

A G E N D A
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
November 8, 2022
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Fletcher Grizzle, a 4th grade student at J. Blaine Blayton Elementary School and a resident of the Jamestown District

E. PUBLIC COMMENT

F. CONSENT CALENDAR

1. Grant Award - State Rental Assistance Program

G. PUBLIC HEARING(S)

1. Disposition of County-Owned Property Located at 6145 and 6151 Old Mooretown Road and 130 Clark Lane
2. SUP-22-0007. Branscome Resource Recovery and Aggregate Storage
3. SUP-22-0010. 9201 and 9225 Pocahontas Trail - The Grease Outlet

H. BOARD CONSIDERATION(S)

1. SUP-22-0016. 141 Blow Flats Rd. Battery Storage
2. Grant Award – Virginia Association of Planning District Commissions - Virginia Housing Grant Award - \$300,000
3. 2023 Legislative Agenda

I. BOARD REQUESTS AND DIRECTIVES

J. REPORTS OF THE COUNTY ADMINISTRATOR

K. CLOSED SESSION

L. ADJOURNMENT

1. Adjourn until 1 pm on November 22, 2022 for the Business Meeting

ITEM SUMMARY

DATE: 11/8/2022

TO: The Board of Supervisors

FROM: Teresa J. Saeed, Deputy Clerk

SUBJECT: Pledge Leader - Fletcher Grizzle, a 4th grade student at J. Blaine Blayton Elementary School and a resident of the Jamestown District

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	11/1/2022 - 3:04 PM

ITEM SUMMARY

DATE: 11/8/2022

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Funding Approval/Budget Appropriation

ATTACHMENTS:

	Description	Type
▣	Memo - Grant Award - State Rental Assistance Program	Cover Memo
▣	Resolution - Grant Award - State Rental Assistance Program	Resolution
▣	Backup Material - Executed Memorandum of Agreement	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	10/20/2022 - 1:22 PM
Publication Management	Pobiak, Amanda	Approved	10/20/2022 - 2:15 PM
Legal Review	Kinsman, Adam	Approved	10/21/2022 - 7:41 AM
Board Secretary	Saeed, Teresa	Approved	10/31/2022 - 2:19 PM
Board Secretary	Rinehimer, Bradley	Approved	10/31/2022 - 2:58 PM
Board Secretary	Saeed, Teresa	Approved	11/1/2022 - 2:59 PM

MEMORANDUM

DATE: November 8, 2022

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Grant Award - \$122,850 - State Rental Assistance Program

The James City County (JCC) Social Services Housing Unit is designated as the Public Housing Agency responsible for administering the Section 8 Housing Choice Voucher Program and Special Purpose Voucher Programs including vouchers for individuals with an (a) Intellectual/Developmental Disability. The Department of Behavioral Health and Developmental Services (DBHDS) has modified the previous Memorandum of Agreement with JCC to continue administration of 10 State Rental Assistance Program (SRAP) vouchers. Awarded funding includes \$122,850 for Fiscal Year (FY) 2023 and \$122,850 for FY2024 with no change in the original term from January 2022 through June 2026.

These vouchers will continue to be used to increase housing opportunities for the U.S. Department of Justice Settlement Agreement target population by leveraging state rental assistance with local public and private housing resources to serve individuals aged 18 or older who:

1. Have an intellectual or developmental disability as defined in the Code of Virginia.
2. Are in one of the following categories:
 - a. Transitioning from a skilled nursing facility, intermediate care facility, state training center, group home, or other congregate setting;
 - b. Receiving Building Independence (BI), Family and Individual Support (FIS) or Community Living (CL) Waiver services; or
 - c. Determined eligible for and currently on a waitlist for the BI, FIS, or CL Waiver.
3. Currently receives no other source of local, state, or federal rent assistance, subsidy, or supplement, whether tenant-based or project-based rent assistance.
4. Resides in the catchment area established as JCC, Upper York County, and the City of Williamsburg.

Funding will be used to provide rental assistance and coordinate case management and clinical services in collaboration with the DBHDS and the Community Services Board Support Coordinator.

It is recommended that the Board of Supervisors adopt the attached resolution to authorize acceptance and appropriation to the Housing and Neighborhood Development Fund of \$122,850 for continued support of 10 SRAP vouchers for FY2023.

RV/ap
SRAPVouch23-mem

Attachment

RESOLUTION

GRANT AWARD - \$122,850 -

STATE RENTAL ASSISTANCE PROGRAM

WHEREAS, the James City County (JCC) Social Services Housing Unit is designated as the Public Housing Agency (PHA) responsible for administration of the Section 8 Housing Choice Voucher Program within JCC; and

WHEREAS, James City County has been awarded funding to continue administration of 10 State Rental Assistance Program (SRAP) vouchers for Fiscal Years (FY) 2023 and 2024 to serve individuals aged 18 or older who have an intellectual and/or developmental disability as defined in the Code of Virginia and reside in the catchment area established as JCC, Upper York County, and the City of Williamsburg; and

WHEREAS, the PHA will work in collaboration with the Department of Behavioral Health and Developmental Services and the Community Services Board Support Coordinator to combine rental assistance with case management and clinical services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes acceptance of these funds and approves the budget appropriation to the Housing and Neighborhood Development Fund for FY2023, as follows:

Revenue:

FY23 State Funding - SRAP	<u>\$122,850</u>
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Expenditures:

Rental Assistance	\$ 91,560
Utility Reimbursement	\$ 15,840
Administrative Fees	\$ 9,600
Program Reserve	<u>\$ 5,850</u>
Total	<u>\$122,850</u>

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 8th day of November, 2022.

SRAPVouch23-res



COMMONWEALTH of VIRGINIA

NESON SMITH
COMMISSIONER

DEPARTMENT OF
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES
Post Office Box 1797
Richmond, Virginia 23218-1797

Telephone (804) 786-3921
Fax (804) 371-6638
www.dbhds.virginia.gov

MOA MODIFICATION

Date: 6/29/2022

MOA Number: 720-4927

Renewal Number: NA

Modification Number: 01

Issued By: Department of Behavioral Health and Developmental Services
Procurement and Administrative Services
1220 Bank Street
Richmond, VA 23219

Contractor: James City County Department of Social Services

Commodity Description: State Rental Assistance Program

This Supplemental Agreement is entered into pursuant to the provision of the basic contract and any contract modifications.

Description of Modification; effective immediately:

1. Reference page 1, Section (2)(V) under "G. Matrix of Required Performance Targets" add: "H. SRAP Continuity of Operations Plan."
2. Reference page 7, Section III., Pricing and Payment Terms, Paragraph A, Funding Allocation, Subparagraph 4, add new statement at the beginning of subparagraph 4 "contingent upon General Assembly approval of the new fiscal year appropriation."
3. Reference page 8, Section III., Pricing and Payment Terms, Paragraph C, Administrative Fees; delete the phrase: "criminal background checks," from this paragraph. Criminal background checks are no longer required for SRAP applicants.
4. Reference page 9, Section IV., General Terms and Conditions, Paragraph F., Civility in Workplace, delete text in this paragraph in its entirety and replace with: "text intentionally omitted."

MOA #720-4927, Renewal #, Mod # 01

Page 1 of 12

5. Reference page 12, Section IV., Special Terms and Conditions, at the end of this section, insert the following text:

P. FEDERALLY IMPOSED TARIFFS: In the event that the President of the United States, the United States Congress, Customs and Border Protection, or any other federal entity authorized by law, imposes an import duty or tariff (a “tariff”), on an imported good that results in an increase in contractor’s costs to a level that renders performance under the Agreement impracticable, the Commonwealth may agree to an increase to the purchase price for the affected good. No increase in purchase price may exceed 25% of the additional tariff imposed on the goods imported or purchased by the contractor that are provided to the Commonwealth under this Agreement.

Prior to the Commonwealth agreeing to a price increase pursuant to this Section, the contractor must provide to the Commonwealth, the following documentation, all of which must be satisfactory to the Commonwealth:

1. Evidence demonstrating: (i) the unit price paid by contractor as of the date of award for the good or raw material used to furnish the goods to the Commonwealth under this Agreement, (ii) the applicability of the tariff to the specific good or raw material, and (iii) contractor’s payment of the increased import duty or tariff (either directly or through an increase to the cost paid for the good or raw material). The evidence submitted shall be sufficient in detail and content to allow the Commonwealth to verify that the tariff is the cause of the price change.
2. A certification signed by contractor that it has made all reasonable efforts to obtain the good or the raw materials comprising the good procured by the Commonwealth at a lower cost from a different source located outside of the country against which the tariff has been imposed.
3. A certification signed by contractor that the documentation, statements, and any other evidence it submits in support of its request for a price increase under this Section are true and correct, and that the contractor would otherwise be unable to perform under this Agreement without such price increase.
4. As requested by the Commonwealth, written instructions authorizing the Commonwealth to request additional documentation from individuals or entities that provide the good or the raw materials to verify the information submitted by contractor.

If the Commonwealth agrees to a price increase pursuant to this Section, the parties further agree to add the following terms to this Agreement:

5. During the Term and for five (5) years after the termination of this Agreement, contractor shall retain, and the Commonwealth and its authorized representatives shall have the right to audit, examine, and make copies of, all of contractor’s books, accounts, and other records related to this Agreement and contractor’s costs for providing goods to the Commonwealth, including, but not limited to those kept by the contractor’s agents, assigns, successors, and subcontractors.
6. Notwithstanding anything to the contrary in this Agreement, the Commonwealth shall have the right to terminate this Agreement for the Commonwealth’s convenience upon 15 days’ written notice to contractor.
7. Any material misrepresentation of fact by contractor relating in any way to the Commonwealth’s payment of additional sums due to tariffs shall be fraud against the taxpayer’s of the Commonwealth and subject contractor to treble damages pursuant to the Virginia Fraud Against Taxpayers Act.


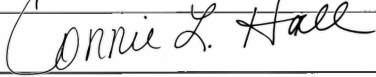
In the event the import duty or tariff is repealed or reduced prior to termination of this Agreement, the increase in the Commonwealth's contract price shall be reduced by the same amount and adjusted accordingly.

