiar with the dictatorial mind games being pushed globally, nationally, and locally by the United Nations system of "sustainable development". I am aware of agenda 21, "toward 2035: leading the way", engage 2045 Comprehensive Plans for global governance, the Rio Principles 2012, and the World Economic Forum with Klaus Schwab, George Soros, Gates et al orchestrating a global takeover, an elimination of private property rights which clash with the concept of liberty and private ownership. Their stated goal is "you'll own nothing, and you'll be happy". Property rights were seen by our forebears as essential to our liberty. The 14th and 5th amendments to the Constitution install the concept of private property holdings. The 5th amendment referred to as the "Takings Clause" states: "nor shall private property be taken for public use without just compensation". There are 2 basic ways government can take property: 1) outright by condemnation or seizure taking title, 2) by government regulations that take away private ownership use, leaving the property owner with title and taxes, but a title that suffers loss of value. Who, do you propose, is going to financially compensate for the restrictions and devaluing to landowners who will be restricted in the use of their property? Let us be reminded of words from one of Virginia's most treasured sons, who had numerous writings concerning private property rights: "nothing is ours which another may deprive us of" (Thomas Jefferson to Maria Cosway 1786). Oh! James City County, my ancestral home and place of my birth, who has bewitched you? Sadly, much of the county I knew as a child and young adult no longer exists. Great swathes of open space, farmland, and forest have been gobbled up by developments & subdivisions which you promoted & "permitted", and infrastructure. Now those of us who have resisted the onslaught of "progress" and financial offers are being forced to be the replacement greenspace for those who have chosen to pave over history. Why do you propose an explosive change from 3 acres to 20 acres per lot-size parcel, a 700% increase in acreage per lot, and why the 25-acre cut off, above which the new rules will apply and below which the 3-acre rule will remain. Where is the equal justice under law? I fear that James City County officials have apparently chosen to participate in agenda 21, toward 35, and engage 45, a "comprehensive plan of action to be taken nationally and locally by organizations of the United Nations system". I encourage you to reinstate American values over the globalist agenda. I urge you to reject the so called "sustainable development" they propose for the 21st century,"SD21". My beloved Daddy, former head of the James City County Planning Commission, my Uncle, James City County Commonwealth Attorney, and my Grandfather, James City County Commissioner of Revenue would be appalled as I am. Resist this power grab and evisceration of our constitutional rights as property owners. I urge you to restore sanity and constitutionality to your deliberations. We are free citizens of the United States of America. We love liberty, we love freedom, we are Virginians. We are counting on you to preserve our God-given rights as Americans. To do otherwise will violate your oath of office to represent the people that you serve. I beg you to preserve what remains of James City County: liberty, independence, tradition, history, and the right of the people to control the uses of their own property.

Sic Semper Tyrannis!

Linda Henderson Gordon
September 6, 2022

**Gary & Linda Massie
8644 Merry Oaks Lane
Toano, VA 23168**

September 7, 2022

Outline of Comments regarding ORD-22-0002

I am Gary Massie and I live at 8644 Merry Oaks Lane, Toano VA.

I and my family own 10 parcels with A1 zoning. The parcels range in size from 2.26 acres to 106 acres. Some of the parcels are being used for residential purposes and others are being used for permitted special uses of mining, production of wood products, and contractors office and maintenance facility. Nine of the parcels are outside the PSA and 1 parcel is within the PSA.

I currently have a Boundary Line Adjustment (Case # S-22-0007) affecting 4 of these parcels under staff review.

I have read the packet presented to the Planning Commission and I have not had sufficient time to review how the proposed ordinance revision will affect my parcels. **I request that you defer a decision tonight, continue the public hearing and allow more time for me to provide you informed comments of the effect of this ordinance on my parcels.**

Based on my current review of the amendment I have two comments for your consideration.

- 1) Regarding Boundary Line Adjustments for residential purposes where no additional parcels are being created can the minimum lot sizes be deleted? IE If I have 2 parcels one 26 acres and one 2 acres could I do a Boundary Line adjustment and have a 1-acre parcel and a 27-acre parcel? If I have a 15-acre parcel and a 2-acre parcel could I do a BLA and have a 16 acre parcel and a 1 acre parcel? Would these BLA's be permitted under this ordinance amendment?
- 2) On my 106-acre parcel realistically it could have held about 30 each 3 acre minimum residential lots. This amendment changes that to a maximum of 5 lots. I believe it will lower the value of my parcel to lose this many lots. Has the county done a fiscal impact study of this ordinance amendment? If so, can it be shared?

Thank you for your service.

I request that you defer a decision tonight, continue the public hearing and allow more time for me to provide you informed comments of the effect of this ordinance.

Date: September 29, 2022

From: Linda Rice, President of Friends of Forge Road and Toano

2394 Forge Road

Toano, VA 23168

lindarice678@cox.net

To: The Honorable Members of the James City County Board of Supervisors

Re: Support for ORD-22-0002: Amendments for R-8, Rural Residential and A-1,
General Agricultural Lot Size and Related Requirements

Friends of Forge Road and Toano (F.O.R.T.) is a non-profit group founded in 2004 by concerned citizens in Upper James City County. We work with neighborhood associations and various other groups to promote the preservation of rural areas, enhance awareness of our region's historical significance, and support agri-tourism. Some of our members have served on the James City County Planning Commission, the Chesapeake Bay Board, the Wetlands Board, the James City County Historical Commission and the Purchase of Development Rights Committee.

F.O.R.T. applauds the Board of Supervisors for unanimously adopting the Initiating Resolution on March 8, 2022 which called for, "consideration of amendments to the zoning ordinance and subdivision ordinance to establish lot sizes in the R-8 and A-1 zoning districts that are consistent with the stated rural lands designation description and development standards of the 2045 Comprehensive Plan."

F.O.R.T. strongly supports these amendments.

We are here as a culmination of this important Initiating Resolution. We are most appreciative of the efforts of the Planning Commission, Policy Committee, JCC Staff and other involved persons who have worked diligently to codify the stated

goals of the Comprehensive Plan to accommodate reasonable growth while protecting our environment, economy, culture and quality of life.

We acknowledge the concerns of long-established property owners in our community, and their desire for flexibility in the disposition of their land. We are all neighbors.

However, there are other property owners whose concerns must also be addressed:

- Owners of working farms and/or agritourism businesses who depend on the rural environment for their livelihood and quality of life.
- Owners of properties who purchased their homes in agricultural areas for the specific purpose of living in a rural environment.
- Owners of homes throughout James City County, many of whom are fixed-income retirees, who bear the ever-increasing tax burden of residential growth and the resulting demand on schools and other essential services.

We respectfully submit that the needs of ALL property owners in James City County should be considered—whether their land has been in the family for 100 years or whether they just moved in.

We also acknowledge and value private property rights. We agree that those rights should be respected. However, those rights must be exercised within the confines of zoning laws, building codes and other restrictions and guidelines. No property owner in James City County is permitted to use, subdivide, develop, or build on their land completely as they see fit. That's just how it works.

The proposed amendments to the zoning ordinance for R-8 and A-1 Districts represent a rational approach to balancing the desires of certain large landowners with the interests of the rest of the citizens of James City County. Using the Comprehensive Plan as a guide, ORD-22-0002 seeks to codify the County's intention for rural lands which has been in place since 1975. These ordinance

amendments did not come out of the blue and are not a surprise—they have been a long time coming.

The year 1975 is when the first Comprehensive Plan was approved by the JCC Board of Supervisors. In this original Plan, the Primary Service Area (PSA) was established. As stated in the Comp Plan, “the PSA is our County’s foundational, longstanding, growth management tool.” (LU-2)

Inclusion of their land in the PSA has been relied upon time and again by property owners to justify development. This has resulted in the expansive residential, commercial and industrial growth which we have all witnessed in James City County.

However, rural lands are different. The Rural Land Designation Description in the 2045 Comprehensive Plan states: “Residential development is not a recommended use and is discouraged outside the Primary Service Area in the Rural Lands.”(LU-36) That statement has been in the County’s comp plans since inception.

In survey after survey, the vast majority of citizens of James City County have repeatedly affirmed their desire to maintain the character of rural lands. As stated in the Community Character chapter of the Comp Plan: “The County will be a good steward of the land by preserving and enhancing the scenic, cultural, rural, farm, forestal, natural, architectural, and historic qualities that are essential to the County’s distinctive character, economic vitality, and overall health and quality of life of its residents.”(Intro-p. 7) Good stewardship of the land also benefits our environment, protecting our air quality, watersheds and streams, and wildlife habitats and migration routes.

Are we honoring that stewardship in James City County? Clearly, the current minimum lot size provisions are not working. Between 2015 and 2019, the total number of housing units in James City County increased by approximately 5.4%. During this same time period, the number of housing units in land designated as

Rural Lands actually increased by approximately 7%, or 30% more than in the County as a whole. (LU-17) This growth is exactly the opposite of the goals of the County and the expressed wishes of County residents. If this pattern continues, we will watch our prized and finite rural lands gradually dissolve both visually and functionally into large lot residential subdivisions. Rural land requires farms and open space.

Some would argue that our farmland is urgently needed to provide housing in James City County. The facts do not support this. Using County data, our Planning Staff has concluded that there is a capacity for 10,608 additional dwelling units within the PSA. (LU-4) This would be sufficient to accommodate about a 30% population increase.

And, as to the need for workforce housing, the JCC Affordable Housing Task Force, in its February 2019 report, strongly recommends that these developments be located in proximity to job opportunities, along transit corridors and within the PSA—not in rural lands. The report concludes, “Strategies to promote workforce housing options should be designed to preserve open space in the County, maintain its existing rural character, and respect the County’s history and cultural heritage.” (James City County Workforce Housing Task Force: Findings & Recommendations, pp. 8-9)

Again, the proposed change in lot size implementing the adopted Comp Plan is a balanced approach. The Planning Commission Working Group studied the issue of lot size and rural land preservation extensively, considering the experience of other high-growth Virginia counties. The group’s conclusion was that, “In general, the most successful zoning for rural protection has been achieved in the 20-50 acres per dwelling unit range of density...” (LU-13) One unit per 20 acres is, in fact, a modest proposal.

Finally, the proposed amendments provide ample accommodations for existing landowners. These include provisions for family subdivisions with a minimum lot

size of just one acre and also for cluster configuration subdivisions, allowing for reduced acre lots.

We applaud the Board of Supervisors for its reasoned, balanced approach to the protection of our rural environment. The proposed amendments will bring our zoning ordinance in line with the adopted Comprehensive Plan and the stated wishes of the vast majority of the citizens of James City County. In addition, these zoning changes will complement the County's commitment to its natural and cultural assets and will help promote agri-tourism. We urge that you vote yes and help preserve our distinctive rural lands for generations to come.

Respectfully submitted,

Linda Rice, President
Friends of Forge Road and Toano

ITEM SUMMARY

DATE: 10/11/2022

TO: The Board of Supervisors

FROM: Thomas Wysong, Senior Planner II

SUBJECT: Z-22-0001 & SUP-22-0012. 5700 Williamsburg Landing Rezoning and SUP Amendment

ATTACHMENTS:

	Description	Type
▣	0. Staff Report	Staff Report
▣	1. Ordinance	Ordinance
▣	2. Resolution	Resolution
▣	3. Location Map	Backup Material
▣	4. Exhibit Map	Backup Material
▣	5. 1982 Rezoning & SUP Conditions	Backup Material
▣	6. 1982 Master Plan	Backup Material
▣	7. Unapproved minutes of the September 7 Planning Commission meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	9/26/2022 - 8:49 AM
Development Management	Holt, Paul	Approved	9/26/2022 - 8:49 AM
Publication Management	Pobiak, Amanda	Approved	9/26/2022 - 9:22 AM
Legal Review	Kinsman, Adam	Approved	9/26/2022 - 9:33 AM
Board Secretary	Saeed, Teresa	Approved	10/3/2022 - 9:31 AM
Board Secretary	Purse, Jason	Approved	10/3/2022 - 10:43 AM
Board Secretary	Saeed, Teresa	Approved	10/3/2022 - 10:49 AM

**SPECIAL USE PERMIT-22-0012 and REZONING-22-0001. 5700 Williamsburg Landing SUP Amendment and Rezoning
Staff Report for the October 11, 2022, Board of Supervisors Public Hearing**

SUMMARY FACTS

Applicant: Mr. Paul Gerhardt, Kaufman & Canoles,
P.C.

Land Owner: Williamsburg Landing, Inc.

Proposal: To rezone approximately 2.65 acres from
the R-8, Rural Residential District to the R-
5, Multifamily Residential District and to
amend the existing Special Use Permit
(SUP) for the existing Williamsburg
Landing Continuing Care Retirement
Community to include the existing parking
lot and gated access as part of this
development

Location: 5700 Williamsburg Landing Drive

Tax Map/Parcel No.: 4820100002

Project Acreage: ± 2.65 acres

Current Zoning: R-8, Rural Residential District

Proposed Zoning: R-5, Multifamily District

Comprehensive Plan: Airport

Primary Service Area: Inside

Staff Contact: Thomas Wysong, Senior Planner II

PUBLIC HEARING DATES

Planning Commission: July 6, 2022, 6:00 p.m. (Postponed)
August 3, 2022, 6:00 p.m. (Postponed)
September 7, 2022, 6:00 p.m.

Board of Supervisors: October 11, 2022, 5:00 p.m.

FACTORS FAVORABLE

1. The proposal eliminates split zoning within an existing parcel that currently consists of one unified development.
2. The existing parking lot is consistent with the 2005 Board of Supervisors' action, has been in place since before 2007, and is consistent and compatible with the existing Williamsburg Landing development.
3. No new dwelling units are proposed.
4. Staff finds the proposed conditions mitigate potential impacts.
5. Impacts: See Impact Analysis on Page 4.

FACTORS UNFAVORABLE

1. Impacts: See Impact Analysis on Page 4.

SUMMARY STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve the proposed rezoning and SUP application, subject to the proposed conditions.

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-22-0012 and REZONING-22-0001. 5700 Williamsburg Landing SUP Amendment and Rezoning
Staff Report for the October 11, 2022, Board of Supervisors Public Hearing**

PLANNING COMMISSION RECOMMENDATION

At its September 7, 2022, Regular Meeting, the Planning Commission recommended approval of this application with proposed SUP conditions by a vote of 7-0.

CHANGES SINCE PLANNING COMMISSION MEETING

None.

PROJECT DESCRIPTION

- This proposal is to rezone approximately 2.65 acres from the R-8, Rural Residential District to the R-5, Multifamily Residential District and to amend the existing SUP for the Williamsburg Landing Continuing Care Retirement Community (CCRC) to include the existing parking lot as part of this development.
- The subject acreage has been previously approved and developed as a gated entrance and surface parking lot, both accessory to the existing Williamsburg Landing development.
- According to the applicant, the purpose of the requested rezoning is to establish zoning consistency within the parcel. Should the parking lot area ever be redeveloped in the future, proposed conditions would ensure the use of the property is limited only to those uses which are accessory to the Williamsburg Landing CCRC (i.e., no new dwelling units would be permitted without a legislative amendment to this application).

PLANNING AND ZONING HISTORY

- 5700 Williamsburg Landing Drive is part of the Williamsburg Landing CCRC.
- In 1982, a portion of 5700 Williamsburg Landing Drive was rezoned from A-2, Limited Agricultural to R-5, Multifamily Residential and an SUP for a nursing home, facilities for the residence and/or care of the aged, professional offices, business offices, and temporary offices was approved with conditions. The portion of this site did not include the 2.65 acres that is the subject of this application.
- In 1984, four acres were incorporated into the R-5, Zoning District on 5700 Williamsburg Landing Drive and an SUP was approved for the residence and/or care of the aged, professional offices, business offices, and temporary offices.
- In 1990, the County approved an Ordinance amendment that changed all property zoned A-2, Limited Agricultural to R-8, Rural Residential, including the 2.65 acres that is the subject of this application.
- In 2005, an SUP was approved authorizing the existing parking lot within the current R-8, Rural Residential Zoning District for the portion of this parcel. The rezoning of this property to the R-5, Multifamily Residential District would nullify this SUP and it would require a new SUP amendment, which has been submitted with this rezoning application.
- In 2018, an administrative site plan application was approved to permit an additional six multifamily dwelling units on 5700 Williamsburg Landing Drive.

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.

SURROUNDING ZONING AND DEVELOPMENT

The subject property is located adjacent to the two other developed parcels in Williamsburg Landing, which are both to the west. The parcels to the west are zoned R-5, Multifamily Residential, with the southern portion being located within the Airport Approach Overlay District. Route 199 bounds the subject parcel to the north, College Creek bounds the property to the east, and the Williamsburg-Jamestown Airport is located south of the property.

SPECIAL USE PERMIT-22-0012 and REZONING-22-0001. 5700 Williamsburg Landing SUP Amendment and Rezoning
Staff Report for the October 11, 2022, 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>	No Mitigation Required	- The proposal to rezone the existing gated entrance and parking lot includes no associated development and is not anticipated to generate any new traffic impacts.
<u>Public Transportation: Pedestrian/Bicycle</u>	No Mitigation Required	- Pedestrian/bicycle accommodations are not necessitated as a result of this proposed use.
<u>Public Safety</u>	No Mitigation Required	- Subject property is located within a 6-minute radius of Fire Station 3. - The proposal does not generate impacts that require mitigation to the County's emergency services or facilities.
<u>Public Schools</u>	No Mitigation Required	- The proposal is not expected to generate any schoolchildren.
<u>Public Parks and Recreation</u>	No Mitigation Required	- The proposal to rezone the existing gated entrance and parking lot includes no associated development and is not anticipated to generate any impacts to public parks and recreation.
<u>Public Libraries and Cultural Centers</u>	No Mitigation Required	- The proposal does not generate impacts that require mitigation to public libraries or cultural centers.
<u>Groundwater and Drinking Water Resources</u>	No Mitigation Required	- The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.
<u>Watersheds, Streams, and Reservoirs</u>	No Mitigation Required	- The proposal does not generate impacts that require mitigation to watersheds, streams, and reservoirs.
<u>Cultural/Historic</u>	No Mitigation Required	- The subject property has been previously disturbed and has no known cultural resources on-site.
<u>Nearby and Surrounding Properties</u>	Mitigated	- Given its interior location and current use, the proposal is not expected to generate significant impacts to nearby and surrounding properties. Proposed conditions would ensure the use of the property is limited only to those accessory to the Williamsburg Landing CCRC, which includes the existing parking lot.
<u>Community Character</u>	No Mitigation Required	- This proposal does not generate immediate impacts to a Community Character Area or Community Character Corridor.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- The applicant has verified that he is not aware of any covenants or restrictions on the property that prohibit the proposed use.

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-22-0012 and REZONING-22-0001. 5700 Williamsburg Landing SUP Amendment and Rezoning
Staff Report for the October 11, 2022, Board of Supervisors Public Hearing**

2045 COMPREHENSIVE PLAN

The site is designated Airport on the 2045 Comprehensive Plan Land Use Map. Per the adopted Comprehensive Plan, the principal suggested uses for the developable land associated with the Airport include aviation, with airport-related commercial and office development as clearly secondary uses. Further, land which is currently in use as a mulching operation may continue in its current or a similar use, in a limited manner consistent with state and local permits. Changes in the use of this portion of the site to an activity which is similar or less intense than the previous activity may be permitted provided that all local, state, and federal permits are obtained, and that the development of these uses is clearly secondary to the existing and future airport operations. Manufacturing, commercial, or industrial activities beyond the scope of what is described above are discouraged and any proposed development is to be considered in light of its impact on neighboring communities and subdivisions. The timing and intensity of development will be conditioned on the sufficient buffering and screening of adjacent property and the maintenance of an acceptable Level of Service (LOS) for roads and other public services.