6. Reference page 14, Special Terms and Conditions, Paragraph E, Program Reserve Subparagraph 2(a – c); delete text in this subparagraph in its entirety and replace with "text intentionally omitted."
7. Reference page 15, Special Terms and Conditions, Paragraph E, Program Reserve, Subparagraph 3(c); delete text in subparagraph (c) in its entirety and replace with "text intentionally omitted."
8. Reference page 15, Special Terms and Conditions, Paragraph E, Program Reserve, Subparagraph 3(d); delete text in subparagraph (d) in its entirety and replace with "text intentionally omitted."
9. Reference page 17, Special Terms and Conditions, Paragraph H, Fidelity Bond/Crime Insurance Coverage, Subparagraph 2; add following statement at the end of Subparagraph 2: "Nothing contained in this section may be interpreted as to prevent the Contractor from exercising all Contractor's rights against the person who committed a wrongful act."
10. Reference page 17, Special Terms and Conditions, after Paragraph J, add new paragraph "K. SRAP Continuity of Operations Plan." Under new paragraph K, add the following text: "In order to ensure performance of core SRAP functions during critical events which impact program integrity, DBHDS and the Contractor agree to abide by the SRAP Continuity of Operations Plan in Attachment H."
11. Reference page 17, Special Terms and Conditions, after Paragraph K, add new paragraph "L. Reporting Data Tool." Under new paragraph L, add the following text: "DBHDS will provide, at its own cost, tools for data collection and reporting which Community Partners shall use to track all SRAP participants and certain events associated with their rental subsidies."
12. Reference page 29, delete Attachment E in its entirety and replace with the revised Attachment E provided with this modification.
13. Reference page 33, Add new attachment, "Attachment H: SRAP Continuity of Operations Plan" provided with this modification.

Except for the changes provided herein, all other terms and conditions of this contract remain unchanged and in full force and effect.

CONTRACTOR: James City County
Department of Social Services

PURCHASING AGENCY: Department of
Behavioral Health and Developmental Services

BY: 	BY: 
PRINTED NAME: Scott A. Stevens	PRINTED NAME: Connie L. Hall, VCO
TITLE: County Administrator	TITLE: Procurement Officer II
DATE: 7-6-2022	DATE: 07/11/2022

ATTACHMENT E – Funding Allocations for the Current Fiscal Year and Subsequent Fiscal Year

Fiscal Year 2023 Funding Allocation

Contractor intends to administer rental assistance to a minimum of 10 households with this funding allocation, contingent upon sufficient referrals from DBHDS.

Funding Category	Amount
Rental Assistance	\$ 91,560
Utility Reimbursement	\$ 15,840
Contractor Administrative Fees	\$ 9,600
Program Reserve	\$ 5,850
TOTAL	\$ 122,850

Fiscal Year 2024 Funding Allocation

Contractor intends to administer rental assistance to a minimum of 10 households with this funding allocation, contingent upon sufficient referrals from DBHDS.

Funding Category	Amount
Rental Assistance	\$ 91,560
Utility Reimbursement	\$ 15,840
Contractor Administrative Fees	\$ 9,600
Program Reserve	\$ 5,850
TOTAL	\$ 122,850

ATTACHMENT H: SRAP CONTINUITY OF OPERATIONS PLAN

I. Purpose

Natural and human-made disasters, major weather events, public health emergencies and other significant incidents (“Critical Events”) can threaten or disrupt a local Partner Agency’s ability to administer the State Rental Assistance Program (SRAP). SRAP Partner Agencies need Continuity of Operation Plans (COPs) when a Critical Event occurs in order to swiftly restore and/or sustain SRAP core functions to ensure SRAP participants maintain stable housing. This COP is between the Department of Behavioral Health and Developmental Services Office of Community Housing (DBHDS OCH) and James City County Department of Social Services Housing (James City County Housing), the SRAP Partner Agency.

II. COP Leader

The Partner Agency director must designate a COP Manager who is responsible for maintaining accurate, consistent, timely communication with staff from the Department of Behavioral Health and Developmental Services (DBHDS) Office of Community Housing (OCH) throughout the COP implementation process.

The COP Manager for James City County Housing (SRAP Partner Agency) is:

Name:	Keith Denny
Title:	Housing Manager
Office Address:	5320 Palmer Lane Williamsburg, VA 23188
Office Phone Number:	757-259-5349
Cell Phone Number:	757-634-7270
Email Address:	keith.denny@jamescitycountyva.gov
Fax Number:	757-220-0640

III. SRAP Core Functions

Partner Agencies must be able to meet minimum SRAP service provision levels to sustain continuity of operations in emergency situations. These minimum service provision levels are “SRAP core functions.” DBHDS OCH has identified three SRAP core functions:

SRAP Core Function #1: continue to provide rent assistance for SRAP participants so they can maintain stable housing. Activities include:

- Issuing SRAP payments to landlords on a monthly basis in accordance with the SRAP contract

- Conducting interim examinations of income for participants who experience decreases in income and adjusting tenant rent contributions, SRAP payments to landlords and utility reimbursements as appropriate
- Processing proposed rent increases from landlords and issuing Notices of Rent Amounts or entering into new SRAP contracts as appropriate

SRAP Core Function #2: initiate rent assistance to DBHDS-referred SRAP applicants who are literally homeless (e.g., living in a homeless shelter, on the street or in a place unfit for human habitation) or who are high priority state hospital discharges. Activities include:

- Processing SRAP applications
- Conducting eligibility determinations
- Issuing SRAP certificates
- Approving units (for rent reasonableness, affordability and safety)
- Entering into SRAP contracts with landlords and initiating subsidy payments

SRAP Core Function #3: address critical health and safety issues in SRAP-assisted housing. Activities include:

- Conducting special inspections for SRAP participants who report suspected HQS violations in a contract unit.
- Performing initial inspections for SRAP applicants.
- Notifying landlords of HQS violations, requirements to cure violations and deadlines to meet requirements.
- Exercising remedies under the SRAP contract to enforce HQS compliance.

Initial and special inspections must be performed in-person, unless an in-person inspection would adversely affect the health and safety of the inspector, landlord or tenant. In such cases, the inspector may perform a virtual inspection via a live video feed.

IV. Activation and Notification

The COP Manager coordinates with Partner Agency leadership and key staff to evaluate the immediate impact of the Critical Event on SRAP operations. If the Critical Event impairs the Partner Agency's ability to perform one or more SRAP core functions listed in Section III, the Partner Agency's leadership will activate the COP.

Upon activation of the COP, the COP Manager will notify agency staff, key stakeholders and the DBHDS OCH that the COP is in effect. Key stakeholders include SRAP landlords, SRAP participants, participants' guardians and support coordinators.

The COP Manager is responsible for providing key stakeholders updates on the status of operations. As information becomes available, the COP Manager will convey the reason, timing, and anticipated duration of the COP, and a summary of major changes to operations that impact key stakeholders. If Partner Agency SRAP staff will be relocated, the COP Manager will include instructions on where and how to reach SRAP staff.

The Partner Agency must use broad-based communication methods that are not adversely affected by the Critical Event. For example, the Partner Agency can send a mass email or text message, mass mail a

notification letter, post notification prominently on the Partner Agency's website and/or make a phone information line available that provides recorded announcements and instructions.

V. Continuity of Operations

Once the COP is activated and the COP Manager provides appropriate notifications, the Partner Agency begins the "Continuity of Operations" phase.

During Continuity of Operations, the COP Manager will coordinate with the Partner Agency leadership and staff, other local government agencies and contractors to conduct a comprehensive "threat impact assessment" of the Critical Event on the status of the facilities, systems infrastructure and workforce that support SRAP operations. The COP Manager will determine how much time is needed to repair affected facilities or systems infrastructure, acquire a new facility or systems infrastructure, and/or achieve workforce recovery.

The COP Manager, in consultation with agency leadership, will use information from the threat impact assessment and the COP framework in Section VII to select and implement one or more of the following strategies to preserve and perform SRAP core functions:

1. submit a written request to DBHDS OCH to temporarily halt new SRAP referrals who are not literally homeless for a period not to exceed 120 days (DBHDS OCH may grant an extension beyond 120 days, if circumstances related to the Critical Event warrant an extension)
2. submit a written request to DBHDS OCH for one or more exceptions to SRAP Program Manual requirements to DBHDS OCH to maintain core functions of the program
3. submit a written request to DBHDS OCH for approval of one or more specific exceptions from a list of prior authorized exceptions for Critical Events which DBHDS OCH will provide
4. relocate staff to one or more alternate locations or direct office staff to telework at an acceptable location
5. reassign staff from another agency program or department to perform tasks and activities that support SRAP core functions
6. implement procedural workarounds when technology, office equipment, communication systems, data/information, record-keeping or reporting systems are inoperative.

DBHDS OCH will review each request for strategies 1-3 above and provide a written response within 3 business days of receiving the Partner Agency's exception request. DBHDS OCH will either approve or deny the request, or will propose a modification to the Partner Agency's exception request. The Partner Agency must agree in writing to any proposed modification.

The COP Manager must notify DBHDS OCH in writing of any changes to facility location, staffing patterns, or infrastructure capabilities (e.g., changes to communication, record-keeping or reporting systems) that are required to preserve SRAP core functions.

VI. Reconstitution

Reconstitution procedures begin at the Partner Agency's primary location (or new site) when the agency leadership determines the Critical Event which triggered COP activation is resolved and is unlikely to reoccur. The Partner Agency may form a Reconstitution Team to facilitate the efficient return to normal SRAP operations. Depending on the circumstances, one or more of the following reconstitution strategies may be implemented:

1. If a facility-related event caused the disruption, conduct a security and safety assessment to determine building suitability, and develop a plan for return or relocation. Planning for the return to regular SRAP work sites (following any necessary repairs) or the transition to a new facility must begin as soon as practical to minimize disruption to SRAP operations.
2. Verify facilities and other required capabilities (technology, office equipment, communication systems, data/information systems, etc.) are available and the agency can perform all SRAP core functions and routine operations at the new or restored facilities, with the new or restored equipment and systems, or with a new or restored workforce.
3. Implement a SRAP reconstitution action plan which identifies routine SRAP activities and functions which have been altered or suspended, prioritizes these activities and functions for a return to normal business operations, describes what actions the Partner Agency will take to restore each activity or function, and specifies an implementation schedule. The plan may include, but is not limited to:
 - a. transitioning personnel back to the original workplace or a new workplace
 - b. transitioning temporary job assignments back to primary personnel
 - c. hiring, training or re-training replacement personnel
 - d. repairing or replacing office equipment, supplies, communication systems and data or management information systems
 - e. recovering essential data, files, records and reports

The COP Manager will notify DBHDS OCH, SRAP agency personnel and key stakeholders once the threat caused by the Critical Event is resolved and will provide each party instructions for resumption of normal operations using the notification methods in Section III. The COP Manager will provide a copy of the SRAP reconstitution action plan to DBHDS OCH for review and comment. Finally, the COP Manager will update each party on key developments regarding reconstitution and the reconstitution schedule.

VII. Continuity of Operation Plan Framework

The Partner Agency's COP framework includes the following elements. The Partner Agency may implement one or more of these elements, depending on the nature of the Critical Event's immediate impact on SRAP operations.

- A. Order of Succession/Delegation of Authority: the Partner Agency has established the following order of succession and delegation of authority for SRAP operations.

Type of Authority	Primary Position	Successor Position #1 with Delegated Authority	Successor Position #2 with Delegated Authority
Approval and execution of the SRAP MOA and any amendments to the SRAP MOA	Director, Department of Social Services	Assistant Director, Department of Social Services	Housing Manager, Department of Social Services
Approval of SRAP draw requests and administrative fee invoices	Housing Manager, Department of Social Services	Housing Supervisor, Department of Social Services	Assistant Director, Department of Social Services
Management of SRAP program reserve	Housing Manager, Department of Social Services	Housing Supervisor, Department of Social Services	Assistant Director, Department of Social Services

Approval of SRAP disbursements	Housing Manager, Department of Social Services	Housing Supervisor, Department of Social Services	Assistant Director, Department of Social Services
Review of reasonable accommodation requests for SRAP	Housing Manager, Department of Social Services	Housing Supervisor, Department of Social Services	Assistant Director, Department of Social Services
Informal review and hearing decisions	Housing Manager, Department of Social Services	Housing Supervisor, Department of Social Services	Assistant Director, Department of Social Services
Eligibility approvals	Housing Supervisor, Department of Social Services	Housing Manager, Department of Social Services	Assistant Director, Department of Social Services
Unit approvals	Housing Supervisor, Department of Social Services	Housing Manager, Department of Social Services	Assistant Director, Department of Social Services

- B. Communication with Key Stakeholders: the Partner Agency has established the following plan to notify key stakeholders of changes in SRAP operational status and keep key stakeholders informed of current operational status (e.g., internet webpage announcements, email alerts, phone information line, etc.).

Communication with DBHDS OCH: the COP manager will notify DBHDS OCH staff of changes in operational status and provide status updates using direct phone calls, text messaging and email.

Communication with Landlords: Partner Agency staff will notify landlords of changes in operational status and provide status updates using direct phone calls, email, agency webpage announcements, and a phone information line with a recorded message.

Communication with Individuals and their Guardians: Partner Agency staff will notify individuals and their guardians of changes in operational status and provide status updates using direct phone calls, email, agency webpage announcements, and a phone information line with a recorded message.

Communication with Support Coordinators: Partner Agency staff will notify support coordinators of changes in operational status and provide status updates using direct phone calls, email, agency webpage announcements, and a phone information line with a recorded message.

- C. Communication with SRAP Staff: the Partner Agency has established the following plan to notify staff of changes in SRAP operational status and keep staff informed of current operational status (e.g., intranet webpage announcements, email alerts, phone information line, etc.):

Partner Agency leadership will notify staff of changes in SRAP operational status and keep them informed of current operational status through: in person meetings, virtual meetings (via video- or tele-conference), and direct phone calls and emails.

- D. Alternative Facility Locations: the Partner Agency has identified the following alternate facility locations for SRAP in the event an office relocation is required. Alternate facility locations must

have office equipment and supplies required to perform SRAP core functions (e.g., desktop and/or laptop computers, telephones, printers, photocopiers, fax machines, etc).

Name of Alternate Facility	Address	Main Phone Number	List Equipment & Supplies Available to Perform Core Functions
James City County Department of Social Services	5249 Olde Towne Rd, Williamsburg, VA 23188	757-259-3100	Mobile (tablet) computers, mobile phones, portable scanners, County vehicles photocopier, Internet access, and access to the County's shared network server.
Telework locations (the Partner Agency has a telework plan for staff with established home offices)	Staff residences	Housing Staff have their direct lines forwarded to their mobile phones when out of the office. The voice mail system also records messages to direct lines and sends them to staff by email.	Mobile (tablet) computers, mobile phones, portable scanners, Internet access (either through secure home Wi-Fi or a hotspot), access to the County's shared network server using VPN.

- E. Critical Technology Assets and Systems: the Partner Agency has identified the following technology assets and systems as critical to SRAP operations and has outlined temporary alternative solutions for each. These technology assets and systems will be prioritized for repair, restoration or replacement. *Examples: Accounts Payable system for processing SRAP payments to landlords, Electronic Funds Transfer system for wiring payments to landlords, etc.*

Technology Asset/System	Purpose	Temporary Solution
Accounts Payable (A/P) System	Accounting, bookkeeping, tracking/monitoring financial transactions in and out.	A/P System is maintained by the Local Government entity. The MUNIS account management software used by James City County is cloud-based. Additionally, the Housing Office maintains paper files on all program participants, including financial/payment records for tenants and landlords.
Electronic Funds Transfer System	Financial transactions to landlords.	System is maintained by the Local Government entity. In event that Electronic Fund Transfer is not available, the County can make paper check payments. All payment calculations and requests for

		subsidy payments are generated by the Housing Office and sent to the Accounting Office.
Office telephone system	Real-time communication with key stakeholders	All Housing/Program staff have County-provided mobile phones and tablets with unlimited internet service and hot spot service included.
Office software applications	Word processing, recording and analyzing numerical data on spreadsheets, document sharing, email	All Housing/Program staff have County-provided mobile computers with Microsoft Office for word processing, recording and analyzing numerical data on spreadsheets, document sharing, and email.
Internet Access	Electronic communications and electronic data transmission	All Housing/Program staff have County-provided mobile computers with unlimited internet service and hot spot service included.
DBHDS MS Teams platform	This cloud-based file sharing system hosts the SRAP Program Materials and the SRAP Workbook. Program Materials include the SRAP Program Manual, SRAP Program Memos and SRAP forms. The Workbook consists of required SRAP program and financial reports which the Partner Agency maintains and DBHDS reviews.	If the Partner Agency sustains prolonged loss of DBHDS MS Teams access (e.g. more than several days), Partner Agency staff will notify the DBHDS OCH SRAP Program Manager. The Program Manager will facilitate access to shared files using an alternative electronic file sharing system until access can be restored.

F. Access to Essential Records and Data: the Partner Agency has identified the following records, databases and materials required as essential to SRAP operations. The records and materials identified below may be required by SRAP staff to perform core functions. Describe the back-up location for these records and materials until they can be restored to their permanent location (e.g., the alternative facility, via a cloud-based network for teleworkers).

Essential Files, Records or Databases	Type of Record	Back Up Location/Access Plan
SRAP Workbook	Excel spreadsheet located on DBHDS cloud storage system, MS Teams	A current version of the workbook is saved to the Department Server/Local Government entity backup server
Client Files	Hard copies of client files are located in the Partner Agency's office. Client electronic files are located on the Partner Agency's onsite server.	Back up hard copies of client files are located at the alternate facility identified above. Back up electronic copies of client files are on the Local

		Government entity backup server.
SRAP contracts	Hard copies of contract files are located at the Office of Housing in a secured/locked file storage cabinet/storage room.	Digital PDF copies of contracts are located on the County's shared digital server.
SRAP inspections	Hard copies of inspection files are located at the Office of Housing in a secured/locked file storage cabinet/storage room.	Digital PDF copies of inspections are located on the County's shared digital server.
SRAP MOA	A hard copy of the MOA is located at the Office of Housing in a secured/locked file storage cabinet/storage room.	A digital PDF copy of the MOA located on the County's shared digital server.
SRAP Program Manual & Program Memos	Hard copies of the Program Manual and Program Memos are located at the Office of Housing in a secured/locked file storage cabinet/storage room.	Digital PDF copies of the Program Manual and Program Memos are located on the County's shared digital server.
SRAP forms	Hard copies of SRAP forms are located at the Office of Housing in a secured/locked file storage cabinet/storage room.	Digital PDF copies of SRAP forms are located on the County's shared digital server.

G. Temporary Staffing Plan: the Partner Agency has identified the following temporary staff support options for SRAP core functions in the event of a staffing shortage or loss.

SRAP Core Function	Primary Position Title	Temporary SRAP Staff Support
Eligibility Determination	SRAP Program Coordinator	Housing Supervisor
Unit Approval (not including inspections)	Housing Manager	Housing Supervisor
Unit Inspections	SRAP HQS Inspector	Housing Manager
Annual re-examinations and interim adjustments	SRAP Program Coordinator	Housing Supervisor
Issuance of payments to landlords	SRAP Administrative Coordinator	Housing Supervisor

ITEM SUMMARY

DATE: 11/8/2022

TO: The Board of Supervisors

FROM: A. Vaughn Poller, Neighborhood Development Administrator

SUBJECT: Disposition of County-owned Property located at 6145, 6151 Old Mooretown Road, and 130 Clark Lane

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Location Map	Backup Material
☐	Draft Memorandum of Understanding	Exhibit
☐	Conceptual Subdivision Plan	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Housing & Community Development	Poller, Vaughn	Approved	10/24/2022 - 10:42 AM
Development Management	Holt, Paul	Approved	10/24/2022 - 12:07 PM
Publication Management	Daniel, Martha	Approved	10/24/2022 - 12:11 PM
Legal Review	Kinsman, Adam	Approved	10/24/2022 - 12:19 PM
Board Secretary	Saeed, Teresa	Approved	10/31/2022 - 2:18 PM
Board Secretary	Rinehimer, Bradley	Approved	10/31/2022 - 2:40 PM
Board Secretary	Saeed, Teresa	Approved	11/1/2022 - 2:59 PM

MEMORANDUM

DATE: November 8, 2022

TO: The Board of Supervisors

FROM: A. Vaughn Poller, Neighborhood Development Administrator
Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Disposition of County-Owned Property Located at 6145 and 6151 Old Mooretown Road and 130 Clark Lane

The County seeks to dispose of three residual properties in the Powhatan District: one located at 6145 Old Mooretown Road (Real Estate Tax Map No. 3310100005), one located at 6151 Old Mooretown Road (Real Estate Tax Map No. 3310100003), and another at 130 Clark Lane (Real Estate Tax Map No. 3220100052).