The existing parking lot is intended to exclusively serve Williamsburg Landing. Because the parking lot area would not be available for Airport uses, the parking lot would not be considered a commercial, secondary use to the existing or future airport operations. However, staff notes the existing parking lot is consistent with the 2005 Board of Supervisors' action and has been in place since before 2007.

Further, per the Impact Analysis (see Page 4), staff finds the rezoning of the existing parking lot and gated entrance will not negatively impact surrounding property or development or reduce the LOS for roads or other public services.

Lastly, as no new dwelling units are proposed, staff finds the proposal consistent and compatible with the existing Williamsburg Landing development.

STAFF RECOMMENDATION

Overall, staff finds the proposal to be compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan. Staff recommends that Board of Supervisors approve the proposed rezoning and SUP application, subject to the proposed conditions (Attachment No. 2.).

TW/ap
SUP22-12-RZ22-1WLndgAmd

Attachments:

1. Ordinance
2. Resolution
3. Location Map
4. Exhibit Map
5. 1982 Rezoning and SUP Resolution
6. 1982 Master Plan
7. Unapproved Minutes of the September 7, 2022, Planning Commission Meeting

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.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING DISTRICT MAPS OF JAMES CITY COUNTY, VIRGINIA, TO REZONE APPROXIMATELY 2.65 ACRES LOCATED AT 5700 WILLIAMSBURG LANDING DRIVE (COUNTY TAX MAP NO. 4820100002) FROM R-8, RURAL RESIDENTIAL TO R-5, MULTIFAMILY RESIDENTIAL

WHEREAS, Mr. Paul Gerhardt of Kaufman & Canoles, P.C., on behalf of Williamsburg Landing Inc., has applied to rezone approximately 2.65 acres as described above; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. Z-22-0001; and

WHEREAS, the Planning Commission of James City County, Virginia, following its consideration on September 7, 2022, recommended approval of Case No. Z-22-0001 by a vote of 7-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case No. Z-22-0001 to be required by public necessity, convenience, general welfare, and good zoning practice.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, that Case No. Z-22-0001 is hereby approved as described therein.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2022.

SUP22-12-RZ22-1WLndgAmd-ord

RESOLUTION

CASE NO. SUP-22-0012. 5700 WILLIAMSBURG LANDING

SUP AMENDMENT AND REZONING

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, on July 26, 1982, the Board approved Case No. SUP-0005-1982, which permitted a Continuing Care Retirement Community (CCRC) on the parcel located at 5700 Williamsburg Landing Drive, further identified as James City County Real Estate Tax Map Parcel No. 4820100002 (the "Property"); and

WHEREAS, Mr. Paul Gerhardt has applied for an amendment to Case No. SUP-0005-1982 on behalf of the owner, Williamsburg Landing LLC, to expand the CCRC use to include an additional 2.65 acres; and

WHEREAS, the Planning Commission, following its public hearing on September 7, 2022, recommended approval of Case No. SUP-22-0012 by a vote of 7-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-22-0012; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and the 2045 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 a Special Use Permit for Case No. SUP-22-0012 as described herein with the following conditions:

1. Location. This SUP shall expand the area authorized by Case No. SUP-0005-1982 for a CCRC by adding 2.65 acres to the SUP. The additional 2.65 acres includes an existing parking area and an existing gated access located at the southern portion of 5700 Williamsburg Landing Drive, and further identified as James City County Real Estate Tax Map Parcel No. 4820100002 (the "Property"), as shown on the Exhibit titled "Portion of Parcel to be Rezoned from R8 to R5" and dated June 15, 2022 (the "Exhibit").
2. Use. This SUP shall be valid for the operation of uses accessory to the existing Williamsburg Landing CCRC, including the existing surface parking lot. The use of the additional 2.65 acres designated on the Exhibit shall be limited to uses accessory to the Williamsburg Landing CCRC, with such minor deviations as permitted by Sec. 24-23 (a)(2) of the Zoning Ordinance.
3. Dumpster. All dumpsters visible from Marclay Road shall be screened from view with landscaping or fencing approved by the Director of Planning or designee.
4. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

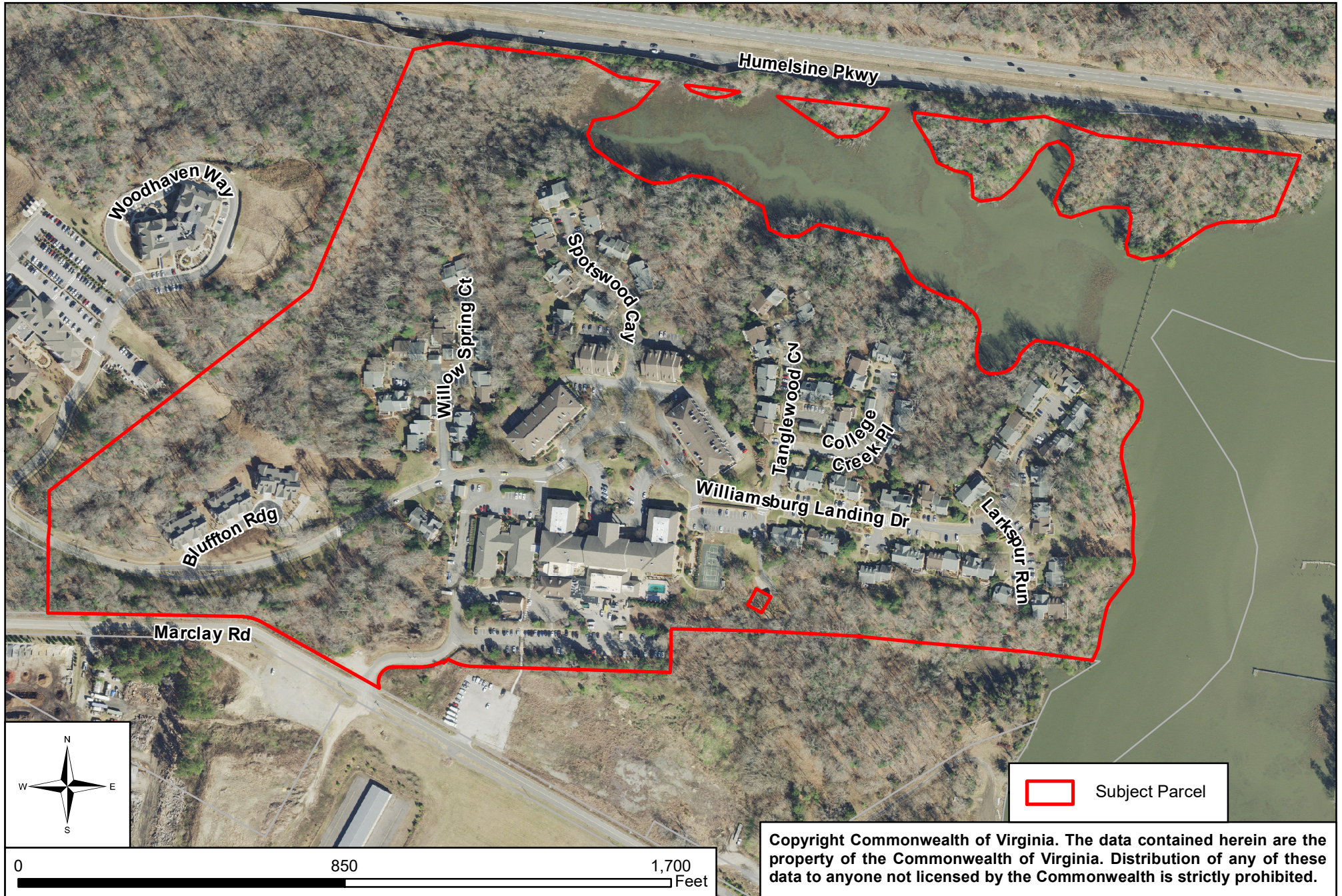
		VOTES			
		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
	ICENHOUR	_____	_____	_____	_____
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	LARSON	_____	_____	_____	_____
	SADLER	_____	_____	_____	_____
	MCGLENNON	_____	_____	_____	_____

Teresa J. Saeed
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of
October, 2022.

SUP22-12-RZ22-1WLndgAmd-res

Z-22-0001 & SUP-22-0012 (5700 Williamsburg Landing)





Portion of Parcel to be Rezoned from R8 to R5

6/15/2022

R E S O L U T I O N

Resolution of Approval on Zoning Case No. Z-3-82
and Special Use Permit No. SUP-5-82

WHEREAS, in accord with Section 15.1-431 of the Code of Virginia, and Section 20-14 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled and conducted on July 26, 1982 for zoning case No. Z-3-82 and special use permit No. SUP-5-82 for 63.8± acres within parcels (1-2) and (1-3) on Real Estate Tax Map No. (48-2); and

WHEREAS, in accord with the Planning Department's recommendation, the Planning Commission following its public hearing on May 25, 1982, on June 22, 1982 unanimously recommended the approval of zoning case No. Z-3-82 and special use permit No. SUP-5-82 with twelve conditions; and

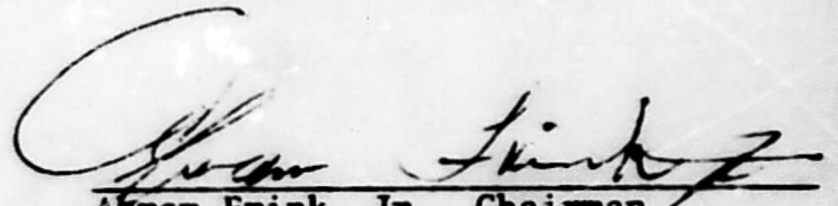
WHEREAS, zoning case no. Z-3-82 and special use permit No. SUP-5-82 with conditions are in accord with the adopted Comprehensive Plan of James City County,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve zoning case No. Z-3-82 and accepts the voluntary profit signed by Vernon M. Geddy, Jr., Caroline Geddy Frechette, and the McMiller Corporation; and,

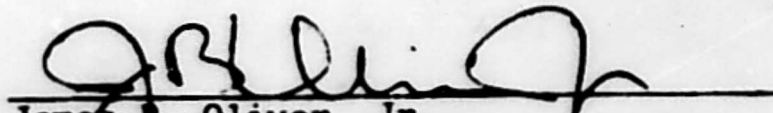
BE IT FURTHER RESOLVED that the Board of Supervisors of James City County does also approve special use permit No. SUP-5-82 for the construction of a nursing home, facilities for the residence and/or care of the aged, professional offices, business offices, and temporary offices with the following conditions:

- 1) The development and use of this property shall conform to all requirements of the R-5, Multi-family Residential District.
- 2) Uses shall be limited to all those uses in the R-5, Multi-family Residential District, plus the special permitted uses of a nursing home, facilities for the residence and/or care of the aged, professional offices, business offices and temporary offices.
- 3) Any accessory business uses developed in conjunction with the retirement center shall be limited to serving only the residents of this development.
- 4) Ingress and egress to this site shall be over an entrance built to the Virginia Department of Highways and Transportation's commercial standards, and all access roads shall be built to the construction standards as specified in the James City County Subdivision Ordinance.
- 5) A left turn lane shall be constructed by the developer on Lake Powell Road to serve this development. This turn lane shall be built to standards approved by the Virginia Department of Highways and Transportation. Any additional ditch work, drainage measures, piping, paving, and the provision of additional right-of-way to the Virginia Department of Highways and Transportation shall be accomplished by the developer. Additional right-of-way shall be reserved for the widening of Lake Powell Road to four (4) lanes.

- 6) A stabilized construction entrance and construction access road shall be installed by the developer.
- 7) The special use permit is valid only on the 63.8 acres of parcels (1-2) and (1-3) on Real Estate Tax Map No. (48-2) to be rezoned to R-5.
- 8) The number and location of on-site fire hydrants shall be established by the Fire Marshal and installed by the developer.
- 9) The facility shall be connected to both public water and sewer from James City County or a political entity thereunder, if available.
- 10) A detailed site plan, including erosion and sedimentation controls, stormwater management, utility plans, entrance design details, landscaping, details of the access road design, and other construction details are to be approved by the Site Plan Review Committee. Bonds may be required to secure certain improvements.
- 11) If construction of these facilities has not begun within 24 months of the issuance of this permit, it shall become void. Construction shall be defined as clearing, grading, and the digging and pouring of all footings covered by this permit.
- 12) Right-of-way shall be reserved for a new four (4) lane access road and intersection with either Brookwood Drive or Route 199 at a location acceptable to James City County and the Virginia Department of Highways and Transportation.


Abram Frink, Jr., Chairman
Board of Supervisors

ATTEST:


James B. Oliver, Jr.
Clerk to the Board

SUPERVISOR	VOTE
Frink	Aye
DePue	Aye
Edwards	Aye
Mahone	Aye
Taylor	Aye

Adopted by the Board of Supervisors, James City County, Virginia, on this
26th day of July, 1982.

(48-2) (1-2)

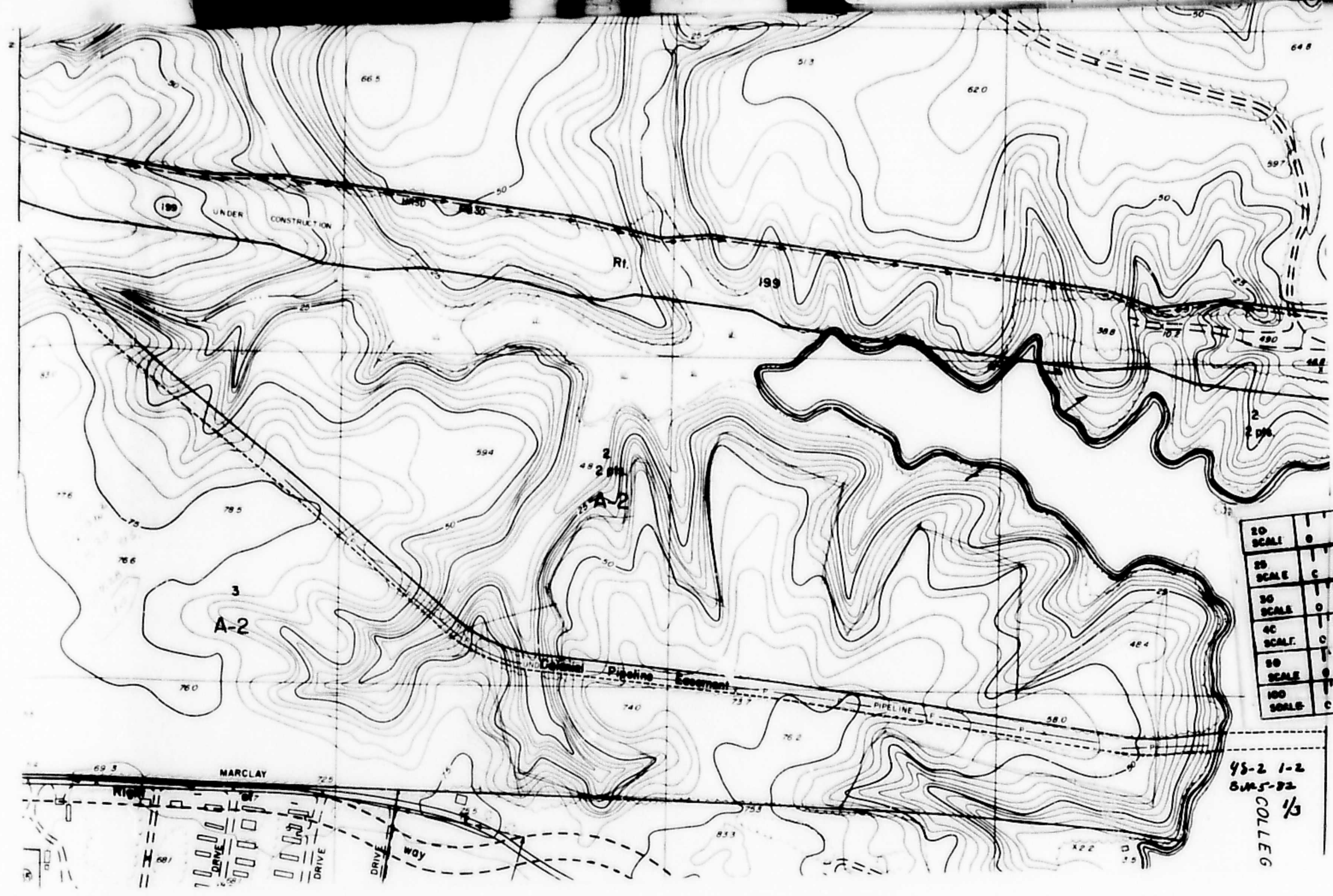
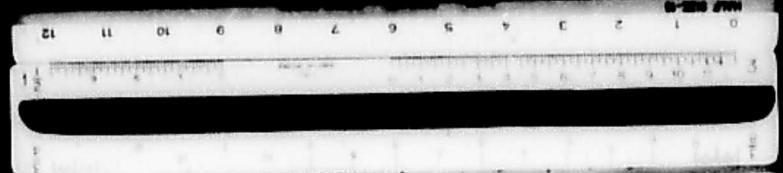
SUP-5-82

Z-3-82

MC MILLER CORP./WMSBG.