For several decades prior to the mid-1990s, Clark Lane existed as a dirt road. In the mid-1990s, the County completed a neighborhood improvement project, a portion of which included constructing Clark Lane as a full-width roadway built to Virginia Department of Transportation (VDOT) standards. The roadway is now a part of VDOT's system as a public road. As a part of establishing the 50-foot-wide public right-of-way for Clark Lane, the County took possession of 6145 Old Mooretown Road and 130 Clark Lane. In its current form, these two properties do not contain any buildable area and are otherwise unusable. The County acquired 6151 Old Mooretown Road in 1997 as part of the same redevelopment project, part of which included removing an older mobile home that was partially on this property.

Separately, Habitat for Humanity Peninsula and Greater Williamsburg, Inc. (H4H) is pursuing ownership of property located at 100 Clark Lane, which is situated between the County-owned parcels. In partnership, there exists the potential to create up to nine new buildable lots. Should H4H be successful in purchasing 100 Clark Lane, the County would partner with H4H, as proposed in the attached Memorandum of Understanding (MOU), to re-subdivide the properties to create the envisioned nine new lots, all of which would be developed as single-family homes that are priced for those making incomes that fall within the County's definition for Workforce and Affordable Housing. In consideration of the County's partnership, the County land would not be sold to H4H; rather, two of the newly created lots would be retained by the County for development and H4H would develop on the other seven. By separate action, the County has also sought, and been awarded, grant funding with no required local match to assist with necessary costs.

The development of affordable housing on underutilized property was a strategy identified by the Workforce Housing Task Force.

Staff recommends approval of the attached resolution, which would authorize the disposition and authorize the County Administrator to execute those documents and agreements necessary to undertake this project.

AVP/PDH/md
DisPropMrtwnClark-mem

Attachments:

1. Resolution
2. Location Map
3. Draft MOU
4. Conceptual Subdivision Plan

RESOLUTION

DISPOSITION OF COUNTY-OWNED PROPERTY LOCATED AT

6145, 6151 OLD MOORETOWN ROAD, AND 130 CLARK LANE

WHEREAS, James City County owns three parcels of property located at 6145 Old Mooretown Road, and 6151 Old Mooretown Road and 130 Clark Lane, further identified as James City County Real Estate Tax Map Nos. 3310100005, 3310100003, and 3220100052, respectively (together, the “Property”); and

WHEREAS, 130 Clark Lane and 6145 and 6151 Old Mooretown Road are lot remnants and do not contain any developable area; and

WHEREAS, the Property is adjacent to another parcel known as the William Henry Moore Estate, located at 100 Clark Lane, further identified as James City County Real Estate Tax Map No. 3310100004 (“100 Clark Lane”); and

WHEREAS, Habitat for Humanity Peninsula and Greater Williamsburg, Inc. (“H4H”) is in the process of purchasing 100 Clark Lane; and

WHEREAS, the County and H4H desire to subdivide the Property and 100 Clark Lane into multiple buildable lots for affordable housing (the “Project”); and

WHEREAS, the County and H4H desire to enter into an agreement providing that the County will own two of the nine new lots and H4H will own seven of the nine new lots and all lots will be used for affordable and/or workforce housing; and

WHEREAS, a public hearing was advertised and held on the disposition of a portion of the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized and directed to execute those documents and agreements necessary to subdivide the Property and to undertake the Project; and

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized and directed to execute those documents necessary to dispose of a portion of its interest in the Property in exchange for ownership of two new subdivided lots; and

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that the two new subdivided lots to be owned by the County shall be used for affordable and/or workforce housing.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

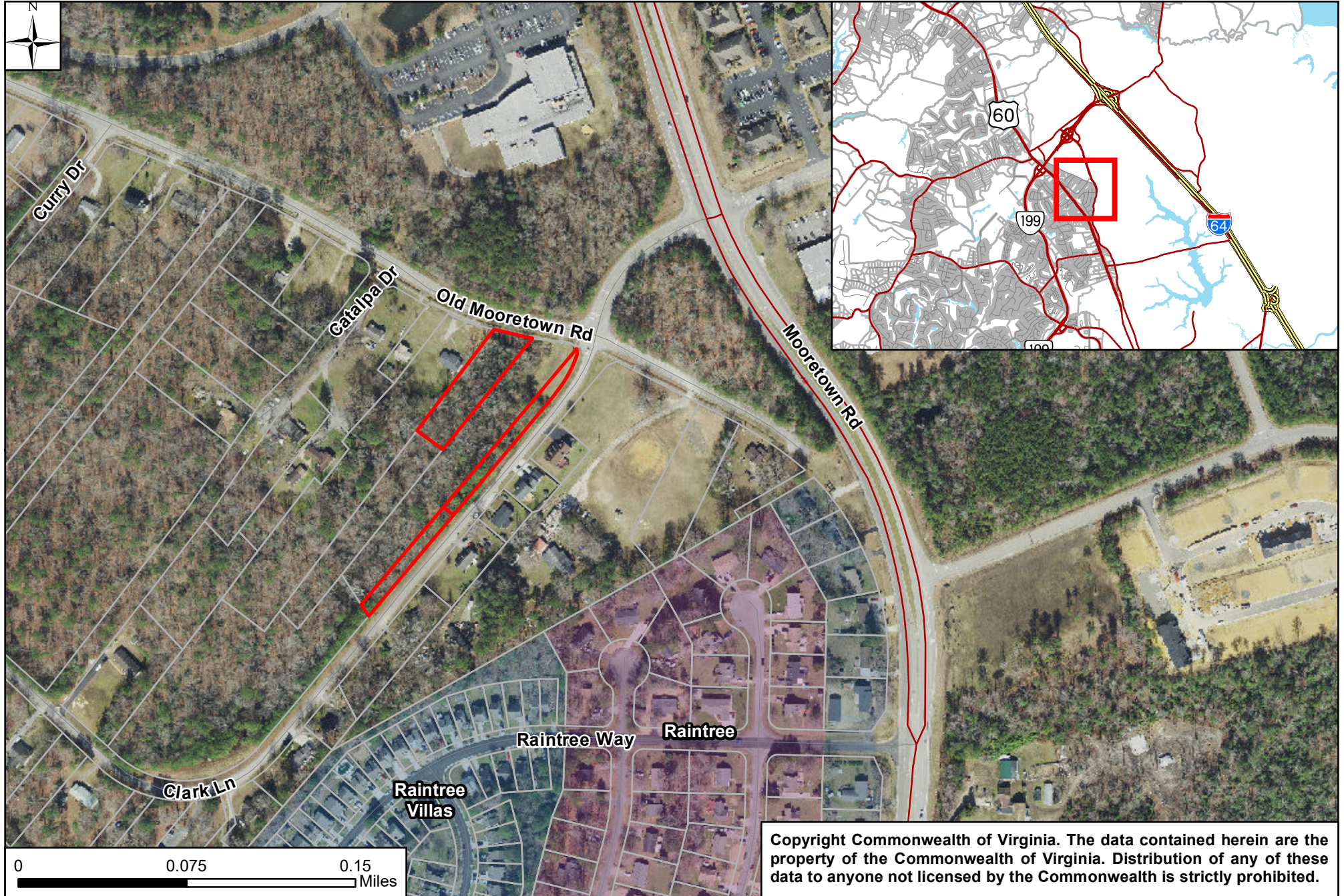
Teresa J. Saeed
Deputy Clerk to the Board

	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 8th day of November, 2022.

DisPropMrtwnClark-res

Disposition of County Owned Property at 6145 and 6151 Old Mooretown Road and 130 Clark Lane



MEMORANDUM OF UNDERSTANDING

THIS Memorandum of Understanding (“MOU”) is made this _____ day of _____, 2022 between Habitat for Humanity Peninsula and Greater Williamsburg, a Virginia corporation (“H4H”), whose address is P.O. Box 1443, Newport News, VA 23601, and the County of James City, Virginia, a political subdivision of the Commonwealth of Virginia, (“County,” together with H4H, the “Parties”), whose address is 101-D Mounts Bay, Williamsburg, VA 23185.

RECITALS:

R-1. The County owns three parcels of property located at 130 Clark Lane, 6145 Old Mooretown Road and 6151 Old Mooretown Road, further identified as James City County Real Estate Tax Map Nos. 3220100052 and 3310100005 and 3310100003, respectively (together, the “County Property”); and

R-2. The Property is adjacent to another parcel known as the William Henry Moore Estate, located at 100 Clark Lane, further identified as James City County Real Estate Tax Map No. 3310100004 (“100 Clark Lane,” together with the County Property, the “Properties”); and

R-3. H4H is in the process of purchasing 100 Clark Lane; and

R-4. The Parties desire to subdivide the County Property and 100 Clark Lane into nine buildable lots, all to be used for affordable housing; and

R-5. The Parties desire to transfer ownership of two of the new lots to the County and to transfer ownership of seven of the new lots to H4H; and

In consideration of the mutual covenants contained herein, County and H4H agree as follows:

1. **Subdivision.** H4H and County agree to pursue subdivision of the Properties into nine lots, in conformance with James City County Code Section 19-1 et seq.
2. **Lot Selection.** The Parties will agree in writing on which of the Properties will transfer to the County and which of the Properties will transfer to H4H.
3. **Title and Transfer.** The County and H4H will convey two of the newly-created parcels to the County (“County Parcels”). The County and H4H will convey seven of the newly-created parcels to H4H (“H4H Parcels”). H4H and/or the County may direct that the deeds of conveyance be to a qualified homebuyer. The closing for the Properties may take place simultaneously or each parcel may be closed at different times, as agreed upon by H4H and the County. The deeds shall convey each parcel from the County and H4H, or its assigns, by Special Warranty Deed, in fee simple. Title is to be free and clear of all liens and indebtedness of every kind, except the liens mentioned herein and any recorded easements or other interests.
4. **Possession.** The County may take possession of each of the County Parcels at the time a subdivision plat is recorded. The risk of loss or damage to said County Parcels and any improvements thereon by fire or other casualty shall be assumed by the County upon

delivery of possession. H4H may take possession of the H4H Parcels at the time a subdivision plat is recorded. The risk of loss or damage to said H4H Parcels and any improvements thereon by fire or other casualty shall be assumed by H4H upon delivery of possession.

5. **Settlement.** Settlement shall be made at the offices of H4H's Settlement Agent ("Settlement Agent") on a date agreed upon by the Parties ("Settlement Date").
 6. **Construction.** H4H shall construct one single-family detached home on each of its seven Properties that complies with all County regulations and building codes. H4H shall obtain all necessary licenses, building, and occupancy permits. The James City County Housing Office may provide H4H with a building permit fee exemption upon request.
 7. **Sale to Qualified Homebuyers.** H4H shall sell its seven Properties to homebuyers who meet Virginia Housing Development Authority Income and Sales Price/Loan Limits for the Norfolk-VA Beach-Newport News area.
 8. **Insurance.** H4H shall purchase and maintain during the life of this MOU such comprehensive general liability insurance including product and completed operations liability insurance as will provide protection from H4H's performance of the work and H4H's other obligations under this MOU, whether such performance is by H4H, by subcontractor, by anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable and shall otherwise bear responsibility. H4H further agrees that all limits will exceed the amounts below:
 - A. Workers Compensation and Employers Liability
Coverage A - Statutory
Coverage B - \$100,000/\$100,000/\$500,000
A broad form of all states endorsement should be attached.
 - B. Commercial General Liability Including Contractual and Completed Operations.
Limit of Liability \$1,000,000 per Occurrence
- Prior to beginning construction or any improvement on any of the Properties, including any land disturbing activities, H4H will supply the County with evidence of such insurance naming the County as an additional insured.

9. Disclosures.

- (a) **Property Owners' Association Act.** Pursuant to Code of Virginia Section 55.1-1814 et seq., this MOU is excepted from the disclosure requirements of the Virginia Property Owner's Association Act.
 - (b) **Principal Residence.** Neither H4H nor the County intend to occupy any of the Properties as its principal residence.
- 10. Acceptance.** Being first duly authorized, representatives for each of the Parties have executed this MOU. This MOU may not be modified unless done in writing by each of the Parties.

THE COUNTY OF JAMES CITY, VIRGINIA

By: _____
Scott A. Stevens, County Administrator

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF _____: TO WIT

On this ____ day of _____, 20____ Scott A. Stevens, County Administrator,
personally appeared before me and executed this Contract.

Notary Public

My Commission expires: _____
Notary Registration No.: _____

HABITAT FOR HUMANITY PENINSULA AND GREATER WILLIAMSBURG

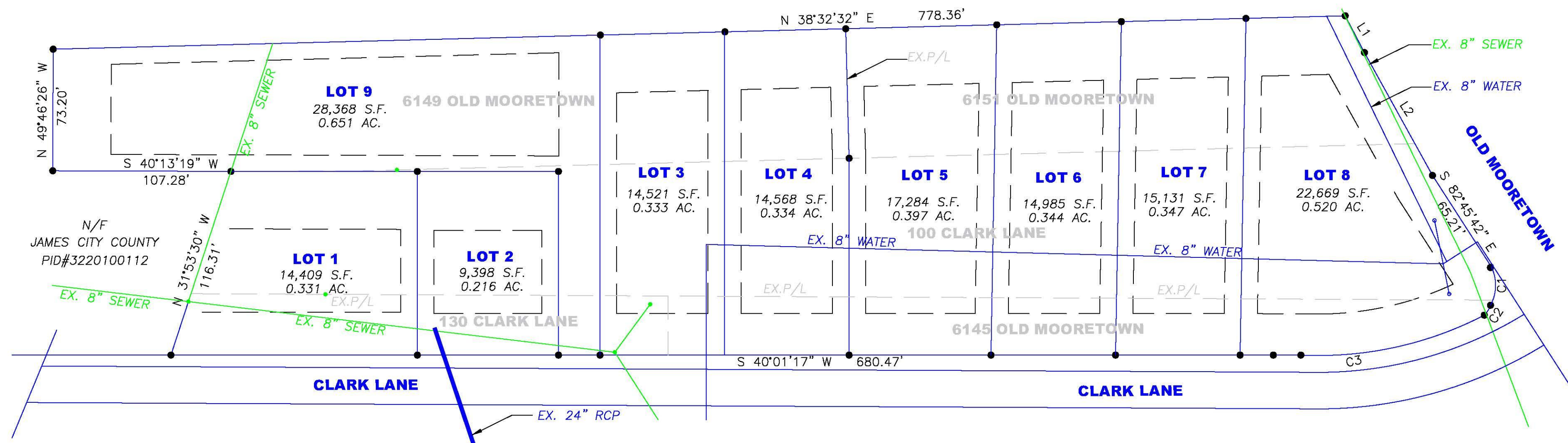
By: _____
_____, CEO

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF _____: TO WIT

On this ____ day of _____, 20____, _____, on behalf of the
Habitat for Humanity Peninsula and Greater Williamsburg, personally appeared before me and
executed the this Contract.

Notary Public

My Commission expires: _____
Notary Registration No.: _____



ITEM SUMMARY

DATE: 11/8/2022

TO: The Board of Supervisors

FROM: Terry Costello, Senior Planner

SUBJECT: SUP-22-0007. Branscome Resource Recovery and Aggregate Storage

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Location Map	Exhibit
☐	Master Plan	Exhibit
☐	Truck Traffic Counts	Backup Material
☐	Exhibit - Road Conditions	Exhibit
☐	DMME Permit	Backup Material
☐	SUP-18-0011 750 Blow Flats Road Borrow Pit SUP	Backup Material
☐	Unapproved minutes from the October 5, 2022 Planning Commission Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	10/21/2022 - 10:27 AM
Development Management	Holt, Paul	Approved	10/21/2022 - 10:27 AM
Publication Management	Pobiak, Amanda	Approved	10/21/2022 - 10:36 AM
Legal Review	Kinsman, Adam	Approved	10/21/2022 - 10:55 AM
Board Secretary	Saeed, Teresa	Approved	10/31/2022 - 2:21 PM
Board Secretary	Rinehimer, Bradley	Approved	10/31/2022 - 2:59 PM
Board Secretary	Saeed, Teresa	Approved	11/1/2022 - 3:00 PM

**SPECIAL USE PERMIT-22-0007. Branscome Resource Recovery and Aggregate Storage
Staff Report for the November 8, 2022, Board of Supervisors Public Hearing**

SUMMARY FACTS

Applicant:	Mr. Julian Lipscomb
Landowner:	Branscome Inc.
Proposal:	There is an active borrow pit (i.e., surface mine) on the property that is subject to conditions of a previously approved Special Use Permit (SUP) (SUP-18-0011). However, concrete, and other materials are also being brought to the site, crushed, and then utilized at the Branscome Asphalt Plant on Merrimac Trail or sold on-site to other contractors. A resource recovery and aggregate storage facility is a specially permitted use on property zoned M-2, General Industrial. The applicant has requested an SUP to be able to operate this portion of the business in compliance with the Zoning Ordinance
Location:	750 Blow Flats Road
Tax Map/Parcel No.:	6030100002
Property Acreage:	± 281 acres
Zoning:	M-2, General Industrial Military Influence Overlay District (MIOD)
Comprehensive Plan:	General Industry
Primary Service Area: (PSA)	Inside
Staff Contact:	Terry Costello, Senior Planner

PUBLIC HEARING DATES

Planning Commission: October 5, 2022, 6:00 p.m.

Board of Supervisors: November 8, 2022, 5:00 p.m.

FACTORS FAVORABLE

1. With the exception of traffic impacts to Blow Flats Road, staff finds the proposed conditions will mitigate expected impacts to surrounding properties and development.
2. Staff finds the proposal generally consistent with the *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*. See Analysis on Pages 7-8.
3. Impacts: See Impact Analysis on Pages 4-6.

FACTORS UNFAVORABLE

1. The property and project site are accessed by a narrow, substandard local road. Further, the intersection of Blow Flats Road and Pocahontas Trail (U.S. Route 60) is also substandard. As such, staff finds that the roadway may not be suitable for the increase in heavy construction traffic that is associated with a resource recovery and aggregate storage facility.
2. Impacts: See Impact Analysis on Pages 4-6.

SUMMARY STAFF RECOMMENDATION

Staff recommends denial of this application. Should the Board of Supervisors approve this case, staff has included proposed conditions to mitigate a portion of the potential impacts that would result from this development.

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-22-0007. Branscome Resource Recovery and Aggregate Storage
Staff Report for the November 8, 2022, Board of Supervisors Public Hearing**

PLANNING COMMISSION RECOMMENDATION

At its October 5, 2022, meeting, the Planning Commission recommended approval of this application, with proposed conditions, by a vote of 5-0.

**PROPOSED CHANGES MADE SINCE THE PLANNING
COMMISSION MEETING**

None.

PROJECT DESCRIPTION

There is an active borrow pit (i.e., surface mine) on the property that is subject to conditions of a previously approved SUP (SUP-18-0011). There is also an active mining permit from the Virginia Department of Mines, Minerals, and Energy (DMME). All operational activities associated with the mine are regulated by the DMME. The mining activity produces topsoil, dirt, and clay that is sold to third parties. DMME does not monitor or regulate traffic impacts. DMME also does not regulate a resource recovery and aggregate storage facility.

Branscome Inc. also operates the Lee Hall Asphalt Plant on Merrimac Trail. Millings and recycled asphalt were being delivered to this site and stored until needed to manufacture new asphalt. These storage pilings became too tall to store at the asphalt plant. As of October 2005, these deliveries have been sent to the borrow pit site at 750 Blow Flats Road. However, a resource recovery and aggregate storage facility is a specially permitted use on property zoned M-2, General Industrial.

Concrete from various Branscome Inc. job sites as well as other contractors' job sites are also being delivered to the site at 750 Blow Flats Road. Concrete is then crushed at the same time as the asphalt, and then sold to contractors for base material.