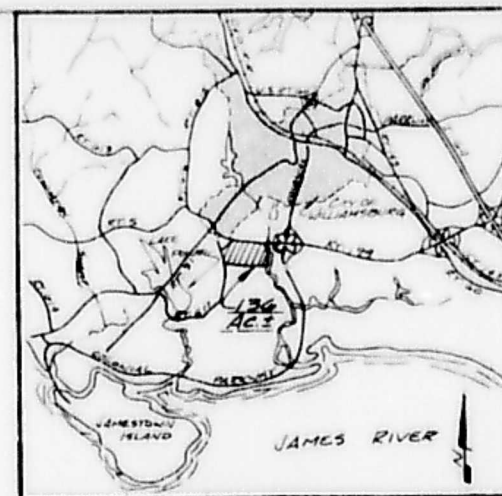
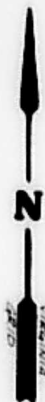
LANDING

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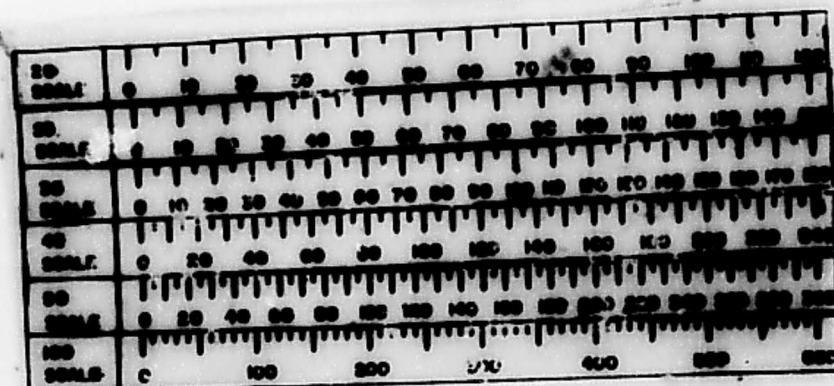
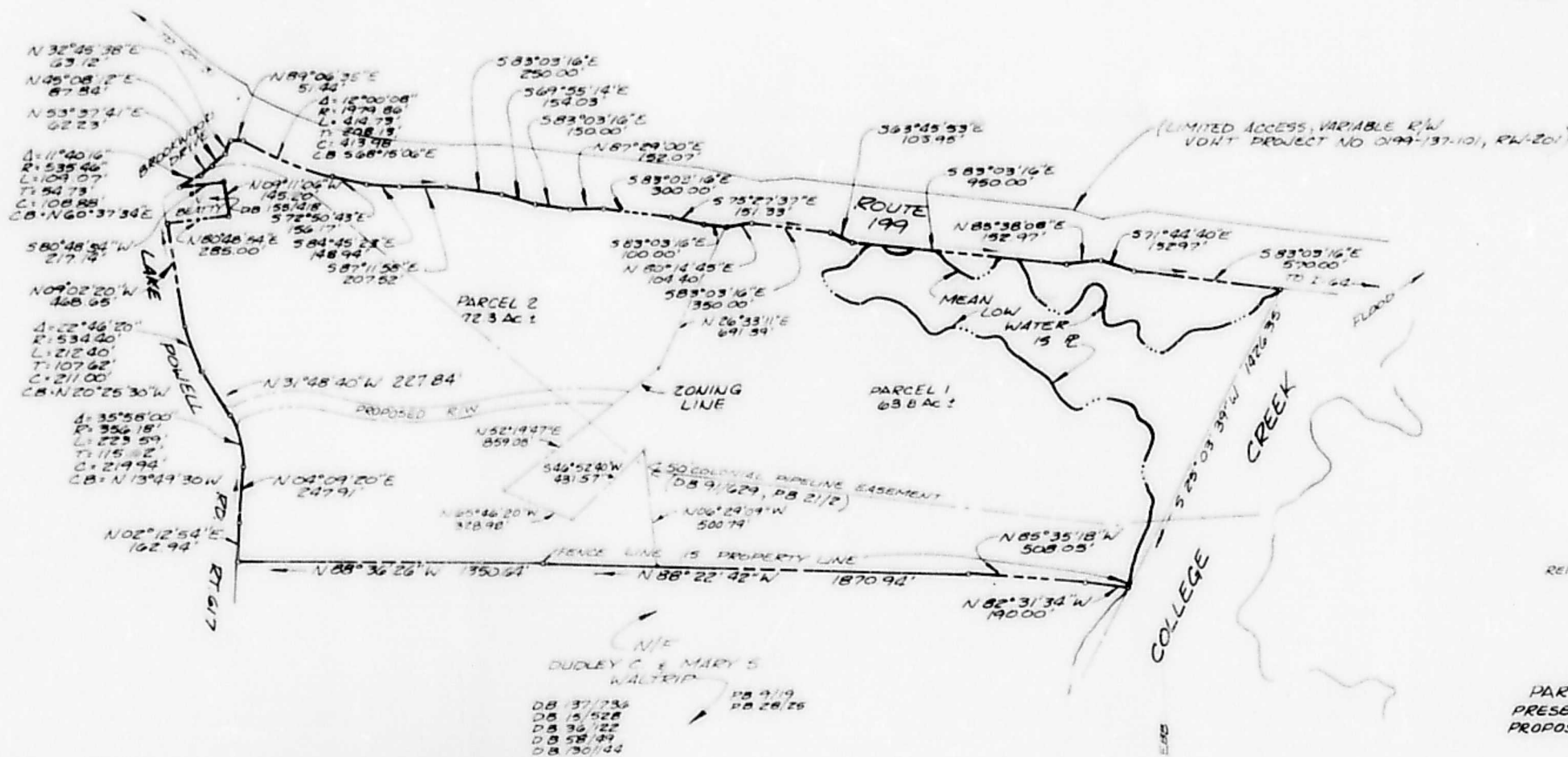


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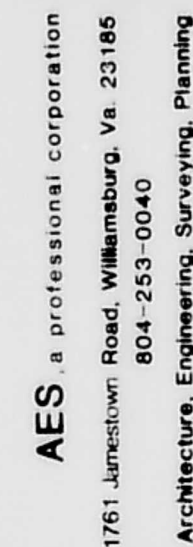
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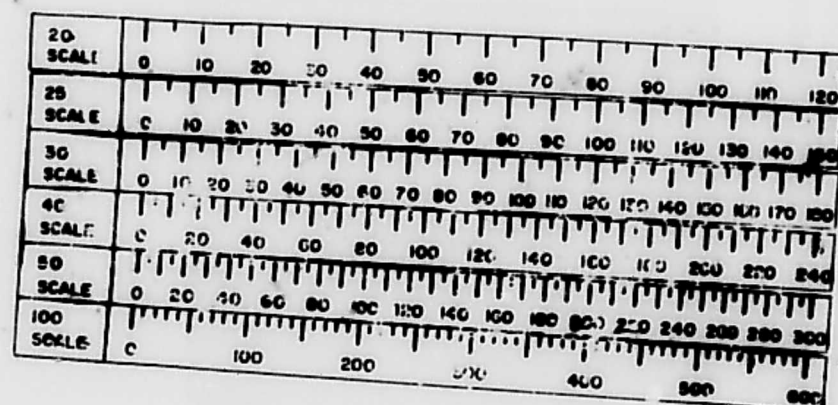
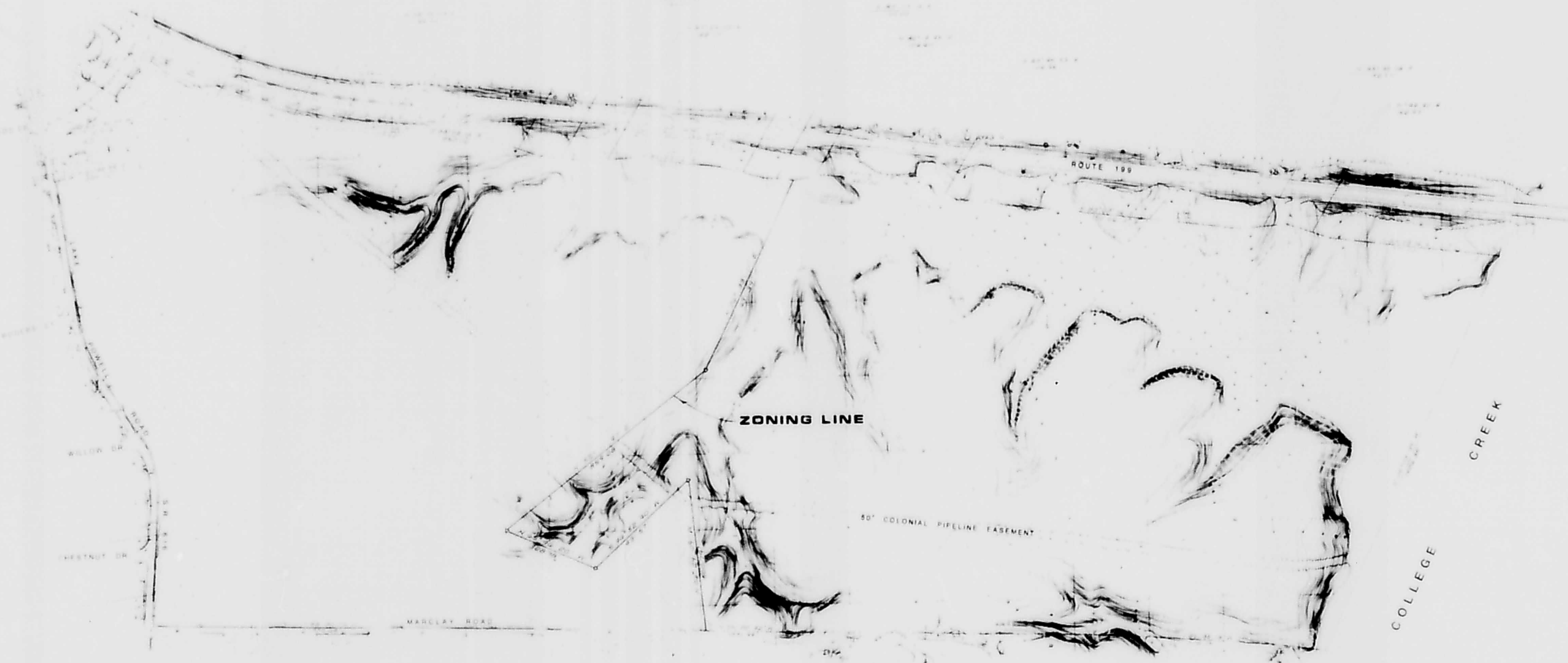
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REZONING PLAT - PARCEL 1 4/3
SURVEY OF A PORTION OF 136 AC.
STANDING IN THE NAME OF
V.M. GEDDY, JR. ET. ALS.
JAMES CITY COUNTY VIRGINIA

RES & PROFESSIONAL CORPORATION
Surveying
R.D. 253-0040

SCALE: 1" = 400'
DATE 3-31-82
JOB NO 5153



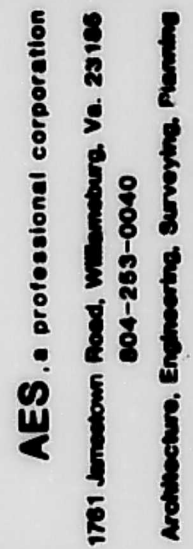
TOPOGRAPHIC MAP
McMILLER CORPORATION



3/3 48-2 1-2 SUP-5-82
2-3-82

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Project No. 5153	
Drawing No. 1	

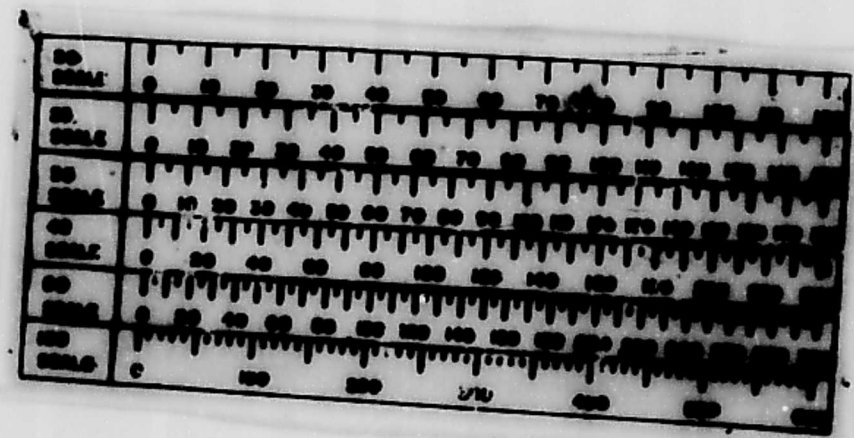
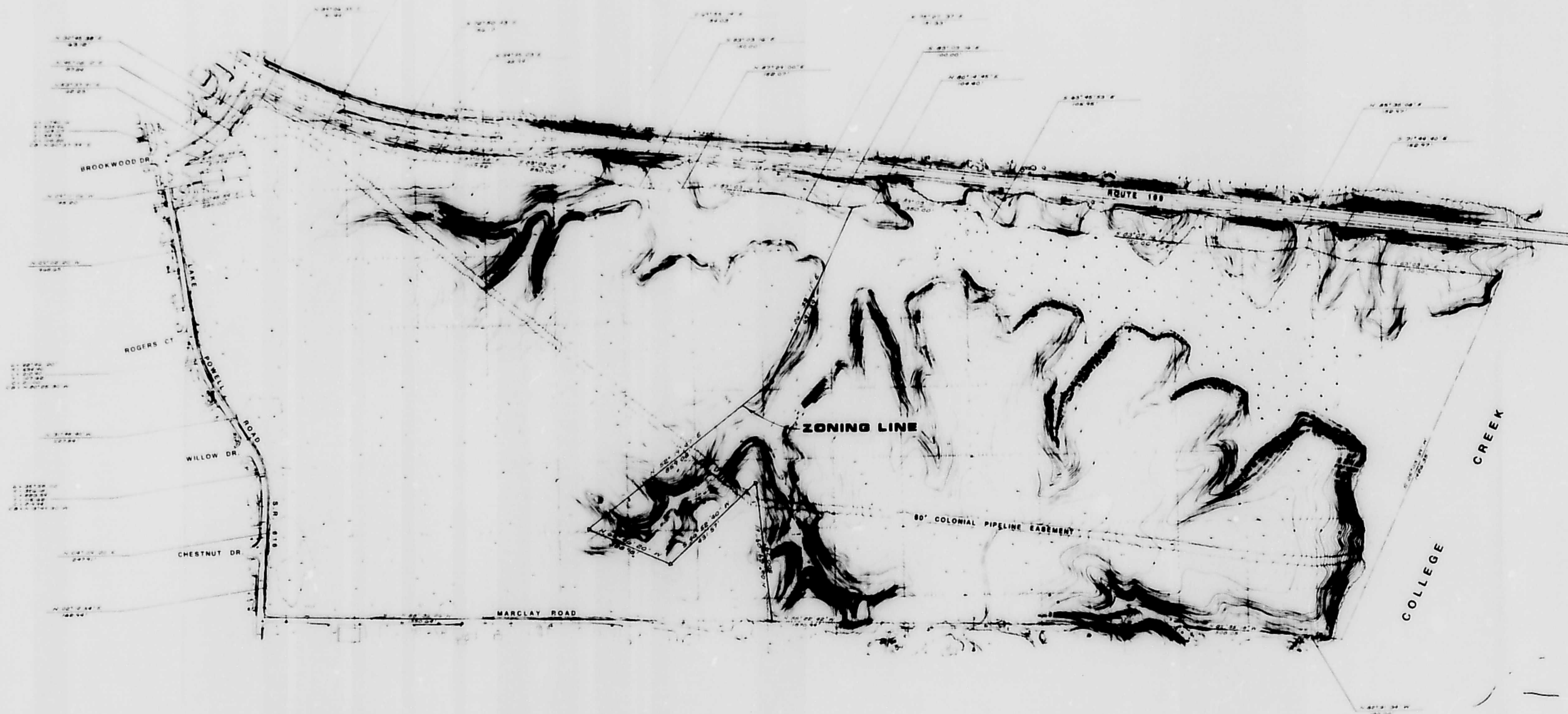


TOPOGRAPHIC MAP
McMILLER CORPORATION

JAMES CITY COUNTY VIRGINIA

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Project No.	
5153	
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3/3 48-2 1-2 SUP-5-82
2-3-82

AERIAL PHOTOGRAPHY AND COMPILATION BY A.D.R.
DATE OF PHOTOGRAPHY: MARCH 14, 1982

**Unapproved Minutes of the September 7, 2022
Planning Commission Regular Meeting**

Z-22-0001/ SUP-22-0012. 5700 Williamsburg Landing Rezoning and SUP Amendment

Mr. Thomas Wysong, Senior Planner, stated that Mr. Paul Gerhardt of Kaufman & Canoles has applied on behalf of Williamsburg Landing Inc. to rezone approximately 2.65 acres from the R-8, Rural Residential District to the R-5, Multifamily Residential District and to amend the existing Special Use Permit (SUP) for the existing Williamsburg Landing Continuing Care Retirement Community to include the existing parking lot and gated access as part of this development. Mr. Wysong stated that the property is zoned R-8, Rural Residential is located within the Primary Service Area and is designated Airport within the adopted Comprehensive Plan.

Mr. Wysong stated that the subject acreage has been previously approved and developed as a gated entrance and surface parking lot, both accessory to the existing Williamsburg Landing development. Mr. Wysong further stated that no dwelling units or improvements are proposed as part of this rezoning application and Special Use Permit (SUP) amendment. Mr. Wysong stated that, if approved, this application would establish zoning consistency within the parcel and have one SUP govern the area.

Mr. Wysong stated that staff has included an SUP condition that would restrict any future redevelopment of this parcel to only be for those uses accessory to the existing Continuing Care Retirement Community.

Mr. Wysong stated that staff recommends the Planning Commission recommend approval of the proposed rezoning and SUP amendment, subject to the proposed conditions.

Mr. Haldeman stated that he is a resident of Williamsburg Landing; however, he believes that his is not a conflict of interest and intends to participate in the discussion and vote.

Mr. O'Connor opened the Public Hearing.

Mr. Benny Zhang, Kaufman & Canoles, addressed the Commission in support of the application.

As no one further wished to speak, Mr. O'Connor closed the Public Hearing.

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

On a roll call vote, the Commission voted to recommend approval of Z-22-0001 & SUP-22-0012. 5700 Williamsburg Landing Rezoning and SUP Amendment. (7-0)

ITEM SUMMARY

DATE: 10/11/2022

TO: The Board of Supervisors

FROM: Terry Costello, Senior Planner

SUBJECT: SUP-22-0013. 3252 N. Riverside Drive Contractor's Office and Warehouse

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Location Map	Exhibit
▣	General Location Map	Exhibit
▣	Master Plan	Exhibit
▣	Building Elevations	Exhibit
▣	Unapproved minutes from the September 7, 2022 Planning Commission Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	9/26/2022 - 9:02 AM
Development Management	Holt, Paul	Approved	9/26/2022 - 9:02 AM
Publication Management	Pobiak, Amanda	Approved	9/26/2022 - 9:48 AM
Legal Review	Kinsman, Adam	Approved	9/27/2022 - 8:16 AM
Board Secretary	Saeed, Teresa	Approved	10/3/2022 - 9:31 AM
Board Secretary	Purse, Jason	Approved	10/3/2022 - 10:43 AM
Board Secretary	Saeed, Teresa	Approved	10/3/2022 - 10:49 AM

**SPECIAL USE PERMIT-22-0013. 3252 N. Riverside Drive Contractor's Office and Warehouse
Staff Report for the October 11, 2022, Board of Supervisors Public Hearing**

SUMMARY FACTS

Applicant:	Mr. Lloyd Stephens, Stephens Builder
Landowners:	Lloyd W. and Deborah A. Stephens
Proposal:	To allow for the construction of an approximately 3,200-square-foot building to be used as a contractor's office and warehouse
Location:	3252 N. Riverside Drive
Tax Map/Parcel No.:	0930100021
Property Acreage:	± 13.69
Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Primary Service Area: (PSA)	Outside
Staff Contact:	Terry Costello, Senior Planner

PUBLIC HEARING DATES

Planning Commission:	September 7, 2022, 6:00 p.m.
Board of Supervisors:	October 11, 2022, 5:00 p.m.

FACTORS FAVORABLE

1. There is adequate off-street parking.
2. With the proposed conditions, staff finds the proposal compatible with surrounding zoning and development and consistent with the *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*.
3. Impacts: See Impact Analysis on Pages 3-4.

FACTORS UNFAVORABLE

1. With the attached Special Use Permit (SUP) conditions, staff finds that there are no unfavorable factors.

SUMMARY STAFF RECOMMENDATION

Staff finds that the proposal is compatible with surrounding zoning and development and consistent with the 2045 Comprehensive Plan. Staff recommends approval subject to the proposed conditions (Attachment No. 1).

PLANNING COMMISSION RECOMMENDATION

At its September 7, 2022, meeting, the Planning Commission recommended approval of this application, with amended conditions, by a vote of 7-0.

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

A separate condition on tree clearing was deleted and merged with Condition No. 7, Landscape and Screening 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-22-0013. 3252 N. Riverside Drive Contractor's Office and Warehouse
Staff Report for the October 11, 2022, Board of Supervisors Public Hearing**

A condition concerning parking and storing in a Resource Protection Area (RPA) was deleted since the Project is not located near the RPA.

A condition stating what would constitute an SUP amendment was deleted as it was redundant with other conditions.

PROJECT DESCRIPTION

Mr. Lloyd Stephens has applied for an SUP to allow for the construction and operation of a contractor's office and warehouse to be located at 3252 N. Riverside Drive. A contractor's office and warehouse are a specially permitted use on property zoned A-1, General Agricultural. According to information provided by the applicant, the operation is a professional contractor's business that specializes in the remodeling of existing homes and businesses and is proposed to operate with the following characteristics:

- Hours of operation are generally Monday through Friday, 8 a.m. to 5 p.m.
- There are a total of five employees (in addition to the owners). There is one employee who comes to the property once a week and all other employees work directly at the job sites without the need to come to this property.
- All equipment will be stored inside the warehouse and all vehicles associated with the business are taken home by the employees.
- Most deliveries are from the manufacturer to the various job sites. On average, there will be one delivery per month to the property, and one delivery from the property to a job site.