According to the applicant, once the stockpiled material reaches approximately 10,000 tons, a crusher is then brought on-site to crush the asphalt to the grade that the product can be used. This material is then delivered to the Lee Hall Asphalt Plant. The area that will be used for the resource recovery and aggregate storage is a previously mined area that has been reclaimed.

This SUP application, if approved, would allow the owner to operate this portion of the business in compliance with the Zoning Ordinance.

Trucks entering and leaving the site are primarily 18-ton trucks. According to the applicant, the peak time for traffic is from 10 a.m.-2 p.m. although approved SUP conditions associated with the borrow pit allow for truck traffic and operations to occur any time during daylight hours. There are no limitations or restrictions in the borrow pit SUP regarding the number of vehicles allowed to or from the site. Staff has compiled a history of traffic with information that was provided by the applicant with his renewal cases for the borrow pit (Attachment No. 4).

PLANNING AND ZONING HISTORY

- The Board of Supervisors approved Case No. SUP-38-91 on September 8, 1992. This allowed for the continued operation of the borrow pit. A five-year limit was placed on the permit as a condition of approval in order to provide staff the opportunity to reevaluate the impacts of the operation.
- The Board of Supervisors approved Case No. SUP-31-97 on December 22, 1997. This was a renewal of the previous SUP that was issued in 1992. A three-year limit was placed on the permit.
- The Board of Supervisors approved renewal Case No. SUP-9-00 on October 10, 2000. A five-year limit was placed on the 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-22-0007. Branscome Resource Recovery and Aggregate Storage
Staff Report for the November 8, 2022, Board of Supervisors Public Hearing**

- The Board of Supervisors approved renewal Case No. SUP-19-05 on October 10, 2005. A five-year limit was placed on the permit.
- The Board of Supervisors approved renewal Case No. SUP-0010-2010 on June 8, 2010. An eight-year limit was placed on the permit.
- The Board of Supervisors approved renewal Case No. SUP-18-0011 on November 13, 2018, for the continued operation of a borrow pit. An eight-year limit was placed on the permit.

SURROUNDING ZONING AND DEVELOPMENT

- Access to the site is provided by an on-site private road that is approximately 5,300 feet in length. This on-site road begins at the end of Blow Flats Road, which is a Virginia Department of Transportation (VDOT) maintained road located within a public right-of-way.
- The property is bordered on the east and south by Skiffes Creek while the USA Waste of Virginia, Inc. borrow pit property is located to the west of the site. Property to the north of the site is Walmart Distribution Center.
- All properties surrounding the site area zoned M-2, General Industrial.
- Residences along Blow Flats Road are zoned M-2, General Industrial.

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-22-0007. Branscome Resource Recovery and Aggregate Storage
Staff Report for the November 8, 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>Not Mitigated</u>	<ul style="list-style-type: none"> - The resource recovery/aggregate storage facility will not exceed 100 peak hour trips. - Access to the property is taken from a private road, with access to the private road taken from an existing entrance located at the end of Blow Flats Road. - Staff finds that Blow Flats Road is a narrow road that does not meet current VDOT standards and is inadequate to accommodate the increased traffic from this Project. - Further, the intersection of Blow Flats Road and Pocahontas Trail (U.S. Route 60) is also substandard. - Staff finds that the roadway and intersection may not be suitable for the increase in heavy construction traffic that is associated with a resource recovery and aggregate storage facility. - Staff finds that traffic impacts from this proposal cannot be mitigated since off-site road improvements cannot be conditioned or required from the applicant.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	- 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>No Mitigation Required</u>	<ul style="list-style-type: none"> - Fire Station 2 on Pocahontas Trail serves this area of the County and is approximately 2.8 miles from the property. - The Fire Department has reviewed the proposal and does not have concerns with the master plan.
<u>Public Schools</u>	<u>No Mitigation Required</u>	- N/A since no residential dwelling units are proposed.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- N/A since no residential dwelling units are proposed.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- Staff finds this project does not generate impacts that require mitigation.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	- The property does not receive public water and sewer. The resource recovery and aggregate storage 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-22-0007. Branscome Resource Recovery and Aggregate Storage
Staff Report for the November 8, 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"> - 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 resource protection areas on the property. However, this project will be located outside of these areas. - A stormwater management plan will be required as part of the site plan process.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - The area on the property that this facility will be located has been previously disturbed and has no known cultural resources in this area.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	<ul style="list-style-type: none"> - Access to the site is taken from a private road approximately 5,300 feet in length. - This site is not visible from any residential properties and is surrounded by industrial sites. - A transitional screening buffer will be provided as specified in proposed Condition No. 2. - Materials and equipment storage are limited to the areas defined on the master plan in proposed Condition No. 4. - The project will need to demonstrate full compliance with lighting and landscaping regulations in the Zoning Ordinance at the development plan stage.
<u>Community Character</u>	<u>Mitigated</u>	<ul style="list-style-type: none"> - Blow Flats Road is not a designated Community Character Corridor (CCC). - Access to the site is taken from a private road approximately 5,300 feet in length and truck access to it is from an existing entrance at the end of Blow Flats Road. The site is not visible from any residential properties and is surrounded by industrial sites. - A transitional screening buffer will be provided as specified in proposed Condition No. 2.
<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-22-0007. Branscome Resource Recovery and Aggregate Storage
Staff Report for the November 8, 2022, Board of Supervisors Public Hearing**

<u>Joint Base Langley Eustis (JBLE)</u>	<u>No Mitigation Required</u>	- This parcel is located within the MIOD on the 2045 Comprehensive Plan Land Use Map. JBLE personnel reviewed this proposal and raised no concerns regarding impacts on the mission of the base.
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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-22-0007. Branscome Resource Recovery and Aggregate Storage
Staff Report for the November 8, 2022, Board of Supervisors Public Hearing**

Blow Flats Road is a 22-foot paved road with vary narrow gravel shoulders. According to VDOT, current minimum standards for a two-lane road should be 24 feet in width, with two feet of paved shoulders on each side for a total of 28 feet paved surface. This width is inadequate for trucks to safely pass to and from the site. There are also residences and other businesses along Blow Flats Road that must share the road with the truck traffic. Blow Flats Road intersects with Pocahontas Trail (U.S. Route 60) at an angle of less than 45 degrees. According to VDOT, the angle should be greater than 75 degrees. The pavement is deteriorating and there is damage to the shoulder area. Due to the current condition of this intersection, visibility is decreased. Representative photos of existing conditions can be found in Attachment No. 5.

Truck trip information has been received from the applicant as part of this SUP application. Trucks entering and leaving the site are primarily 18-ton trucks. According to the applicant, the peak time for traffic is from 10 a.m.-2 p.m. although approved SUP conditions associated with the borrow pit allow for truck traffic and operations to occur any time during daylight hours. There are no limitations or restrictions in the borrow pit SUP regarding the number of vehicles allowed to or from the site. Staff has compiled a history of traffic with information that was provided by the applicant with his renewal cases for the borrow pit. (Attachment No. 4)

From January 2022 to May of 2022, the average number of truck trips coming from the borrow pit operations and the resource recovery and aggregate storage facility collectively onto Blow Flats Road is 140 trips per day (i.e., 70 trucks coming and going per day). On a peak day, the number of truck trips is 250 trips per day (i.e., 125 trucks coming and going per day).

During the summer months (June 2022-August 2022), which is their peak time, the average number of truck trips were 174 trips (i.e., 87

trucks coming and going per day). On a peak day, the number of truck trips is 300 trips per day (i.e., 150 trucks coming and going per day).

From January 2022-May 2022, of the 140 average trips per day (70 trucks coming and going per day), 118 trips (59 trucks coming and going per day) were for the borrow pit operation, and 22 trips (11 trucks coming and going per day) were for the resource recovery and aggregate storage. From June 2022-August 2022, of the 174 average trips per day (87 trucks coming and going per day), 142 trips (71 trucks coming and going per day) were for the borrow pit operation and 32 (16 trucks coming and going per day) were for the resource recovery and aggregate storage operation.

VDOT's Annual Average Daily Traffic Volume Estimates for Blow Flats Road is 440 counts. Using VDOT's estimate for annual average daily traffic counts, and information provided by the applicant, and at the current average of 140 truck trips, the impact of these two uses constitutes 31.8% of the volume of traffic on Blow Flats Road (i.e., 140 trips/440 counts), and up to 56.8% on a peak day (250 trips/440 counts).

Traffic from previous years has been provided by the applicant and is included in Attachment No. 4.

In reviewing the SUP application, VDOT has the following recommendations:

- A commercial entrance should be installed at the intersection of Blow Flats Road and the private road.
- The shoulders should be paved to the maximum extent possible at the intersection of Blow Flats Road and Pocahontas Trail.
- An auto-turn analysis (to check the road design to ensure all types of vehicles can move safely and efficiently) should be provided for the intersection of Blow Flats Road and Pocahontas Trail.

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-22-0007. Branscome Resource Recovery and Aggregate Storage
Staff Report for the November 8, 2022, Board of Supervisors Public Hearing**

- A general site distance study for the intersection of Blow Flats Road and the private road.
- All shoulders should be graded back and stabilized to prevent damage resulting from the trucks.

Reduced visibility, shoulder damage, pavement damage, and deficient points of acceleration for trucks are all negative impacts that currently exist along Blow Flats Road and its intersection with Pocahontas Trail. The proposed application would add additional heavy truck traffic to these areas, thereby adding to the negative impacts. These additional impacts cannot be mitigated by the applicant.

2045 COMPREHENSIVE PLAN

The site is designated for 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.

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.

Staff finds the resource recovery and aggregate storage facility to be an appropriate industrial use and the proposed location is adjacent to a compatible use.

- ii. 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.

Staff finds that the proposed use is not expected to have an impact on existing County services such as education or recreation; however, staff does find that impacts to roadway facilities are not mitigated and may add to VDOT's operations and maintenance costs. Further, since the roadway and intersection are substandard, any increase in accidents that might arise from an increase in the total truck traffic, may add to the demands of County first responders.

- iii. While a variety of market forces influence commercial and industrial development proposals, the maintenance of an acceptable Level of Service of roads and other public services and the availability and capacity of public utilities should be primary considerations.

The Project does not require public water and sewer.

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-22-0007. Branscome Resource Recovery and Aggregate Storage
Staff Report for the November 8, 2022, Board of Supervisors Public Hearing

Staff finds that Blow Flats Road is inadequate for the current truck traffic as well as any increased traffic. The road pavement is approximately 22 feet in width. VDOT's current guidelines would require the road to be 24 feet with two-foot-wide paved shoulders on each side. This width is inadequate for trucks to safely pass to and from the site. There are also residences and other businesses along Blow Flats Road that must share the road with the truck traffic.

In addition to the inadequate pavement width, the turn angle is currently less than 45 degrees at the intersection of Blow Flats Road and Pocahontas Trail. According to VDOT's guidelines, the angle should be no less than 75 degrees. The pavement is deteriorating and there is damage to the shoulder area. Due to the current condition of this intersection, visibility is decreased.

According to the applicant the number of truck trips on an average day is 140, with a peak day being 250 truck trips. VDOT's Annual Average Daily Traffic Volume Estimates for Blow Flats Road is 440 counts. The activity on the Property is generating 31.8% (140/440) of the traffic on an average day, and up to 56.8% (250/440) on a peak day. The Resource Recovery and Aggregate Storage activity will increase the amount of truck traffic on a current substandard local road and intersection.

Given the deficiencies of the intersection of Blow Flats Road and Pocahontas Trail and the entire length of Blow Flats Road, staff finds that this proposal would increase the truck traffic and would cause the road to deteriorate even further. Any off-site road, visibility, or safety improvements cannot be conditioned or required, therefore the impacts to the road cannot be mitigated.

- 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 and utilizing design features, including building and site design, buffers, and screening to adequately protect the resource.

Staff finds that with conditions, the use will be sufficiently buffered in this location and is not expected to have an impact to adjacent properties. There is a Resource Protection Area and special flood hazard areas on the property. However, the Project is outside of these areas.

- v. Minimize the impact of development proposals on overall mobility, especially on major roads, by limited access points and providing internal, on-site collector and local roads, side street access, and joint entrances. Industrial and commercial areas should be planned and located to avoid traffic through residential and agricultural areas except in special circumstances where residential and nonresidential areas are both part of an overall master plan and special measures are taken to ensure that the residential or agricultural uses are adequately protected.

There are 11 residences and a small mobile home park on Blow Flats Road. Residents and other businesses must share the road with the truck traffic going to and from the site. Any off-site improvements cannot be conditioned or required, therefore the impacts to the road cannot be mitigated.

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-22-0007. Branscome Resource Recovery and Aggregate Storage
Staff Report for the November 8, 2022, Board of Supervisors Public Hearing**

In addition to being designated for General Industry, the project site is located within the JBLE MIOD. Per the adopted 2045 Comprehensive Plan Land Use Map, the intent of the MIOD is “to protect the mission footprint of Joint Base Langley Eustis and to reduce potential encroachment issues related to existing development, new development, or potential redevelopment surrounding the installation within the County.”

Accordingly, this proposal was transmitted to JBLE personnel for review and evaluation of potential impacts the base’s missions. No impacts of concern were raised by JBLE personnel during this review.

STAFF RECOMMENDATION

Staff finds that the proposal is compatible with surrounding zoning and development and is generally consistent with the Comprehensive Plan and Zoning Ordinance. However, this proposal will add more truck traffic to a local road that is inadequate to manage the current truck traffic. Staff finds that the current width of Blow Flats Road at 22 feet does not meet VDOT’s current standards for a two-lane road and is inadequate for the current truck traffic; this width is inadequate for trucks to safely pass to and from the site and there are also residences and other businesses along Blow Flats Road that must share the road with the truck traffic.

Due to the angle of the turn at the intersection of Blow Flats Road and Pocahontas Trail, which is also substandard, there are issues with deteriorating pavement, damage to the shoulders, and a decrease in visibility causing safety concerns.

Reduced visibility, shoulder damage, pavement damage, and deficient points of acceleration for trucks are all negative impacts that currently exist along Blow Flats Road and its intersection with Pocahontas Trail. The proposed application would add additional heavy truck traffic to these areas, thereby adding to the negative impacts. These additional impacts cannot be mitigated by the applicant.

Therefore, staff recommends denial of this application. Should the Board of Supervisors approve this case, staff has included proposed conditions to mitigate a portion of the potential impacts that would result from this development (Attachment No. 1).

TC/ap
SUP22-7_BranscmRRAS

Attachments:

1. Resolution
2. Location Map
3. Master Plan
4. Truck Traffic Counts
5. Exhibit - Road Conditions
6. DMME Permit
7. SUP-18-0011 750 Blow Flats Road Borrow Pit
8. Unapproved Minutes from the October 5, 2022, Planning Commission Meeting

RESOLUTION

CASE NO. SUP-22-0007. BRANSCOME RESOURCE RECOVERY

AND AGGREGATE STORAGE

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. Jay Lipscomb has applied on behalf of Branscome Inc. for an SUP to allow for the operation of a resource recovery and aggregate storage facility (the “Project”) on property located at 750 Blow Flats Road and further identified as James City County Real Estate Tax Map Parcel No. 6030100002 (the “Property”); which includes an existing borrow pit; and

WHEREAS, all mining and borrow pit operations on the Property are subject to a separate SUP and are not bound by the Master Plan for the Project; and

WHEREAS, the Planning Commission, following its public hearing on October 5, 2022, recommended approval of Case No. SUP-22-0007 by a vote of 5-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-22-0007; 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-22-0007 as described herein with the following conditions:

1. Master Plan. This SUP shall be valid for a resource recovery and aggregate storage facility (the “Project”) on property located at 750 Blow Flats Road and further identified as James City County Real Estate Tax Map Parcel No. 6030100002 (the “Property”). This facility shall only be operated in those areas of the Property noted as “Resource Recovery Aggregate Storage,” as generally shown on the map submitted with the SUP request titled “SUP-22-0007, Parcel ID#6030100002 - Lee’s Pit, 750 Blow Flats Road Resource Recovery Branscome Inc.” and dated July 8, 2022 (the “Master Plan”), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. Transitional Screening. A transitional screening buffer equal to or greater than 50 feet in width shall be provided along the perimeter of the Property. The transitional screening buffer shall be maintained in accordance with Chapter 24, Article 11, Division 4, Section 24-100 (a) *Transitional Screening* of the James City County Code, as amended.
3. Buffers. All buffer areas shall be flagged in the field and inspected by the Stormwater and Resource Protection Division prior to any new clearing.

4. Materials and Equipment Storage. All material and equipment storage, and stone and concrete processing activities shall be limited to the area defined on the Master Plan as the “Resource Recovery and Aggregate Storage.” Acceptable materials stored include concrete, aggregate, and asphalt. No wood or wood products shall be stored on the Property.
5. Stockpiles. Stockpiles shall not exceed 16 feet in height.
6. Sale of Products. No sale of concrete, aggregate, stone and/or stone products shall be offered for sale directly to the general public on the Property.
7. Stone and Aggregate Crusher Location. The stone and aggregate crusher shall be placed in the locations identified as “Demo Concrete & Crushing and Demo Asphalt Crushing” on the Master Plan.
8. Hours of Operation. Hours of operation, including the operating of the stone and aggregate crusher and associated equipment, shall be limited to 7 a.m.-7 p.m., Monday through Saturday.
9. Burning. No materials shall be burned on the Property.
10. Lighting. A lighting plan shall be reviewed and approved by the Director of Planning or their designee prior to final approval of the site plan. Any exterior site or building lighting shall be shielded and directed downward. No glare defined as 0.1 foot-candle or higher shall extend outside the Property lines. Lights shall be operated by a motion detector or able to be turned on as needed and shall not be routinely illuminated at night. No lighting shall be installed on structures at a height greater than 30 feet above finished grade. This condition shall not apply to any lighting required by federal or state regulations.
11. Operational Mitigation Plan. An Operational Mitigation Plan to address the impacts associated with the continued operation of the Project shall be reviewed and approved by the Director of Planning prior to final site plan approval. The plan shall address:
 - a. Dust mitigation, including, but not limited to, water trucks, mulch, or similar methods.
 - b. Noise mitigation, including but not limited to, the enforcement of hours of operation.
 - c. Road monitoring of the entrance of the private road access and Blow Flats Road, to include cleaning mud tracked onto Blow Flats Road from traffic associated with the Project.
12. On-Site Water Quality Treatment. The site plan must provide all water quality measures required by the Virginia Runoff Reduction Method on-site through structural Best Management Practices and/or manufactured treatment devices. Neither the purchase of offsite 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 this Project.
13. Site Plan Approval. A site plan shall be required for the Project. Final approval of the site plan for all or a portion of the Project shall be obtained with 24 months of issuance of this SUP, or the SUP shall become void.