- Customers typically do not come to the property; however, approximately four to five customers per year come to the office.

- There will be three parking spaces provided.

The applicant purchased the property in 2016 and built a 4,585-square-foot residence in 2021 in which he and his wife currently reside. The office/warehouse will be approximately 450 feet from the public right-of-way and will not be visible from the right-of-way. Mature trees surround the southern portion of the property providing a natural buffer from adjacent properties.

PLANNING AND ZONING HISTORY

- There have been no legislative cases associated with the property.

SURROUNDING ZONING AND DEVELOPMENT

- All surrounding parcels are zoned A-1, General Agricultural.
- All surrounding parcels are designated Rural Lands on the 2045 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-22-0013. 3252 N. Riverside Drive Contractor's Office and Warehouse
Staff Report for the October 11, 2022, 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>Mitigated</u>	<ul style="list-style-type: none"> - The new contractor's office/warehouse will not exceed 100 peak hour trips. - There is an existing driveway for access to N. Riverside Drive. - Virginia Department of Transportation (VDOT) requires a commercial entrance to accommodate any commercial traffic. (CE-1 standards and specifications). VDOT will review this in more detail with the site plan review.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - Per the Adopted Regional Bikeways Map and Pedestrian Accommodations Master Plan, neither a bike lane nor pedestrian accommodations are required.
<u>Public Safety</u>	<u>Mitigated</u>	<ul style="list-style-type: none"> - Fire Station 1 on Forge Road serves this area of the County and is approximately 5 miles from the property. - The Fire Department has reviewed the proposal and does not have concerns with the master plan. Additional review by the Fire Department will occur with the site plan and building permit.
<u>Public Schools</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - N/A since no residential dwelling units are proposed.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - N/A since no residential dwelling units are proposed.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - Staff finds this project does not generate impacts that require mitigation.
<u>Groundwater and Drinking Water Resources</u>	<u>Mitigated</u>	<ul style="list-style-type: none"> - The property is on a private well and septic. - The Virginia Department of Health has reviewed the proposal and does not have concerns with the master plan. Additional review by the Fire Department will occur with the site plan and building permit.

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-22-0013. 3252 N. Riverside Drive Contractor's Office and Warehouse
Staff Report for the October 11, 2022, 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> Project is located in the Diascund Creek Watershed.	<u>Mitigated</u>	<ul style="list-style-type: none"> - The Stormwater and Resource Protection Division has reviewed this application and has no objections. - This project will need to demonstrate full compliance with environmental regulations at the development plan stage, but no other specific environmental impacts have been identified for mitigation. - There are special flood hazard and RPAs on the property. However, this project will be located outside of these areas.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - The subject property has been previously disturbed and has no known cultural resources on-site.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	<ul style="list-style-type: none"> - A vegetated buffer to screen the project from nearby properties will remain undisturbed as specified in proposed Condition No. 6. - The project will need to demonstrate full compliance with lighting and landscaping regulations in the Zoning Ordinance at the development plan stage. - Proposed Condition No. 3 limits the height of lighting fixtures and states that lighting shall not be routinely illuminated at night. - Proposed Condition No. 4 and the Zoning Ordinance required the outdoor storage areas to be screened from the right-of-way and adjacent properties. - Proposed Condition No. 5 prohibits outdoor storage of material, including stockpiles.
<u>Community Character</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - N. Riverside Drive is not a Community Character Corridor, and this parcel is not located within a Community Character Area.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - The applicant has verified that he is not aware of any covenants or restrictions on the property that prohibit the proposed use.

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.

2045 COMPREHENSIVE PLAN

The site is designated Rural Lands on the 2045 Comprehensive Plan Land Use Map.

Per the adopted Comprehensive Plan, appropriate primary uses include traditional agricultural and forestal activities, but also innovative agriculture, horticulture, silviculture, specialty or niche farming, commercial and non-commercial equine opportunities, agri-tourism, rural-based public or commercial recreation, rural-support businesses, and certain public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.

Retail and other commercial uses serving Rural Lands are encouraged to be located at planned commercial locations on major thoroughfares inside the PSA. However, appropriately scaled and located direct agricultural or forestal-support uses (including agri-business and eco-tourism), home-based occupations, or certain uses which require very low-intensity settings relative to the site in which it will be located may be considered on the case of a case-by-case review, provided such uses are compatible with the natural and rural character of the area and are in accordance with the Rural Lands Development Standards.

According to the Rural Lands Development Standards, uses should reflect and enhance the rural character of the County. Particular attention should be given to locating structures and uses outside of sensitive areas, and maintaining existing topography, vegetation, trees, and tree lines to the maximum extent possible, especially along roads and uses.

While not an agricultural or forestal use, staff finds the proposed scale of the business would be a very low-intensity operation which would not negatively impact the natural and rural character of the area.

Further, staff finds that the undisturbed vegetation located along the perimeter where the project will be located provides a natural buffer from all surrounding properties. There is no outdoor storage proposed.

The site and structure that will be necessary for the project would be accessed by a single entrance. Staff further finds that proposed Condition No. 6 (Vegetated buffer) and proposed Condition No. 7 (Landscape and Screening), in conjunction with the layout and buffers, will help ensure the use is screened and buffered from adjacent properties and road rights-of-way.

STAFF RECOMMENDATION

Staff finds that the proposal is compatible with surrounding zoning and development and is consistent with the Comprehensive Plan and Zoning Ordinance. Staff recommends approval, subject to the proposed conditions (Attachment No. 1).

TC/md
SUP22-13_3252NRvrsdCOW

Attachments:

1. Resolution
2. Location Map
3. General Location Map
4. Master Plan
5. Building Elevations
6. Unapproved Minutes of the September 7, 2022, Planning Commission Meeting

RESOLUTION

CASE NO. SUP-22-0013. 3252 N. RIVERSIDE DRIVE CONTRACTOR'S OFFICE

AND WAREHOUSE

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, Mr. Lloyd Stephens of Stephens Remodeling, has applied for an SUP to allow for the operation of a contractor's office and warehouse located at 3252 N. Riverside Drive and further identified as James City County Real Estate Tax Map Parcel No. 0930100021 (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on September 7, 2022, recommended approval of Case No. SUP-22-0013 by a vote of 7-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-22-0013; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2045 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-22-0013 as described herein with the following conditions:

1. Master Plan. This SUP shall be valid for the construction and operation of a contractor's office and warehouse, and accessory uses thereto (the "Project"), on property located at 3252 N. Riverside Drive and further identified as James City County Real Estate Tax Map No. 0930100021 (the "Property"). The Project shall be developed and constructed substantially in accordance with the master plan titled "JCC SUP-22-0013, 3252 N. Riverside Drive Contractor's Office and Warehouse" dated July 14, 2022 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the James City County Zoning Ordinance, as amended. There shall be one entrance to the Project as shown on the Master Plan.
2. Limitations. No retail sales shall occur on the Property.
3. Lighting. Prior to final approval of any site plan, if any exterior lighting is proposed for the Project, the Director of Planning or designee shall review and approve a lighting plan for the Property. All new light poles shall not exceed sixteen (16) feet in height from finished grade unless otherwise approved in writing by the Director of Planning prior to site plan approval. There shall be no light trespass, defined as light intensity measured 0.1-foot candle or higher extending beyond the boundaries of the Property, as a component of or result of this Project. Lights shall be operated by a motion detector or be able to be turned on as needed. Lights shall not be routinely illuminated from dusk until dawn.

4. Outdoor Storage and Dumpsters. Storage of equipment, machinery, and materials associated with the Project, excluding trucks and other vehicles, such as tractor trucks, tractor truck/semitrailer, or tractor truck/trailer combination, dump truck, concrete mixer truck, or any heavy construction equipment, shall be located inside the warehouse. Trucks and other vehicles shall be screened from the right-of-way and adjacent properties with landscaping and fencing as approved by the Director of Planning prior to site plan approval. All dumpsters shall be screened by landscaping or fencing in a location approved by the Director of Planning prior to site plan approval.
5. Outdoor Storage of Materials. No outdoor storage of materials including soil stockpiles defined by Section 24-46 of the Zoning Ordinance shall be permitted on the Property.
6. Vegetated Buffer. The existing vegetation surrounding the Project area shown on the Master Plan shall remain undisturbed in its natural state except for the removal of dead, diseased, or injured vegetation. No grading of land is allowed within the buffer except for the planting of additional vegetation.
7. Landscape and Screening Plan. A landscape and screening plan shall be submitted to the Director of Planning or his designee for review and approval prior to site plan approval. The landscape and screening plan shall show, at a minimum, landscaping and/or fencing that shall effectively screen the storage and/or parking areas associated with the Project from public roads and adjacent properties and all trees that will be removed. Tree clearing on the Property shall be limited to that shown on the landscape plan.
8. Spill Prevention and Containment Plan. Prior to approval of any site plan for the project, a Spill Prevention Control and Countermeasure Plan (SPCCP) for the Property shall be submitted to the County Director of Stormwater and Resource Protection or designee for review and approval. The SPCCP shall outline measures and procedures necessary for the operation of the Project and activities conducted on the Property.
9. Signage. No outdoor signage advertising the Project or commercial activity shall be allowed on the Property.
10. Deliveries. Deliveries, including trash pickup, shall be limited to 8 a.m.-5 p.m., Monday through Friday.
11. Parking of Vehicles. No more than five vehicles associated with the Project (including construction vehicles, such as tractor trucks, tractor truck/semitrailer, or tractor truck/trailer combination, dump truck, concrete mixer truck, or any heavy construction equipment), may be parked at the property at a given time.
12. Site Plan. A site plan shall be required for this Project. Final approval of the site plan shall be obtained within 24 months of issuance of this SUP, or the SUP shall become void.
13. Severability. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

ICENHOUR
HIPPLE
LARSON
SADLER
MCGLENNON

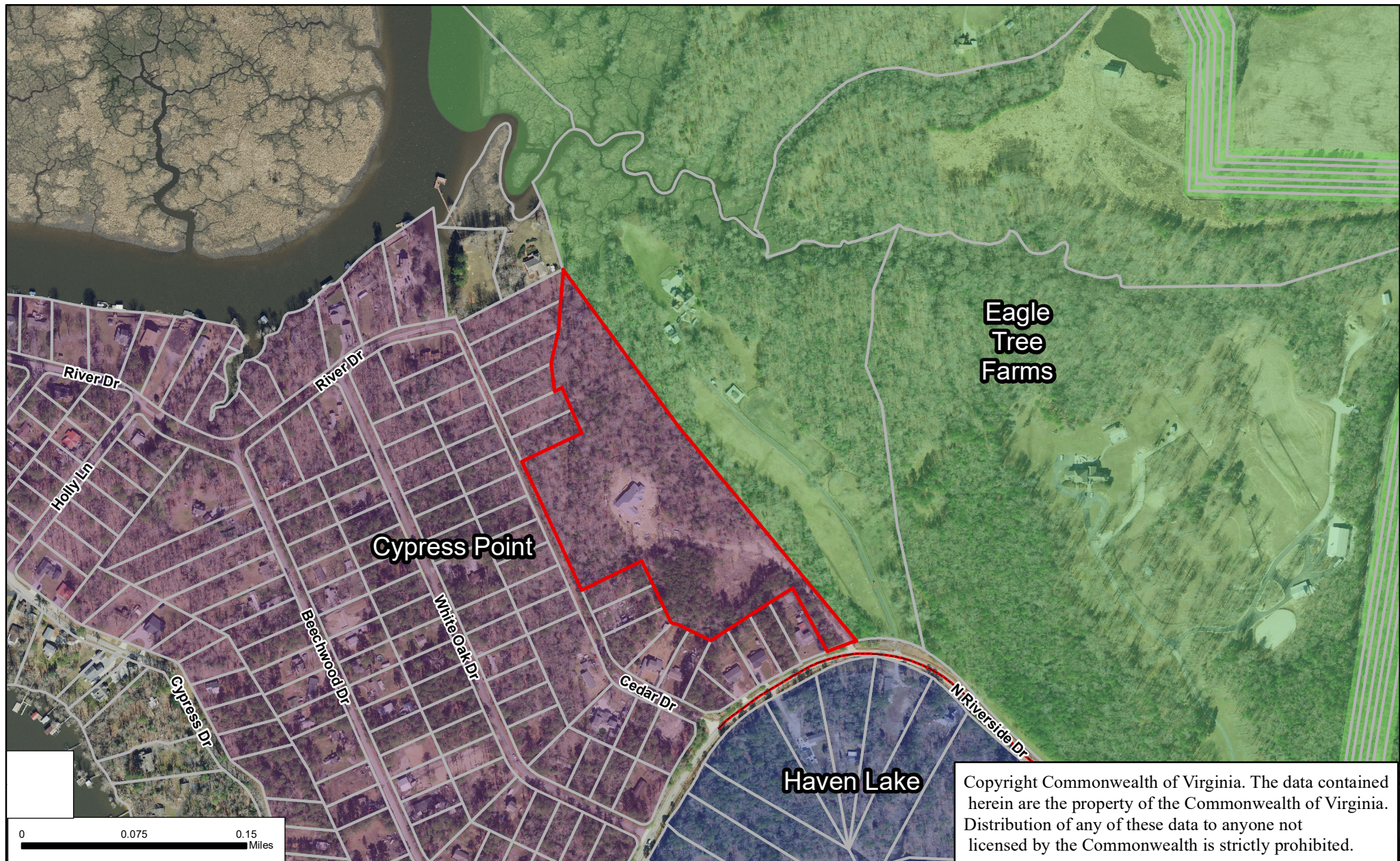
VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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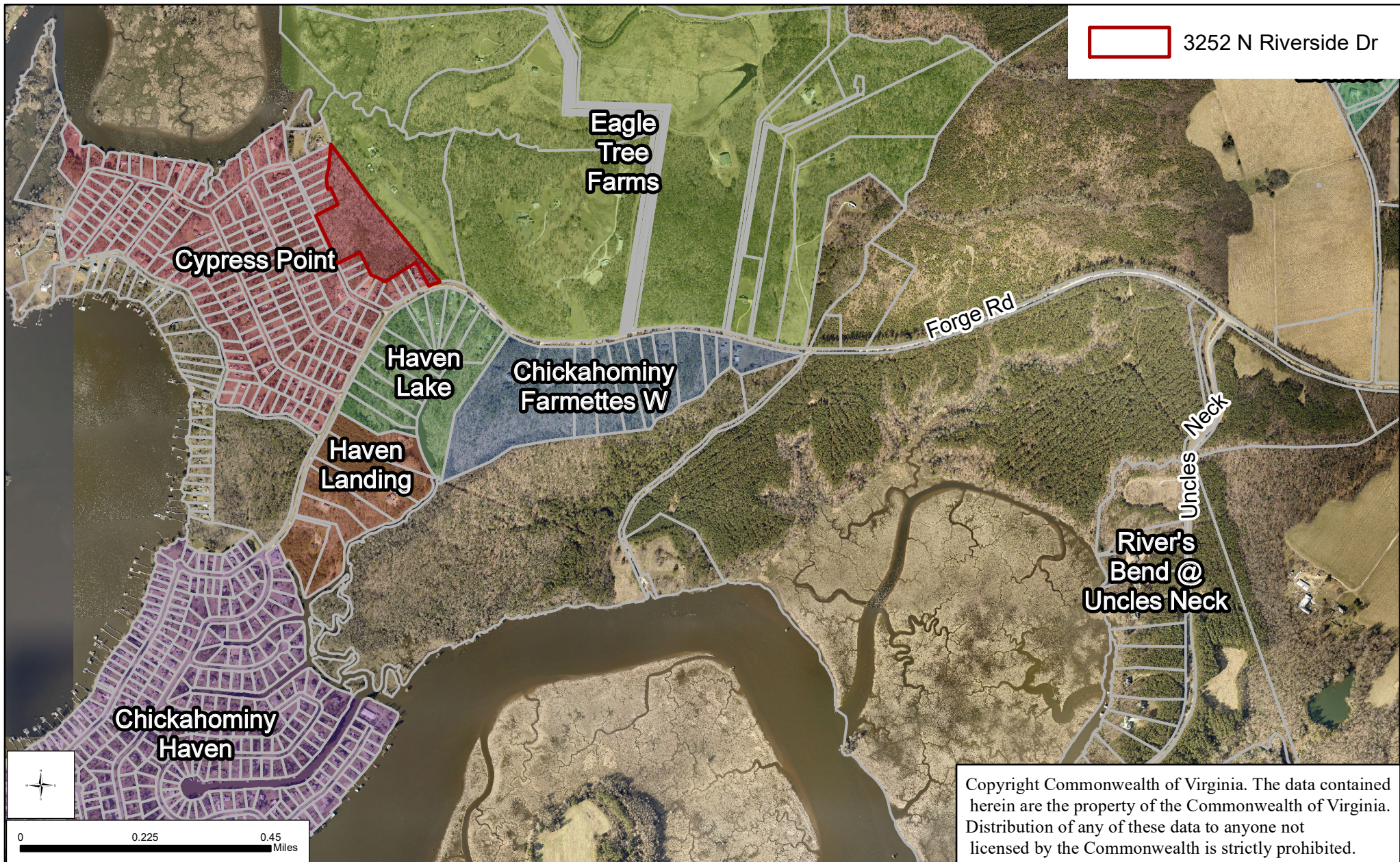
Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2022.

SUP22-13_3252NRvrsdCOW-res

SUP-22-0013. 3252 N Riverside Dr Contractor Office and Warehouse



SUP-22-0013. 3252 N Riverside Drive Contractor Office and Warehouse





JCC SUP-22-0013, 3252 N. Riverside Drive Contractor's Office and Warehouse

MASTER PLAN DATED JULY 14 2022

Property Information

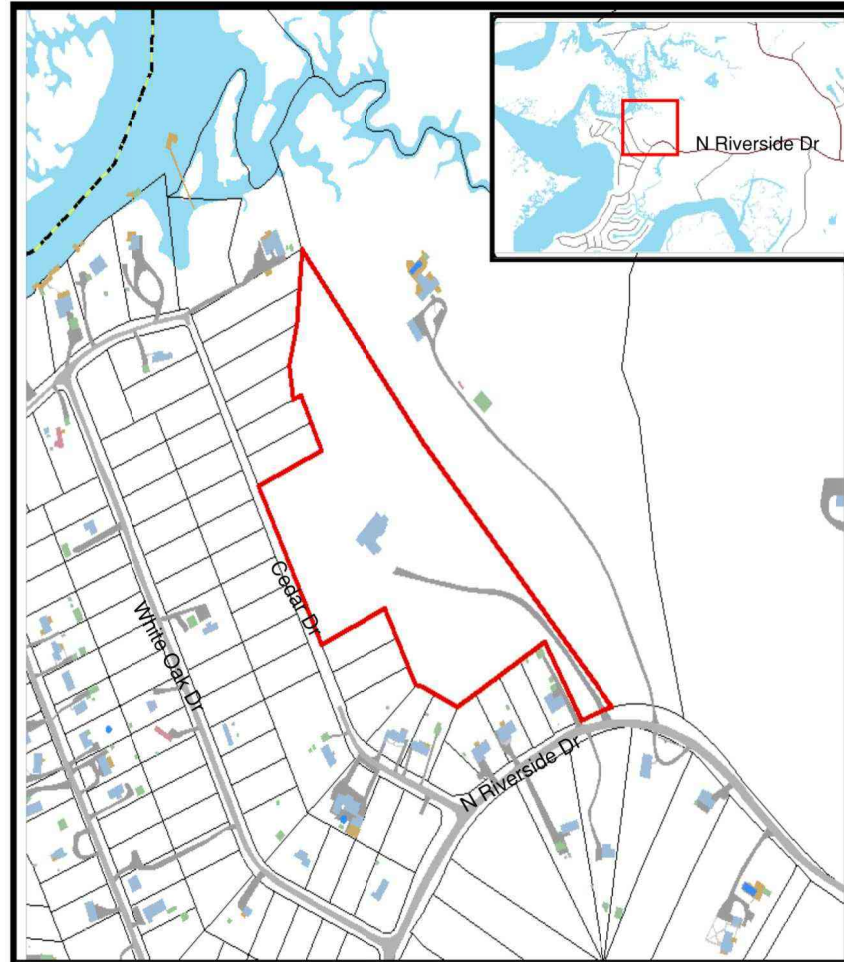
PIN: 0930100021
 ADDRESS: 3252 N. Riverside Drive
 OWNER/APPLICANT: Stephens, Lloyd & Deborah A
 LEGAL ACREAGE: 13.68 ac
 ZONING: A-1 General Agricultural
 2045 COMP PLAN: Rural Landsl
 PSA: Outside

General Notes

1. Site is served by well and septic.
2. This site does have Resource Protection Area and Special flood hazard areas, however, this project will not be in the vicinity of either area. The special flood hazard area is based on Flood Insurance Rate Map 51095C0019D, effective 12/16/2015.
4. Property has an existing driveway.
5. There will be three parking spaces provided.

Description of SUP

The purpose of this SUP is to request a special use permit to build a contractor's office and warehouse.

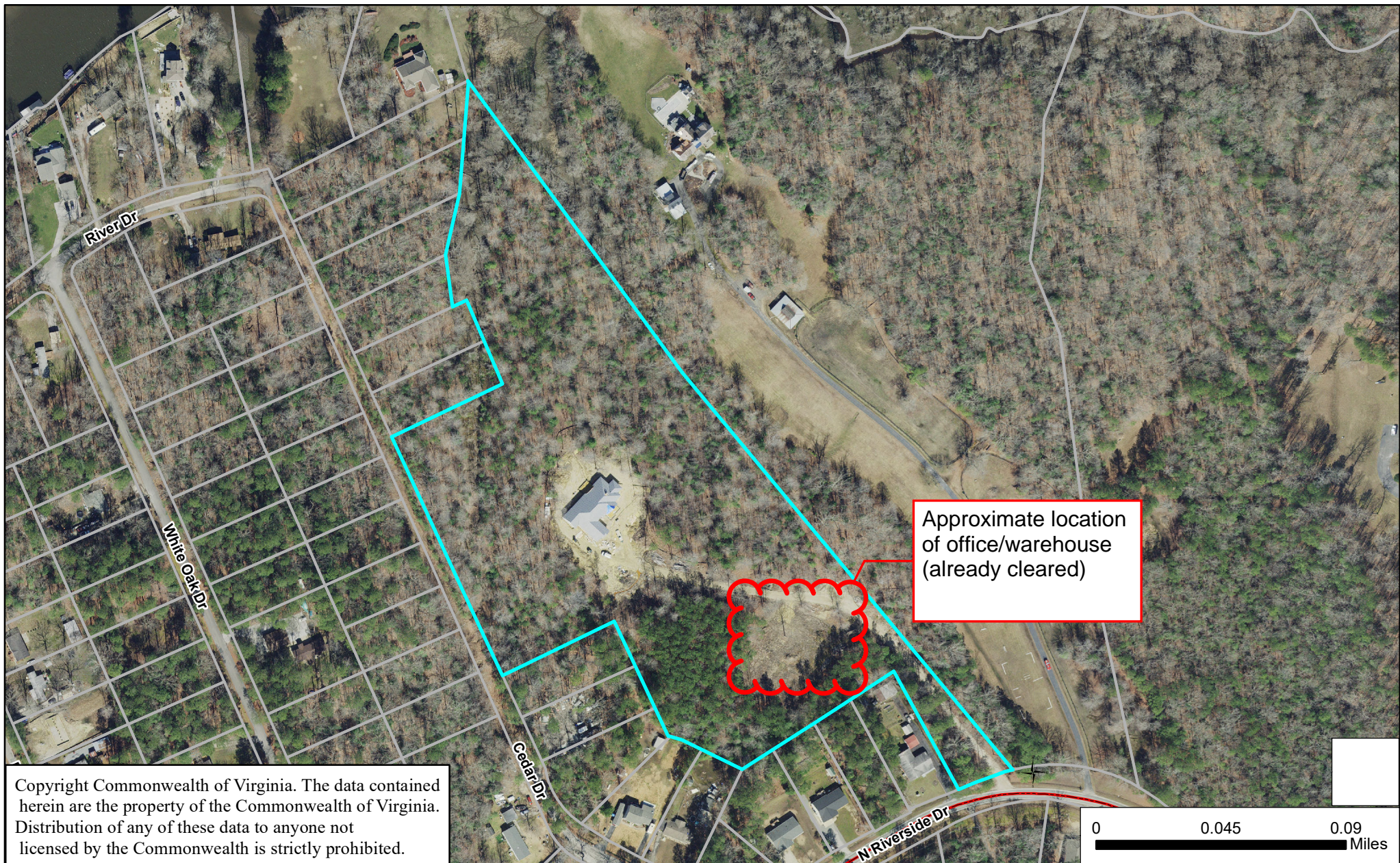


Adjacent Properties

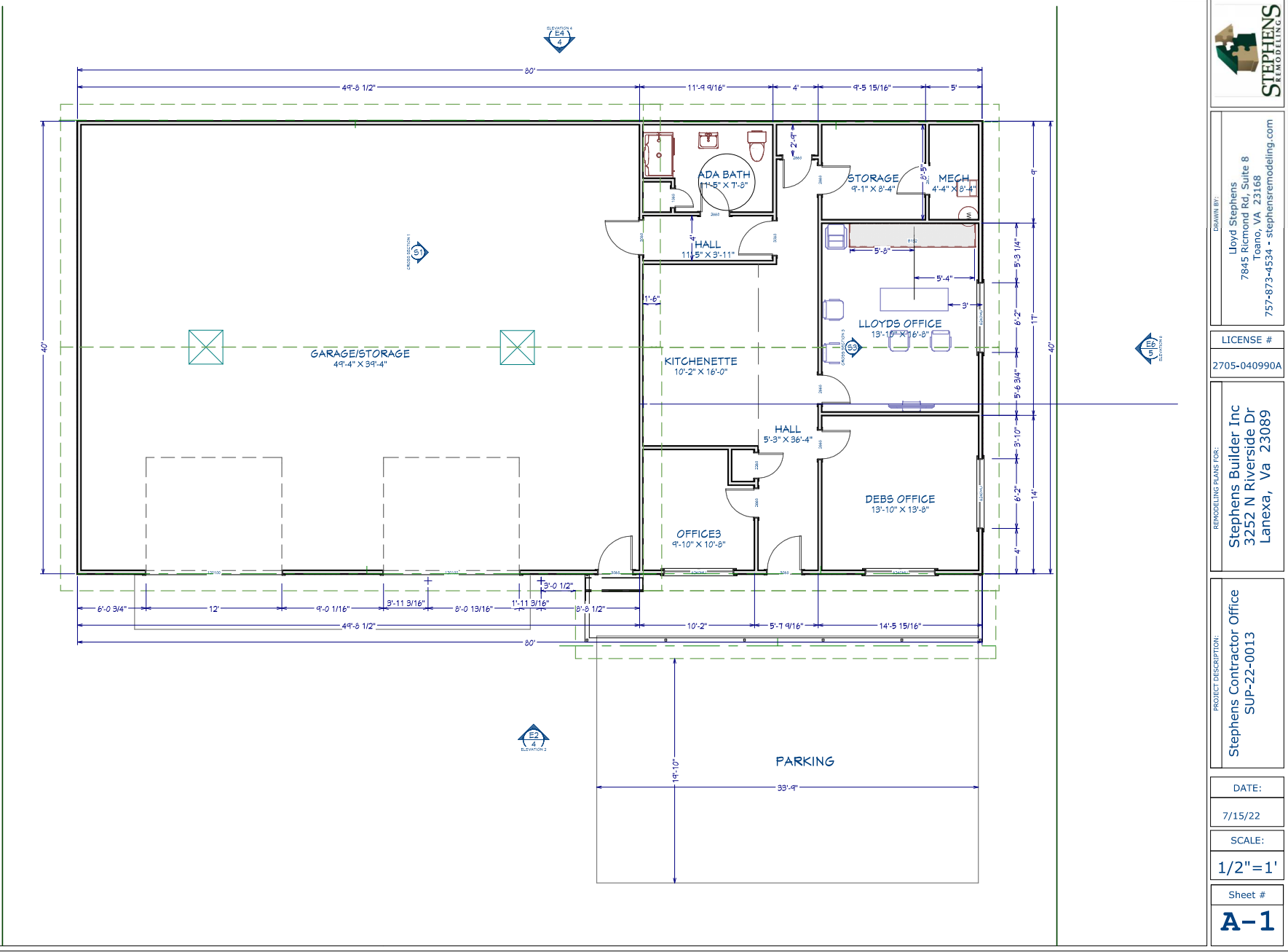
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0930600011 Taltan, Janice S Trustee 3114 N. Riverside Dr #604 Lanexa VA 23089	0930900015 0930900016 Stephens, Lloyd W. & Deborah A. 3252 N. Riverside Dr Lanexa VA 23089
0930600012 0930600013 Wolfrom, Edward A ET UX 6049 Liberty Rd Bealeton, VA 22712	0940100011 Colley, Jay 4047 S. Riverside Dr Lanexa VA 23089
0930800001 Silverman, Louis S & Barbara 1002 Old Denbigh Blvd #307 Newport News, VA 23602	0940100014 Steele, Joseph H. & Judy H. 3256 N. Riverside Dr Lanexa VA 23089
0930800002 Clayton, Gene R Trustee Barbara A. Trustee 105 Keith Rd Newport News, VA 23606	0940200002 Langston, Jimmy Trustee & Betty J 3248 N. Riverside Dr Lanexa VA 23089
0930800003 Housing Partnerships Inc P O Box 441 Williamsburg, VA 23187	0940200003 White, John R. II 128 Armstrong Dr Hampton, VA 23669
0930800004 Eckert, Mildred 91 Nicewood Dr Newport News, VA 23602	0930900007 Forziati, Christopher J. Nancy C 7702 Cedar Dr Lanexa, VA 23089
0940200005 Blair, Nancy 3242 N. Riverside Dr Lanexa, VA 23089	0940200004 Patton, Andrew N 3244 N. Riverside Dr Lanexa, VA 23089

JCC SUP-22-0013

3252 N Riverside Drive Contractors Office and Warehouse



JCC SUP-22-0016, 3252 N. Riverside Drive Contractor's Office and Warehouse





JCC SUP-22-0013, 3252 N. Riverside Drive Contractor's Office and Warehouse





DRAWN BY:
 Lloyd Stephens
 7845 Richmond Rd, Suite 8
 Toano, VA 23168
 757-873-4534 - stephensremodeling.com

LICENSE #
 2705-040990A

REMODELING PLANS FOR:
 Stephens Builder Inc
 3252 N Riverside Dr
 Lanexa, Va 23089

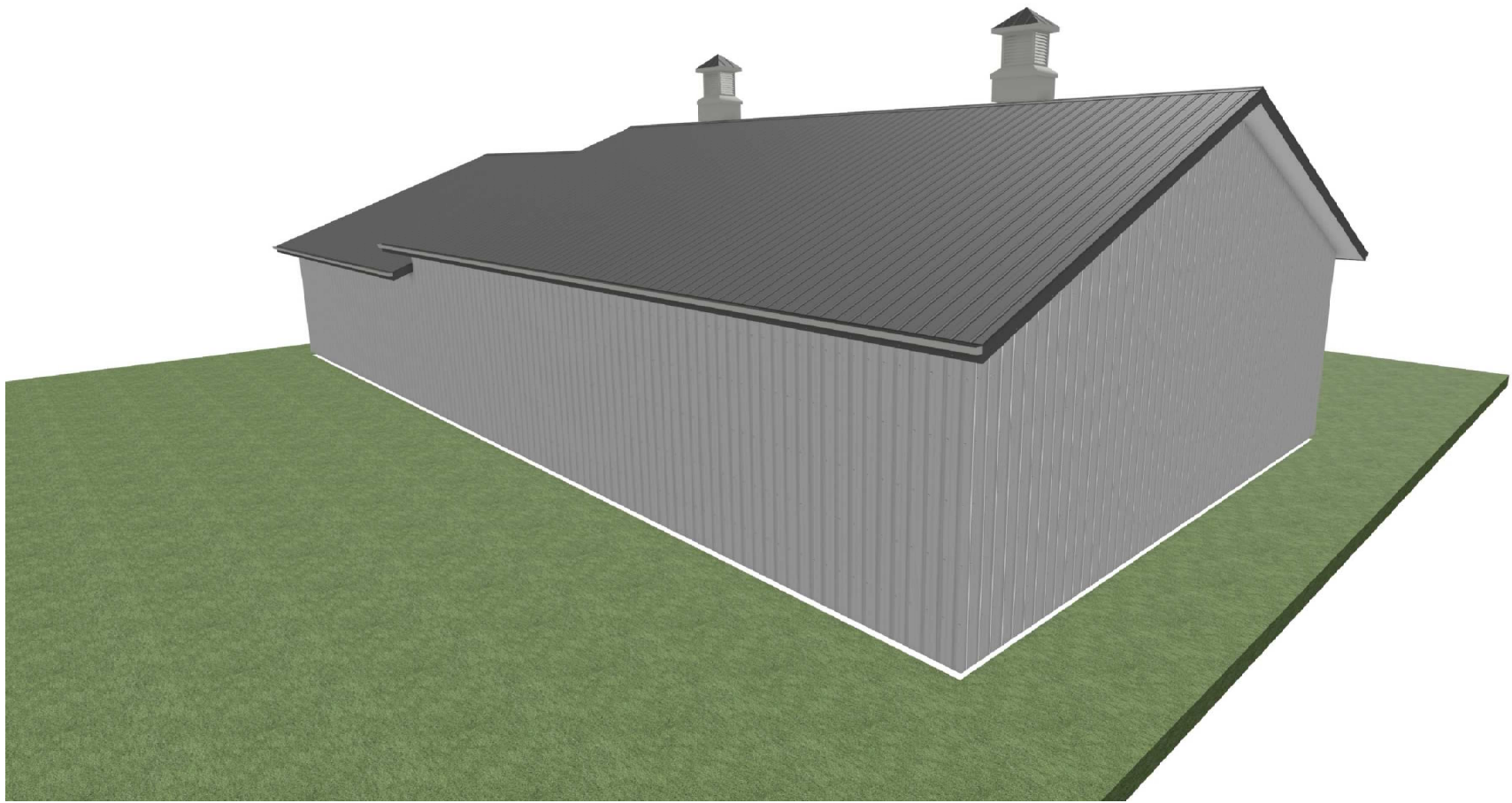
PROJECT DESCRIPTION:
 Stephens Contractor Office
 SUP-22-0013

DATE:
 7/15/22

SCALE:
 1/2" = 1'

Sheet #

A-2



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PROJECT DESCRIPTION:
Stephens Contractor Office
SUP-22-0013

DATE:
7/15/22

SCALE:
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Sheet #
A-3



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REMODELING PLANS FOR:
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PROJECT DESCRIPTION:
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SUP-22-0013

DATE:

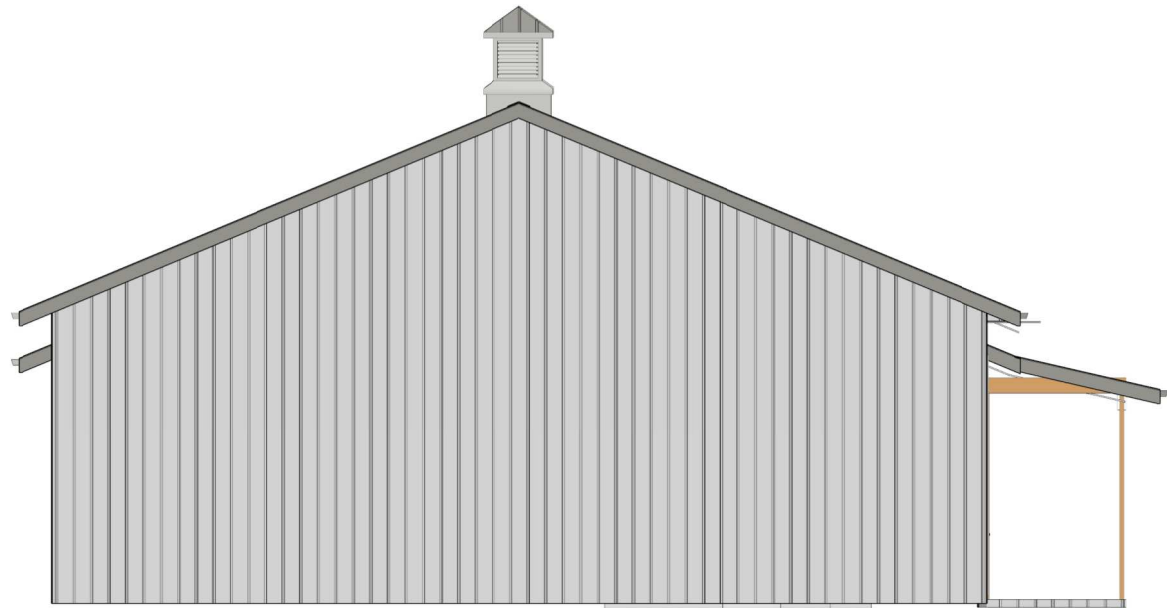
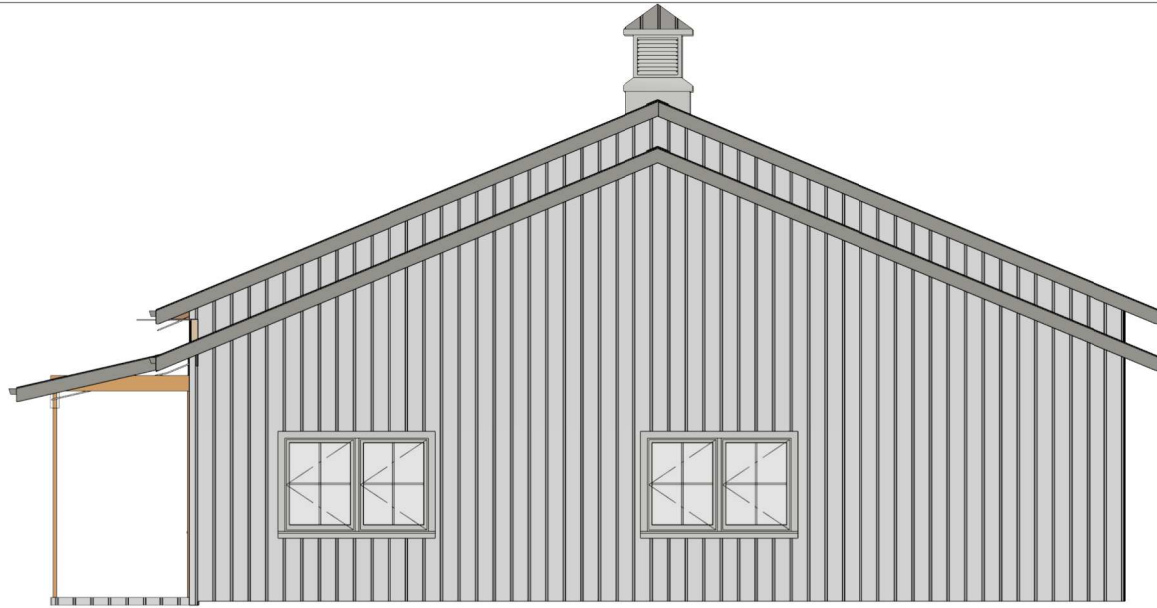
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SCALE:

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Sheet #

A-4



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REMODELING PLANS FOR:
Stephens Builder Inc
3252 N Riverside Dr
Lanexa, Va 23089

PROJECT DESCRIPTION:
Stephens Contractor Office
SUP-22-0013

DATE:
7/15/22

SCALE:
1/2" = 1'

Sheet #
A-5

**Unapproved Minutes of the September 7, 2022
Planning Commission Regular Meeting**

SUP-22-0013. 3252 N Riverside Drive Contractor's Office and Warehouse

Ms. Terry Costello, Senior Planner, stated that Mr. Lloyd Stephens of Stephens Remodeling has applied for an SUP to allow for the operation of a contractor's office and warehouse, on a 13.68-acre parcel located at 3252 N Riverside Drive zoned A-1, General Agricultural. Ms. Costello noted that a contractor's office and storage is a specially permitted use in A-1 zoning districts.

Ms. Costello stated that currently, Mr. Stephens operates his business from 7845 Richmond Road. Ms. Costello further stated that according to the applicant, the commercial operation includes five full time employees as well as himself and his wife. Ms. Costello stated that one employee will come to the property once a week, and all other employees work directly at the job sites. Ms. Costello stated that customers typically will not come to the property; however, four to five customers per year may come to the office. Ms. Costello stated that most deliveries go directly to the various job sites. Ms. Costello stated that, on average, there would be one delivery to the property a month, and one delivery a month from the Property to a job site. Ms. Costello stated that all equipment will be stored in the warehouse, and all vehicles associated with the business are taken home by employees.

Ms. Costello stated that the Comprehensive Plan designates this property, as well as all of the surrounding parcels, as Rural Lands. Ms. Costello stated that the recommended primary uses include agricultural and forestal activities; however, appropriately scaled and located direct agricultural or forestal-support uses, home-based occupations or certain uses which require very low intensity setting relative to the site in which it will be located may be considered on the basis of a case-by-case review, provided such uses are compatible with the natural and rural character of the area.

Ms. Costello stated that the proposed SUP conditions were designed to address and enhance compatibility with the natural and rural character of the area and to minimize impacts to adjacent properties by:

- Limiting the area where this activity can occur on the property;
- Limiting storage of equipment and machinery to indoor storage only;
- Limiting the days and times for deliveries;
- Providing vegetative buffer areas and landscaped areas to visually screen storage or parking areas from adjacent properties.

Ms. Costello stated that staff finds that the proposal is compatible with surrounding zoning and development and consistent with the 2045 Comprehensive Plan. Ms. Costello stated that staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the attached conditions.

Mr. O'Connor stated that he has concerns over future use of the property. Mr. O'Connor stated that over the years there have been problems associated with stockpiling of materials and debris on

such properties. Mr. O'Connor inquired whether it would be possible to include an SUP condition prohibiting stockpiling.

Ms. Costello stated that staff did draft a proposed SUP condition that prohibits stockpiling, and that the applicant is agreeable to the condition.

Mr. Frank Polster inquired if there was a condition related to parking outdoors.

Ms. Costello stated that all equipment and materials will be kept indoors.

Mr. Holt inquired about the condition related to the dumpster.

Ms. Costello stated that a condition has been added to require screening of the dumpster and limit the times that the dumpster can be emptied.

Mr. O'Connor opened the Public Hearing.

As no one wished to speak, Mr. O'Connor closed the Public Hearing.

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

On a roll call vote, the Commission voted to recommend approval of SUP-22-0013. 3252 N Riverside Drive Contractor's Office and Warehouse. (7-0)

ITEM SUMMARY

DATE: 10/11/2022

TO: The Board of Supervisors

FROM: Paxton Condon, Planner

SUBJECT: SUP-22-0016. 141 Blow Flats Rd. Battery Storage

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	1. Resolution	Resolution
☐	2. Location Map	Backup Material
☐	3. Applicant Narrative	Backup Material
☐	4. Master Plan	Backup Material
☐	5. Battery Storage Examples	Backup Material
☐	6. Proposed Landscape Buffer	Backup Material
☐	7. Adopted Resolution for Consistency with Section 15.2-2232	Backup Material
☐	8. Unapproved Minutes of the September 7, 2022 Planning Commission Regular Meeting	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	9/26/2022 - 8:54 AM
Development Management	Holt, Paul	Approved	9/26/2022 - 8:54 AM
Publication Management	Pobiak, Amanda	Approved	9/26/2022 - 9:34 AM
Legal Review	Kinsman, Adam	Approved	9/27/2022 - 8:15 AM
Board Secretary	Saeed, Teresa	Approved	10/3/2022 - 9:31 AM
Board Secretary	Purse, Jason	Approved	10/3/2022 - 10:43 AM
Board Secretary	Saeed, Teresa	Approved	10/3/2022 - 10:49 AM

**SPECIAL USE PERMIT-22-0016. 141 Blow Flats Road Battery Storage Facility
Staff Report for the October 11, 2022, Board of Supervisors Public Hearing**

SUMMARY FACTS

Applicant: Mr. Brian Quinlan, Calvert Energy, LLC

Land Owner: Mr. Michael L. Pelfrey

Proposal: Development and construction of a battery energy storage system facility for electrical power storage, transmission, and accessory uses

Location: 141 Blow Flats Road

Tax Map/Parcel No.: 5920700001E

Property Acreage: 6.87 acres

Zoning: M-2, General Industrial

Comprehensive Plan: General Industry

Primary Service Area:
(PSA) Inside

Staff Contact: Paxton Condon, Planner

PUBLIC HEARING DATES

Planning Commission: September 7, 2022, 6:00 p.m.

Board of Supervisors: October 11, 2022, 5:00 p.m.

FACTORS FAVORABLE

1. Staff finds the proposal would not negatively impact surrounding development.
2. Staff finds the proposal consistent with the *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*.
3. Traffic impacts generated by this proposal are not anticipated to negatively impact surrounding zoning and development.
4. Impacts: See Impact Analysis on Pages 3-4.

FACTORS UNFAVORABLE

1. With the proposed conditions, staff finds that there are no unfavorable factors.

SUMMARY STAFF RECOMMENDATION

Staff recommends the Board of Supervisors approve the Special Use Permit (SUP) subject to the proposed conditions.

PLANNING COMMISSION RECOMMENDATION

At its September 7, 2022, meeting, the Planning Commission voted to recommend approval of this application by a vote of 7-0. The Planning Commission also approved, by a vote of 7-0, a resolution to find the proposal consistent with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (Attachment No. 7).

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-22-0016. 141 Blow Flats Road Battery Storage Facility
Staff Report for the October 11, 2022, Board of Supervisors Public Hearing**

**PROPOSED CHANGES MADE SINCE THE PLANNING
COMMISSION MEETING**

There have been no proposed changes since the September 7, 2022, Planning Commission meeting.

PROJECT DESCRIPTION

Mr. Brian Quinlan, Calvert Energy, LLC, has applied for an SUP for a 22.35-megawatt (MW) battery energy storage system at 141 Blow Flats Road. Electrical Facilities (public or private) are a specially permitted use on M-2 zoned property.

The facility uses lithium-ion batteries that will allow for energy to be stored from the grid and utilized later during shortages or at times of higher demand. The proposed facility will consist of 15 battery storage containers that are approximately 9 feet wide, 49 feet long, and 10 feet tall. These containers will be set on a concrete base and spaced approximately 15 feet apart. The containers must meet a 100-foot setback from all property lines. Please see Attachment No. 5 for a graphic visual of the proposed battery energy storage system.

If approved, the proposed battery storage facility will be developed on approximately one acre of the total 6.87-acre parcel and will connect to an existing utility line. This site is being developed for Dominion Energy.

The proposed battery storage facility site is currently undeveloped and wooded. The site will be accessed by Blow Flats Road which is a narrow road.

PLANNING AND ZONING HISTORY

The property is currently a wooded lot and there have been no legislative cases associated with the property.

SURROUNDING ZONING AND DEVELOPMENT

All surrounding properties are zoned M-2, General Industrial and surrounding properties are designated General Industry and Mixed Use on the 2045 Comprehensive Plan Land Use Map.

There is an existing Dominion Energy switch gear station located on the adjacent parcel at 147 Blow Flats Road. There are residential homes located across from 141 Blow Flats Road; these properties are also zoned M-2 and are designated Mixed Use on the 2045 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-22-0016. 141 Blow Flats Road Battery Storage Facility
Staff Report for the October 11, 2022, 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>Mitigated</u>	<ul style="list-style-type: none"> - The new battery storage facility would not exceed 100 peak hour trips. - For the duration of the six- to seven-month construction period, the applicant anticipates two to three pickup trucks daily and four total semi-truck deliveries. - The applicant anticipates one to two pickup trucks to visit the site for quarterly maintenance once the site is operational. - Access to the property is from Blow Flats Road. While the access into the property will be improved, no improvements to Blow Flats Road are warranted or proposed. - Blow Flats Road is a narrow road with frequent truck traffic, proposed Condition No. 10 would preclude construction vehicles to be parked along Blow Flats Road.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - Per the Adopted Regional Bikeways Map and Pedestrian Accommodations Master Plan, neither a bike lane nor pedestrian accommodations are required.
<u>Public Safety</u>	<u>Mitigated</u>	<ul style="list-style-type: none"> - Fire Station 2 on Pocahontas Trail serves this area of the County, approximately 2.8 miles from the proposed battery storage facility. - Proposed SUP Conditions include a condition that the Facility operator prepare and maintain an Emergency Management Plan to address situations that may require response from public safety personnel (Condition No. 6).
<u>Public Schools</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - N/A since no residential dwelling units are proposed.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - N/A since no residential dwelling units are proposed.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - Staff finds that this project does not generate impacts that require mitigation.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - The property does not receive public water and sewer. The battery storage facility will not need water or sewer services.

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-22-0016. 141 Blow Flats Road Battery Storage Facility
Staff Report for the October 11, 2022, 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> Project is located in the Skiffes Creek Watershed and Skiffes Creek Reservoir.	<u>Mitigated</u>	<ul style="list-style-type: none"> - Should this SUP be approved, this project will need to demonstrate full compliance with environmental regulations at the development plan stage. - Condition No. 5 addresses the requirement for a spill response plan. - The Stormwater and Resource Protection Division provided an additional SUP Condition (Condition No. 13) to address off-site nutrient credits and water quality.
<u>Cultural/Historic</u>	<u>Mitigated</u>	<ul style="list-style-type: none"> - Per Section 24-145 of the Zoning Ordinance, an archaeological study and natural resource inventory will be required at the development plan stage. - The applicant provided both and neither found any issue in review.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	<ul style="list-style-type: none"> - A vegetated buffer to screen the project from nearby properties is specified in proposed SUP Condition No. 4. - The project will also need to demonstrate full compliance with lighting and landscaping regulations in the Zoning Ordinance at the development plan stage. - Following construction of the facility, staff does not anticipate significant noise, odor, lighting, or other similar impacts on nearby properties. However, to address any potential impacts of this nature, the project includes enhanced landscaping along all side and front property lines. - Condition No. 11 limits the height of all structures to prevent any glare. - Condition No. 8 requires a construction management and mitigation plan which is intended in part to address impacts to nearby properties during the construction stage. - Condition No. 3 limits the height and the color of the perimeter fence.
<u>Community Character</u>	<u>Mitigated</u>	<ul style="list-style-type: none"> - Blow Flats Road is not a designated Community Character Corridor (CCC). - A vegetated buffer to screen the project from the roadway and nearby properties is specified in Condition No. 4.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - The applicant has verified that he is not aware of any covenants or restrictions on the property that prohibit the proposed use.

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-22-0016. 141 Blow Flats Road Battery Storage Facility
Staff Report for the October 11, 2022, Board of Supervisors Public Hearing

2045 COMPREHENSIVE PLAN

The site is General Industry on the 2045 Comprehensive Plan Land Use Map. General Industry designated properties are areas located within the PSA that are suitable for industrial uses which, because of their potential for creating dust, noise, odor, and other adverse environmental effects, require buffering from adjoining uses, particularly residential uses.

The surrounding properties are designated General Industry and Mixed Use on the adopted 2045 Comprehensive Plan Land Use Map.

Uses proposed in areas designated General Industry usually require access to interstate and arterial highways, public water and sewer, adequate supply of electric power and other energy sources, access to a sufficient labor supply, and moderate to large sized sites with natural features such as soils, topography, and buffering suitable for intense development. Particular attention should be given to the following:

- i. Locate proposed commercial and industrial developments adjacent to compatible uses (public or other similar uses, etc.). Where a commercial or industrial development is proposed at a location near a sensitive area, the site should be designed so that transitional uses such as offices and/or buffers are located between conflicting uses. Emphasis should be placed on ensuring the provision of open space; protection of the environment, historical and archaeological resources; and adjoining land uses; sufficient capacities of public facilities and services; quality and effectiveness of pedestrian circulation systems and facilities; and ability to meet the public needs of the development.
- ii. For Limited Industry areas, dust, noise, odor, and other adverse environmental effects are primary considerations for determining whether land uses are acceptable in these areas.

iii. Permit the location of new uses only where public services, utilities, and facilities are adequate to support such uses. The need for public services (police, fire, education, recreation, etc.) and facilities generated by a development should be met or mitigated by that development.

iv. Protect environmentally sensitive resources including high-ranking Natural Areas and significant natural heritage resources, watersheds, historic and archaeological resources, designated CCCs and Community Character Areas, and other sensitive resources by locating conflicting uses away from such resources and utilizing design features, including building and site design, buffers, and screening to adequately protect the resource.

- Staff finds the proposed battery storage facility to be an appropriate industrial use.
- Staff finds the proposed location is adjacent to a compatible use.
- Staff finds that with conditions, the proposed use will be sufficiently buffered in this location and is not expected to have an impact to adjacent properties.
- Staff finds that the proposed use is not expected to cause a significant increase in traffic to Blow Flats Road.
- Staff finds that the proposed use is not expected to have an impact on existing County services.
- The Planning Commission found this use consistent with the 2045 Comprehensive Plan, pursuant to Section 15.2-2232 of the Code of Virginia.

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-22-0016. 141 Blow Flats Road Battery Storage Facility
Staff Report for the October 11, 2022, Board of Supervisors Public Hearing

STAFF RECOMMENDATION

Staff recommends the Board of Supervisors approve the SUP subject to the proposed conditions (Attachment No. 1).

PC/ap
SUP22-16_141BlwFlts

Attachments:

1. Resolution
2. Location Map
3. Applicant Narrative
4. Master Plan
5. Battery Storage Examples
6. Proposed Landscape Buffer
7. Adopted Resolution for Consistency with Section 15.2-2232
8. Unapproved Minutes of the September 7, 2022, Planning Commission Meeting

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. SUP-22-0016. 141 BLOW FLATS ROAD BATTERY STORAGE FACILITY

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, Mr. Brian Quinlan of Calvert Energy, LLC, on behalf of Mr. Michael L. Pelfrey, the owner of the property located at 141 Blow Flats Road, further identified as James City County Tax Map Parcel No. 5920700001E (the "Property"), has applied for an SUP to allow for the construction of an electrical generation and storage facility on the Property as shown on the master plan titled "Battery Storage" dated June 1, 2022, and revised August 30, 2022; and

WHEREAS, the Planning Commission, following its public hearing on September 7, 2022, recommended approval of Case No. SUP-22-0016 by a vote of 7-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-22-0016; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and the 2045 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-22-0016 as described herein with the following conditions:

1. Master Plan. This SUP shall apply to property located at 141 Blow Flats Road, which is further identified as James City County Real Estate Tax Map Parcel No. 5920700001E (the "Property"). The SUP shall be valid for the construction and operation of a battery energy storage system (the "Facility"). All final development plans for the Facility shall be consistent with the master plan entitled, "Master Plan Battery Storage" dated June 1, 2022, (the "Master Plan"), as determined by the Director of Planning with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. Noise. Prior to final site plan approval, Calvert Energy, LLC, shall provide documentation, including but not limited to manufacturer's design specifications and notations, that shows the decibel levels resulting from the Facility. In the instance that noise levels are shown exceeding 55 A-weighted decibels at or beyond property lines, noise dampening equipment, and low-sound design transformers shall be installed to reduce noise levels below this threshold. This documentation and any subsequent mitigation plan shall be reviewed and approved by the Director of Planning or their designee.
3. Fencing. Fencing on the Property shall be black or neutral color. Fencing shall not exceed a height of eight feet above finished grade and shall not consist of or include barbed wire. Prior to final site plan approval, the Director of Planning or their designee shall review and approve a detail of any proposed fencing on the Property for consistency with this condition.

4. Landscape Perimeter Buffer. Prior to final site plan approval of any site plan, the Director of Planning or their designee shall review and approve a landscape plan and tree clearing and protection plan for the Facility. The landscape plan shall be generally consistent with the Master Plan and provide the following:
 - a. Southern property line: A vegetated buffer not less than 60 feet wide, as measured from the existing 15-foot-wide drainage easement running parallel to the southern property line.
 - b. Front property line: A vegetated buffer not less than 60 feet wide, as measured from the edge of the existing tree line area parallel to the property's frontage and labeled on the Master Plan as "Dominion Power Clearing Limits".
 - c. Northern property line: A vegetated buffer not less than 20 feet wide, as measured from the northern property line; provided, however, that a 15-foot-wide vegetated buffer shall be provided between the location of the stormwater facility and the fenced area surrounding the Facility. The buffers required in this Condition No. 4(c) shall be landscaped to the provisions of Section 24-96 of the Zoning Ordinance for General Landscape Areas except that the required evergreen tree and shrub mixture shall be increased from 35% to at least 45%.
 - d. Rear property line: A vegetated buffer of not less than 35 feet wide, as measured from an existing 30-foot-wide waterline easement along the rear property line.

All buffers required in Condition No. 4 shall remain undisturbed and in their natural state.

5. Spill Response Plan. Prior to final site plan approval for the station where the stormwater runoff ultimately drains to the Skiffes Creek Reservoir, a Spill Prevention, Control, and Countermeasure Plan ("Spill Plan") for the Facility shall be submitted to the Director of Stormwater and Resource Protection or their designee for review and approval. Updates and amendments to the Spill Plan shall be forwarded to the Director of Stormwater and Resource Protection.
6. Emergency Management Plan. The Facility operator shall prepare and maintain an Emergency Management Plan (the "EMP") to address situations that may require response from James City County public safety personnel, including, without limitation, fire safety, and emergency response personnel. The EMP shall:
 - a. Be developed in conjunction with and approved by the County Fire Chief and County Police Chief or their designees prior to final approval of any site plan; and
 - b. Provide a mutually agreed upon schedule for the Facility operator to provide information sessions and training for James City County public safety personnel relative to possible emergency response situations at the Facility; and
 - c. Provide pertinent contact numbers for the Facility operator emergency personnel; and
 - d. Provide that emergency contact information be posted on access gates.

7. Lighting. If any lighting of the Facility is proposed, the Director of Planning or their designee shall review and approve a lighting plan prior to final site plan approval. Any exterior site or building lighting on the Property shall be shielded and directed downward. No glare, defined as 0.1-foot candle or higher, shall extend outside the boundaries of the Property. Lights shall be operated by a motion detector or be able to be turned on as needed by the Facility operator and shall not be routinely illuminated at night. No light poles shall exceed a height of 16 feet above finished grade unless otherwise approved in writing by the Director of Planning prior to final site plan approval.
8. Construction Management and Mitigation. Prior to final site plan approval, the Facility operator shall provide a Construction Management and Mitigation Plan (the "CMMP") for review and approval of the Director of Planning or their designee. The CMMP shall include those items listed below:
 - a. Construction Management:
 - i. Traffic control methods, to include lane closures, flagging procedures, directional and informational signage, and designation of a single access point for deliveries and employee access; and
 - ii. All construction activities, including clearing and grading of the Property, shall be limited to the hours of 7 a.m. to 7 p.m., Monday through Friday; and
 - iii. Appropriate methods for the storage, transportation, and disposal of any waste and/or hazardous materials.
 - b. Construction Impact Mitigation:
 - i. Dust containment; and
 - ii. Noise mitigation.
9. Decommissioning and Restoration Plan and Agreement. Prior to final site plan approval, a Decommissioning and Restoration Plan (DRP) shall be submitted to the Director of Planning or their designee for review and approval. The DRP shall outline the required steps for removal of above and below ground Facility components, disposal and/or recycling of wastes and materials, soil stabilization, and the revegetation and restoration of native habitat of the Properties. At the time of decommissioning of the Facility, the stormwater facilities on the Properties must be evaluated for continued need and the DRP must include the close-out or remediation of stormwater facilities. The DRP shall be enforceable by a written Decommissioning Agreement in accordance with and subject to the terms of Virginia Code Section 15.2-2241.2(B). To ensure sufficient funds are available to the County to conduct the DRP, a surety in an amount sufficient for decommissioning the Facility and remediating the Properties shall be posted with James City County in a form acceptable to the County Attorney. The Decommissioning Agreement shall be executed prior to final site plan approval for the Facility.
10. Off-Site Parking. During construction, all vehicles shall be parked on the Property. No vehicles shall be parked within the Blow Flats Road right-of-way.
11. Height Limitation. The maximum height of all structures on the Property shall not exceed 16 feet.

12. Number of Storage Containers. No more than 15 battery energy storage system containers shall be permitted on the Property.
13. On-Site Water Quality Treatment. The site plan must provide all water quality improvement measures required by the Virginia Runoff Reduction Method on the Property via structural Best Management Practices and/or manufactured treatment devices. Neither the purchase of off-site nutrient credits in accordance with 9VAC25-870-69, Offsite Compliance Options, nor the use of Forested Open Space toward water quality will be accepted for the Property.
14. Commencement. The Facility shall be operational within 48 months from the issuance of this SUP, or this SUP shall automatically be void.
15. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

John J. McGlennon
Chairman, Board of Supervisors

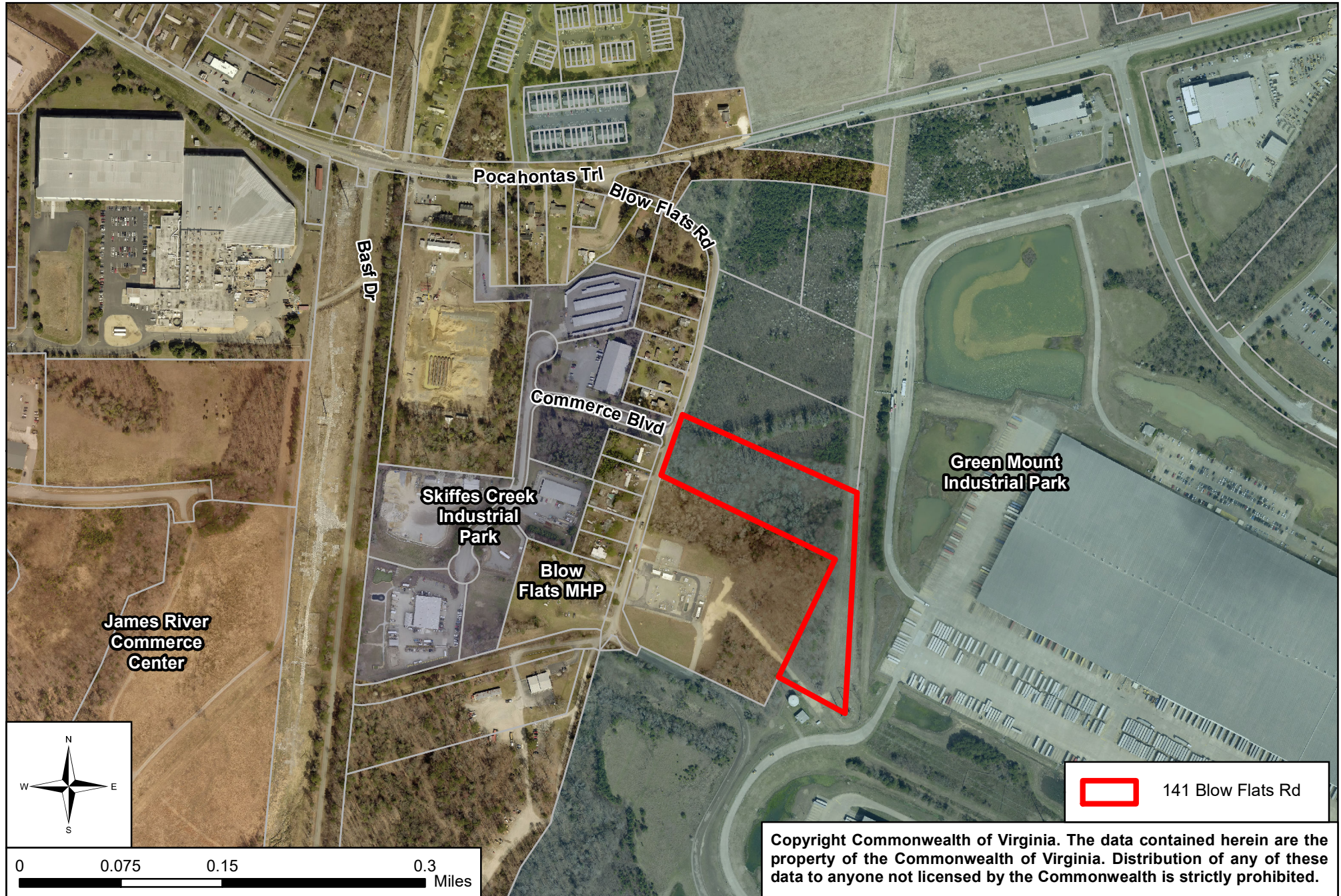
ATTEST:

		VOTES			
		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
_____ Teresa J. Saeed Deputy Clerk to the Board	ICENHOUR	_____	_____	_____	_____
	HIPPLE	_____	_____	_____	_____
	LARSON	_____	_____	_____	_____
	SADLER	_____	_____	_____	_____
	MCGLENNON	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2022.

SUP22-16_141BlwFlts-res

JCC SUP-22-0016, 141 Blow Flats Road Battery Storage



Skiffes Energy Storage Center, LLC

Description of Construction

Skiffes Energy Storage Center, LLC is pleased to provide this overview of the construction schedule to the James City County in support of the proposed project. The project is a 22.35-megawatt (MW) battery energy storage system (BESS) that will be located at 141 Blow Flats Road on the currently vacant 6.8-acre property with parcel number 5920700001E that is zoned M2 (General Industrial). The project is being developed for the local utility, Dominion Energy, and will interconnect to Dominion's existing distribution system.

The following is a summary of the major facility components:

- Lithium-ion batteries, temperature-controlled enclosures for batteries and energy management system, inverters, switchgears, transformers, and equipment pads;
- Utility poles with associated equipment to facilitate interconnection with the existing Dominion power grid;
- Underground and overhead electrical lines (overhead to Dominion's existing distribution system);
- Driveway and internal access roadway; and
- Perimeter fencing and landscaping.

While the exact dates and schedule will not be determined until the project is further along in the local permitting and Dominion's procurement processes, an overview of the construction schedule based on previous project experience is below:

1. Clearing and site preparation: 30 Days
2. Pouring of foundations: 30 Days
3. Delivery and setting of battery containers, batteries, and inverters: 45 Days (4 deliveries)
4. Electrical construction: 30 days
5. Commissioning: 60 days

During most of the 6–7-month construction window we expect 12 people or less on site, with a brief peak of 25 people. We expect road traffic of 2-3 pickup trucks during daylight (working) hours with limited entry/exit. A semi-trailer truck will make the 4 deliveries of the battery containers, batteries, and inverters. Most of the existing vegetation on the perimeter of the lot will be maintained, with landscaping and screening of the site from the road being completed after deliveries and electrical construction is complete. The facility will be monitored remotely with quarterly maintenance visits (1-2 pickup trucks).

MASTER PLAN

BATTERY STORAGE

141 BLOW FLATS ROAD

JAMES CITY COUNTY

ROBERTS DISTRICT

VIRGINIA

PROJECT INFORMATION:

PROPERTY ADDRESS	141 BLOW FLATS ROAD
PARCEL NUMBER	5920700001E
ZONING	M2 (GENERAL INDUSTRIAL)
FRONT YARD SETBACK	75' FROM CENTERLINE ROAD
REAR YARD SETBACK	20'
SIDE YARD SETBACK	20'
FRONT LANDSCAPE YARD	30'
SIDE LANDSCAPE YARD	15'
REAR LANDSCAPE YARD	15'
CURRENT USE	VACANT PROPERTY
PROPOSED USE	BATTERY STORAGE FACILITY
WATER	THERE IS NO PROPOSED WATER CONNECTION FOR THIS PROJECT
SEWER	THERE IS NO PROPOSED SANITARY SEWER CONNECTION FOR THIS PROJECT
VAHU6	JL35 (JAMES RIVER-SKIFFES CREEK)

STATISTICAL DATA:

TOTAL PARCEL AREA	299,171 S.F. / 6.8680 AC.
EX. PARCEL COVER	
IMPERVIOUS SURFACES	0 S.F. / 0 AC. (0.00%)
MANAGED TURF	71,532 S.F. / 1.6421 AC. (23.91%)
FOREST	227,639 S.F. / 5.2259 AC. (76.09%)
PROPOSED PARCEL COVER	
IMPERVIOUS SURFACES	45,695 S.F. / 1.0490 AC. (15.27%)
MANAGED TURF	113,058 S.F. / 2.5954 AC. (37.79%)
FOREST	140,418 S.F. / 3.2236 AC. (46.94%)

PARKING CALCULATIONS:

PROJECT PROPOSES NO PERMANENT PARKING SPACES

UTILITY NOTES:

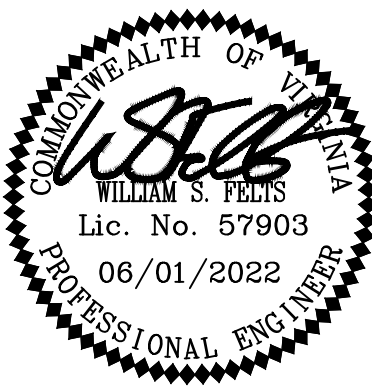
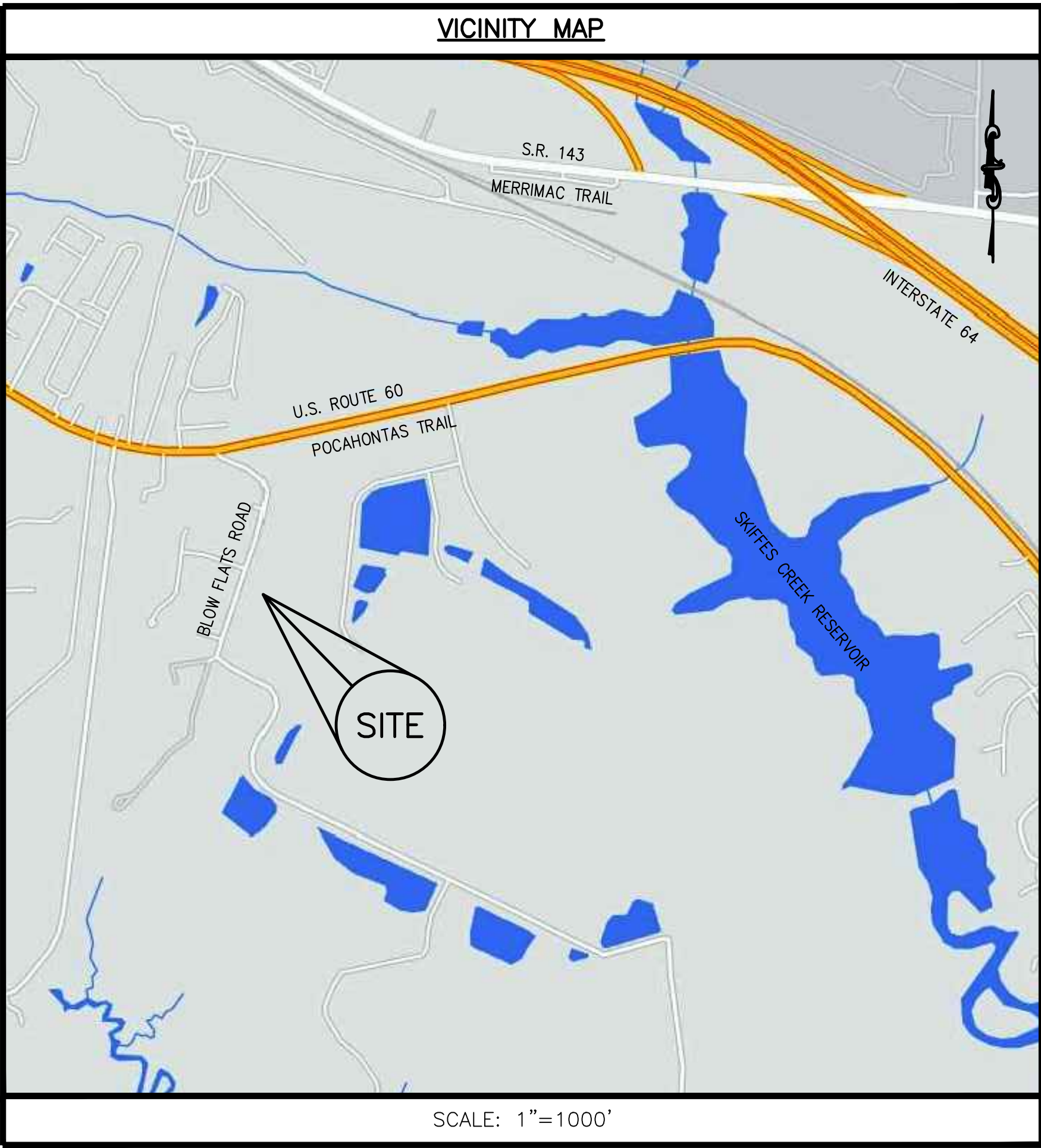
- THE PROPOSED PROJECTS DOES NOT PROPOSE THE INSTALLATION OF A DOMESTIC WATER CONNECTION NOR A DOMESTIC SANITARY SEWER CONNECTION.
- ALL OTHER PROPOSED UTILITIES SHALL BE PLACED UNDERGROUND.

DEVELOPER / OWNER

SKIFFES ENERGY STORAGE CENTER, LLC
CONTACT: BRIAN QUINLAN (PRESIDENT)
12921 BUCKEYE DRIVE, GAITHERSBURG, MD. 20878
P: 301-208-0153
EMAIL: BRIAN@CALVERTENERGY.COM

GENERAL SURVEY NOTES:

- WETLANDS SHOWN WERE DELINEATED BY ECS.
- THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES EXCEPT THOSE SHOWN. THE EXISTENCE AND LOCATION (HORIZONTAL AND VERTICAL) OF EXISTING UTILITIES ARE NOT GUARANTEED AND SHALL BE FIELD VERIFIED BY THE CONTRACTOR; ANY DISCREPANCIES SHOULD BE REPORTED IMMEDIATELY TO THIS OFFICE BEFORE ANY FURTHER WORK IS COMPLETED. UNDERGROUND UTILITY MARKINGS SHOWN WERE PROVIDED BY CLARION SERVICES, LLC.
- ELEVATIONS AS SHOWN HEREON ARE IN FEET AND ARE RELATIVE TO THE JAMES CITY COUNTY GEODETIC CONTROL MONUMENT #350 (NGVD 1929)
- THIS FIRM IS NOT RESPONSIBLE FOR THE LOCATION OF ANY STRUCTURE, MANHOLE, VALVE, ETC., HIDDEN OR OBSTRUCTED AT THE TIME THE FIELD SURVEY WAS PERFORMED.
- THIS LOT LIES IN F.I.R.M. ZONE "X" ACCORDING TO FLOOD INSURANCE RATE MAP #51199C0136D, DATED JANUARY 16, 2015.
- THIS SURVEY WAS COMPLETED BY LANDTECH RESOURCES, INC. UNDER THE DIRECT AND RESPONSIBLE CHARGE OF WILLIAM FELTS, L.S., LICENSE NO. 3149, FROM AN ACTUAL GROUND SURVEY MADE UNDER HIS SUPERVISION; THE INFORMATION SHOWN HEREON WAS OBTAINED IN MAY 2022 AND MEETS MINIMUM ACCURACY STANDARDS UNLESS OTHERWISE NOTED.
- EXISTING ADDRESS: 141 BLOW FLATS ROAD, WILLIAMSBURG, VA. 23185



MASTER PLAN

BATTERY STORAGE

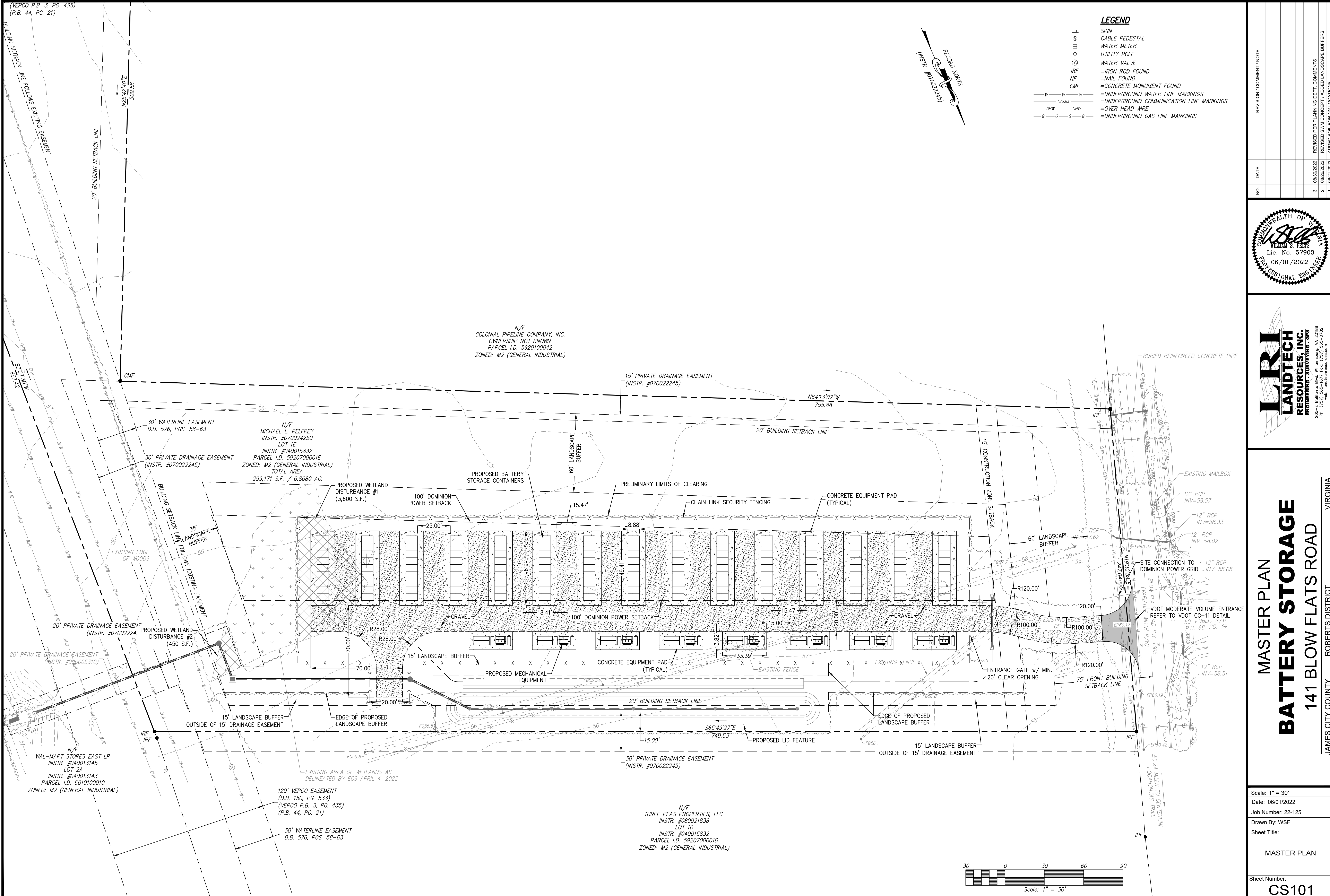
141 BLOW FLATS ROAD

JAMES CITY COUNTY ROBERTS DISTRICT VIRGINIA

Scale: N/A
Date: 06/01/2022
Job Number: 22-125
Drawn By: WSF
Sheet Title:

COVER SHEET

Sheet Number:
C0001

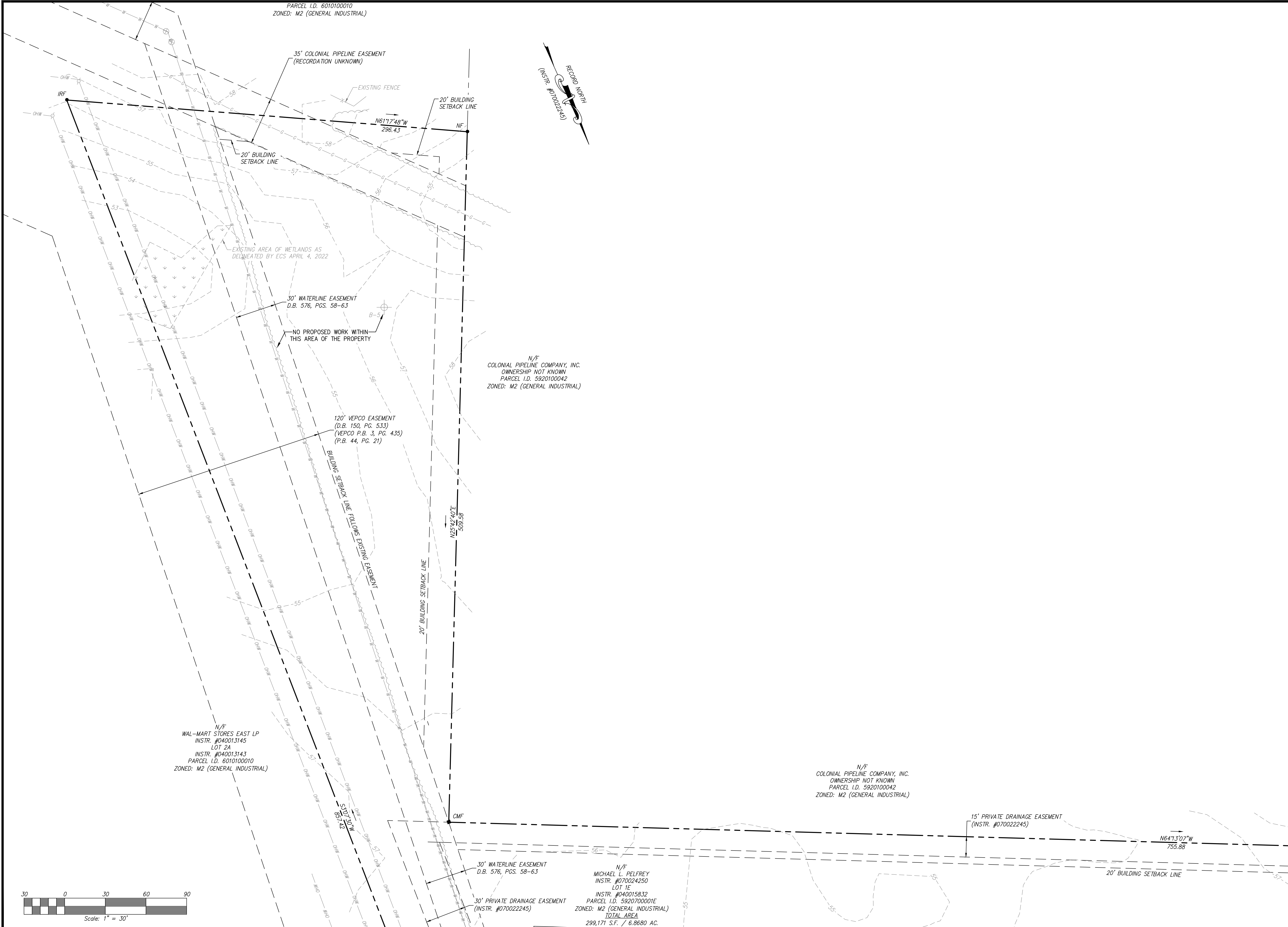


- LEGEND**
- SIGN
 - CABLE PEDESTAL
 - WATER METER
 - UTILITY POLE
 - WATER VALVE
 - IRF = IRON ROD FOUND
 - NF = NAIL FOUND
 - CMF = CONCRETE MONUMENT FOUND
 - W = UNDERGROUND WATER LINE MARKINGS
 - COMM = UNDERGROUND COMMUNICATION LINE MARKINGS
 - OHW = OVER HEAD WIRE
 - G = UNDERGROUND GAS LINE MARKINGS



MASTER PLAN
BATTERY STORAGE
141 BLOW FLATS ROAD
JAMES CITY COUNTY ROBERTS DISTRICT VIRGINIA

Scale: 1" = 30'
Date: 06/01/2022
Job Number: 22-125
Drawn By: WSF
Sheet Title:
MASTER PLAN
Sheet Number:
CS101



REVISION / COMMENT / NOTE	
NO.	DATE
3	08/20/2022
2	08/20/2022
1	08/22/2022

COMMONWEALTH OF VIRGINIA

William S. Felts

WILLIAM S. FELTS
Lic. No. 57903
06/01/2022
PROFESSIONAL ENGINEER

LRI LANDTECH
RESOURCES, INC.
ENGINEERING • SURVEYING • GPS

202-E Bullfrogs Blvd., Williamsburg, VA 23188
Ph: (757) 835-0700
Web: landtechresources.com

MASTER PLAN

BATTERY STORAGE

141 BLOW FLATS ROAD

JAMES CITY COUNTY ROBERTS DISTRICT VIRGINIA

Scale: 1" = 30'

Date: 06/01/2022

Job Number: 22-125

Drawn By: WSF

Sheet Title:

MASTER PLAN

Sheet Number:

CS102

Energy Storage System Example

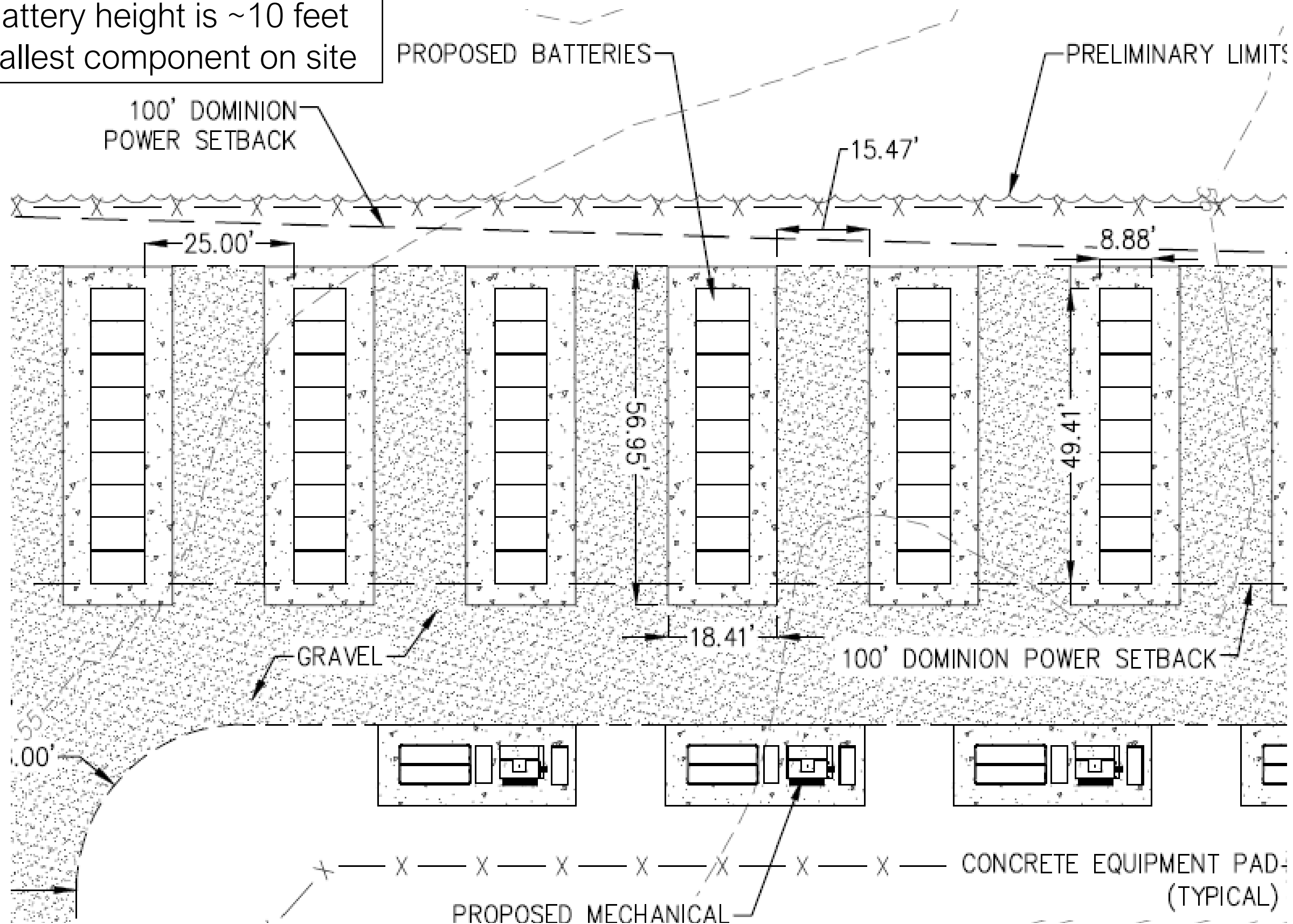


Energy Storage Facility Examples












Snapshot from Skiffes Master Plan

Battery height is ~10 feet
Tallest component on site



(VEPCO P.B. 3, PG. 435)
(P.B. 44, PG. 21)

LEGEND

	SIGN
	CABLE PEDESTAL
	WATER METER
	UTILITY POLE
	WATER VALVE
IRF	=IRON ROD FOUND
NF	=NAIL FOUND
CMF	=CONCRETE MONUMENT FOUND
	=UNDERGROUND WATER LINE MARKINGS
	=UNDERGROUND COMMUNICATION LINE MARKINGS
	=OVER HEAD WIRE
	=UNDERGROUND GAS LINE MARKINGS

RECORD NO. 1
(INSTR. #00700222-45)

N/F
COLONIAL PIPELINE COMPANY, INC.
OWNERSHIP NOT KNOWN
PARCEL I.D. 5920100042
ZONED: M2 (GENERAL INDUSTRIAL)

15' PRIVATE DRAINAGE EASEMENT
(INSTR. #070022245)

N64°13'07"W
755.88

30' WATERLINE EASEMENT
D.B. 576, PGS. 58-63

30' PRIVATE DRAINAGE EASEMENT
(INSTR. #070022245)

N/F
MICHAEL L. PELFREY
INSTR. #070024250
LOT 1E
INSTR. #040015832
PARCEL I.D. 5920700001E
ZONED: M2 (GENERAL INDUSTRIAL,
TOTAL AREA
299,171 S.F. / 6.8680 AC.

PROPOSED WETLAND DISTURBANCE #1

PROPOSED BATTERIES-

60' LANDSCAPE
BUFFER

PRELIMINARY LIMITS OF CLEARING

CONCRETE EQUIPMENT PA
(TYPICAL)

---58---ZONE

20' PRIVATE DRAINAGE EASEMENT
(INSTR. #070022245)

PROPOSED WETLAND
DISTURBANCE #2
(450 S.F.)

20' PRIVATE DRAINAGE EASEMENT
(INSTR. #090005310)

N/F
WAL-MART STORES EAST LP
INSTR. #040013145
LOT 2A
INSTR. #040013143
PARCEL I.D. 6010100010
ZONED: M2 (GENERAL INDUSTRIAL)

120' VEPCO EASEMENT
(D.B. 150, PG. 533)
(VEPCO P.B. 3, PG. 435)
(P.B. 44, PG. 21)

30' WATERLINE EASEMENT
D.B. 576, PGS. 58-63

N/F
THREE PEAS PROPERTIES, LLC.
INSTR. #080021838
LOT 1D
INSTR. #040015832
PARCEL I.D. 5920700001D
ZONED: M2 (GENERAL INDUSTRIAL)

COMMONWEALTH OF VIRGINIA
W.S. Felts
 WILLIAM S. FELTS
 Lic. No. 57903
 06/01/2022
 PROFESSIONAL ENGINEER



LRI
LANDTECH
RESOURCES, INC.
ENGINEERING • SURVEYING • GPS

205-E Buflights Blvd., Williamsburg, VA 23189
Ph: (757) 565-1877 Fax: (757) 565-0782
web: landtechresources.com

MASTER PLAN

BATTERY STORAGE

141 BLOW FLATS ROAD

JAMES CITY COUNTY ROBERTS DISTRICT VIRGINIA

Scale: 1" = 30'

Date: 06/01/2022

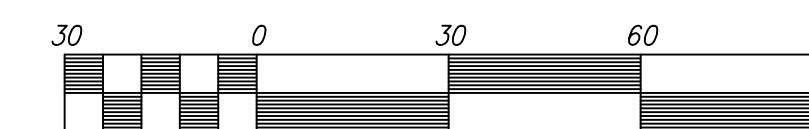
Job Number: 22-125

Drawn By: WSE

MASTER PLAN

Sheet Number:

CS101



RESOLUTION

VIRGINIA CODE SECTION 15.2-2232 ACTION ON CASE NO. SUP-22-0016

141 BLOW FLATS ROAD BATTERY STORAGE


WHEREAS, in accordance with Section 15.2-2232 of the Code of Virginia, a public utility facility, whether publicly or privately owned, shall not be constructed, established, or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan or part thereof; and

WHEREAS, Michael L. Pelfrey (the "Owner"), owns property located at 141 Blow Flats Road, further identified as James City County Real Estate Tax Map Parcel No. 5920700001E and zoned M-2, General Industry (the "Property"); and

WHEREAS, Mr. Brian Quinlan of Calvert Energy, LLC, on behalf of the Owner, has applied for a Special Use Permit (SUP) to allow for the construction of a battery energy storage facility on the Property as shown on a plan titled "Battery Storage" dated June 1, 2022, and revised August 26, 2022; and

WHEREAS, in accordance with Section 15.2-2204 of the Code of Virginia and Section 24-9 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case No. SUP-22-0016.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, for the reasons expressed in the written minutes which shall be transmitted to the Board of Supervisors, finds that the general or approximate location, character, and extent of the public utility facility shown in Case No. SUP-22-0016 is substantially in accord with the adopted Comprehensive Plan and applicable parts thereof.


Tim O'Connor
Chairman, Planning Commission

ATTEST:


Paul D. Holt, III
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 7th day of September, 2022.

**Unapproved Minutes of the September 7, 2022
Planning Commission Regular Meeting**

SUP-22-0016. 141 Blow Flats Rd. Battery Storage Facility

Ms. Paxton Condon, Planner, stated that Mr. Brian Quinlan, has applied on behalf of Calvert Energy, for an SUP to construct an electrical generation facility at 141 Blow Flats Road. Ms. Condon stated that the 6.87-acre parcel is zoned M-2, General Industrial, and is designated General Industry by the 2045 Comprehensive Plan.

Ms. Condon stated that the property is inside the PSA, is currently undeveloped, and located next to an existing switch gear station at 147 Blow Flats Road. Ms. Condon further stated that the proposed facility will consist of 15 battery storage containers to be set a hundred feet back from the property lines. Ms. Condon stated that the facility would allow for any surplus of power from the grid to be stored and then used later during times of higher demand or shortages.

Ms. Condon stated that Virginia Code Section 15.2-2232 provides that unless a utility facility is shown on the adopted Comprehensive Plan or other master plans for the County, the local Planning Commission and a governing body shall review the plan to determine whether the location, character, and extent of the project is consistent with the adopted Comprehensive Plan. Ms. Condon stated that staff finds this proposal to be compatible with surrounding development and consistent with the adopted Comprehensive Plan and Zoning Ordinance.

Ms. Condon stated that staff recommends that the Planning Commission find this application consistent with the 2045 Comprehensive Plan and recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Haldeman noted that the concrete pad for the battery units is located in an area designated as wetlands. Mr. Haldeman inquired what type of permitting would be required for the wetlands impacts.

Ms. Condon stated that the applicant will be required to obtain an Army Corps of Engineers permit for impacts to the wetlands before the Stormwater and Resource Protection Division could provide any approvals for the project. Ms. Condon further stated that the project will be reviewed again at the site plan stage. Ms. Condon noted that the Wetlands Board would not need to review the project.

Dr. Rose inquired why the project did not need approval from the Wetlands Board.

Ms. Condon stated that this is because it involves non-tidal wetlands.

Mr. O'Connor opened the Public Hearing.

Mr. Michael L. Pelfrey, 186 Blue Water Road, property owner, addressed the Commission in support of the application.

As no one further wished to speak, Mr. O'Connor closed the Public Hearing.

Mr. O'Connor opened the floor for discussion by the Commission.

Mr. O'Connor stated that he had discussed fire and life safety issues with staff and the applicant since there are no National Fire Protection Association standards for these types of facilities. Mr. O'Connor noted that no final inspection or certificate of occupancy will be approved until these questions are resolved.

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

On a roll call vote, the Commission voted to recommend approval of SUP-22-0016. 141 Blow Flats Rd. Battery Storage Facility. (7-0)

Mr. Krapf made a motion to find the facility in substantial accord with the Comprehensive Plan. (7-0)

On a roll call vote, the Commission voted to find the facility in substantial accord with the Comprehensive Plan.

ITEM SUMMARY

DATE: 10/25/2022

TO: The Board of Supervisors

FROM: Teresa J. Saeed, Deputy Clerk

SUBJECT: Adjourn until 1 p.m. on October 25, 2022 for the Business Meeting

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	9/30/2022 - 2:50 PM