14. 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

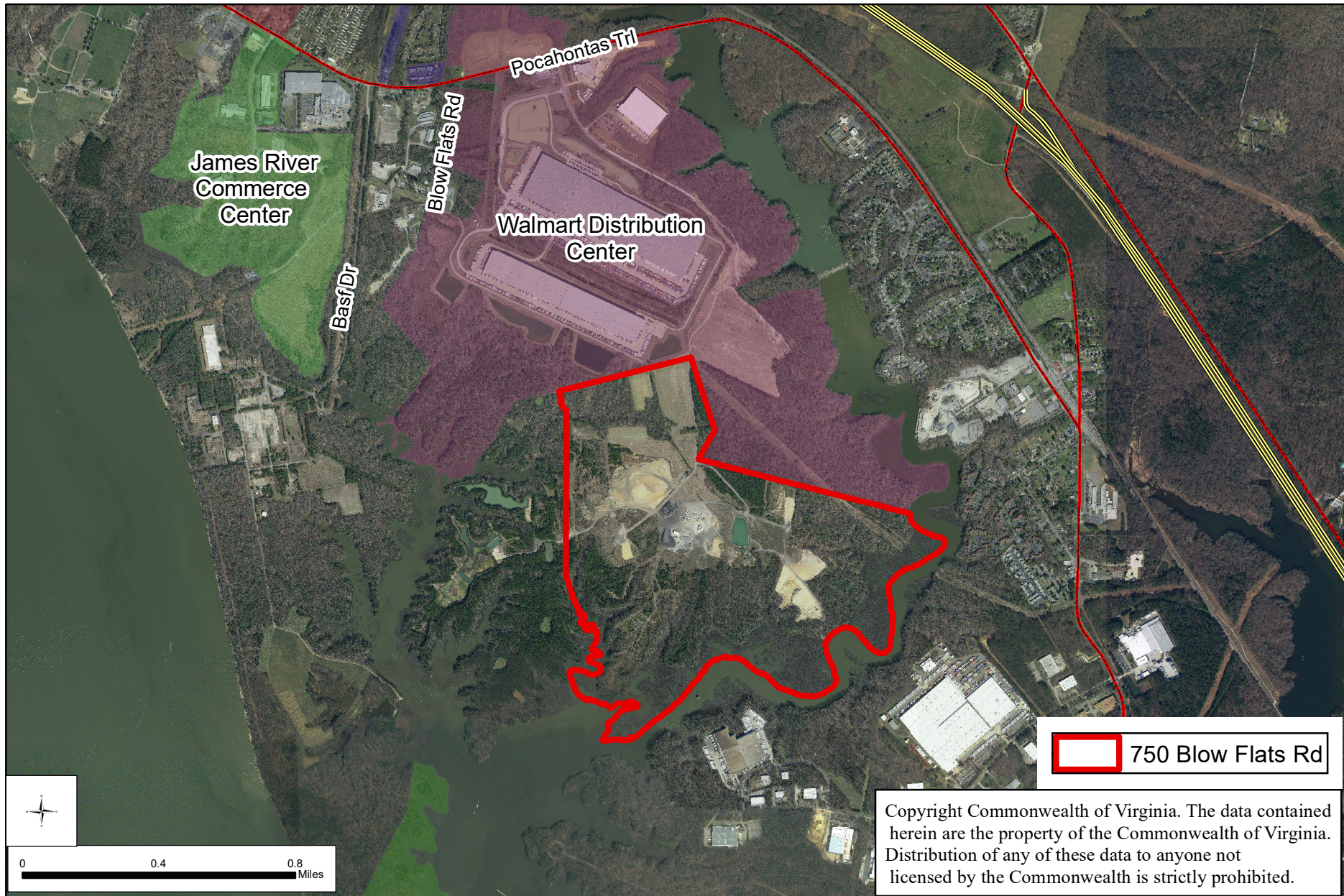
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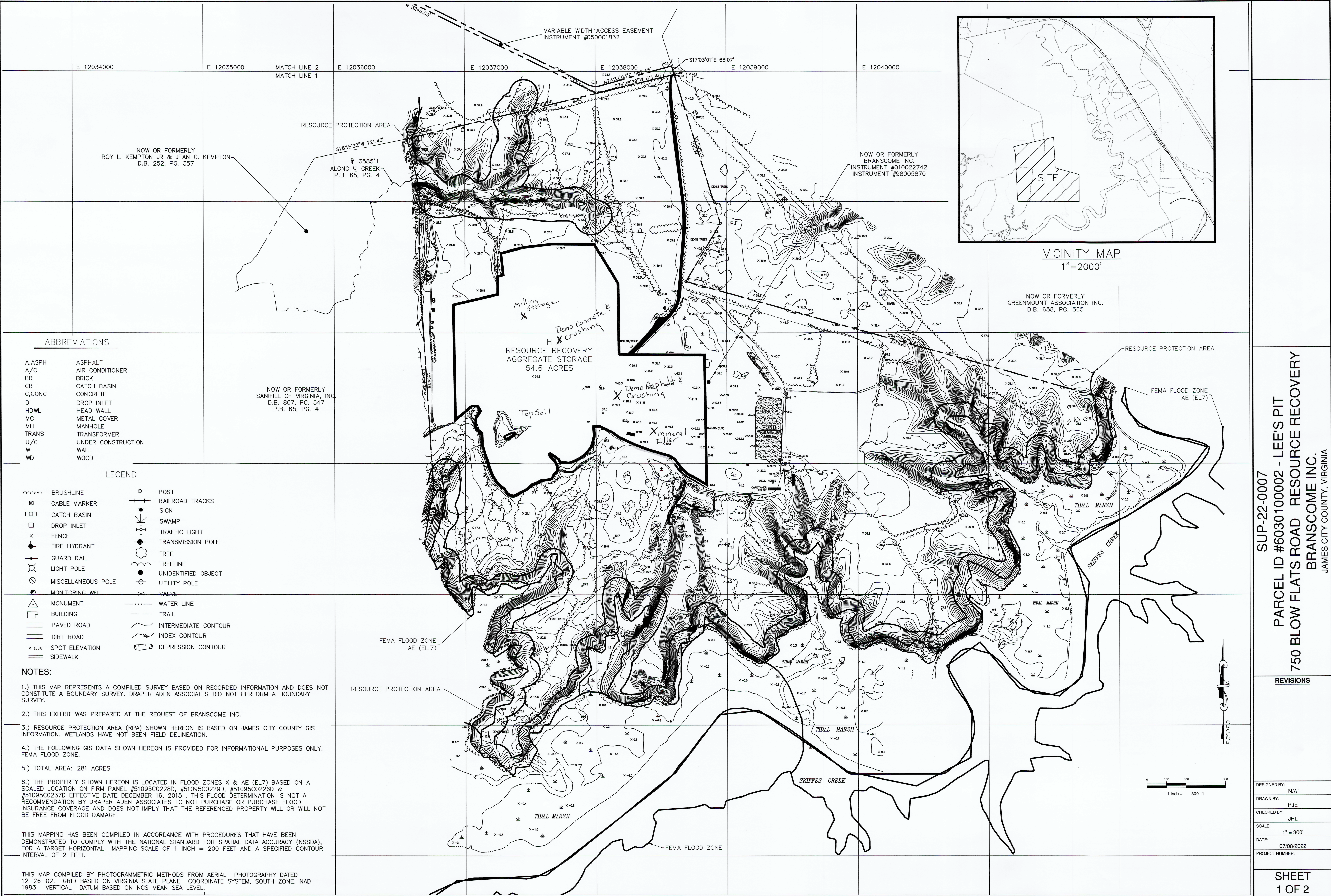
		VOTES			
		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
_____ Teresa J. Saeed Deputy Clerk to the Board	ICENHOUR	_____	_____	_____	_____
	HIPPLE	_____	_____	_____	_____
	LARSON	_____	_____	_____	_____
	SADLER	_____	_____	_____	_____
	MCGLENNON	_____	_____	_____	_____

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

SUP22-7_BranscmRRAS-res

SUP-22-0007, Branscome Resource Recovery and Aggregate Storage





ABBREVIATIONS

A,ASPH	ASPHALT
A/C	AIR CONDITIONER
BR	BRICK
CB	CATCH BASIN
C,CONC	CONCRETE
DI	DROP INLET
HDWL	HEAD WALL
MC	METAL COVER
MH	MANHOLE
TRANS	TRANSFORMER
U/C	UNDER CONSTRUCTION
W	WALL
WD	WOOD

LEGEND

	BRUSHLINE		POST
	CABLE MARKER		RAILROAD TRACKS
	CATCH BASIN		SIGN
	DROP INLET		SWAMP
	FENCE		TRAFFIC LIGHT
	FIRE HYDRANT		TRANSMISSION POLE
	GUARD RAIL		TREE
	LIGHT POLE		TREELINE
	MISCELLANEOUS POLE		UNIDENTIFIED OBJECT
	MONITORING WELL		UTILITY POLE
	MONUMENT		VALVE
	BUILDING		WATER LINE
	PAVED ROAD		TRAIL
	DIRT ROAD		INTERMEDIATE CONTOUR
	SPOT ELEVATION		INDEX CONTOUR
	SIDEWALK		DEPRESSION CONTOUR

NOTES:

- 1.) THIS MAP REPRESENTS A COMPILED SURVEY BASED ON RECORDED INFORMATION AND DOES NOT CONSTITUTE A BOUNDARY SURVEY. DRAPER ADEN ASSOCIATES DID NOT PERFORM A BOUNDARY SURVEY.
- 2.) THIS EXHIBIT WAS PREPARED AT THE REQUEST OF BRANSCOME INC.
- 3.) RESOURCE PROTECTION AREA (RPA) SHOWN HEREON IS BASED ON JAMES CITY COUNTY GIS INFORMATION. WETLANDS HAVE NOT BEEN FIELD DELINEATION.
- 4.) THE FOLLOWING GIS DATA SHOWN HEREON IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY: FEMA FLOOD ZONE.
- 5.) TOTAL AREA: 281 ACRES
- 6.) THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONES X & AE (EL7) BASED ON A SCALED LOCATION ON FIRM PANEL #51095C0228D, #51095C0229D, #51095C0226D & #51095C0237D EFFECTIVE DATE DECEMBER 16, 2015. THIS FLOOD DETERMINATION IS NOT A RECOMMENDATION BY DRAPER ADEN ASSOCIATES TO NOT PURCHASE OR PURCHASE FLOOD INSURANCE COVERAGE AND DOES NOT IMPLY THAT THE REFERENCED PROPERTY WILL OR WILL NOT BE FREE FROM FLOOD DAMAGE.

THIS MAPPING HAS BEEN COMPILED IN ACCORDANCE WITH PROCEDURES THAT HAVE BEEN DEMONSTRATED TO COMPLY WITH THE NATIONAL STANDARD FOR SPATIAL DATA ACCURACY (NSSDA), FOR A TARGET HORIZONTAL MAPPING SCALE OF 1 INCH = 200 FEET AND A SPECIFIED CONTOUR INTERVAL OF 2 FEET.

THIS MAP COMPILED BY PHOTOGRAMMETRIC METHODS FROM AERIAL PHOTOGRAPHY DATED 12-26-02. GRID BASED ON VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 1983. VERTICAL DATUM BASED ON NGS MEAN SEA LEVEL.

VICINITY MAP
1"=2000'

SUP-22-0007
PARCEL ID #6030100002 - LEE'S PIT
750 BLOW FLATS ROAD RESOURCE RECOVERY
BRANSCOME INC.
JAMES CITY COUNTY, VIRGINIA

REVISIONS

DESIGNED BY:	N/A
DRAWN BY:	RJE
CHECKED BY:	JHL
SCALE:	1" = 300'
DATE:	07/08/2022
PROJECT NUMBER:	

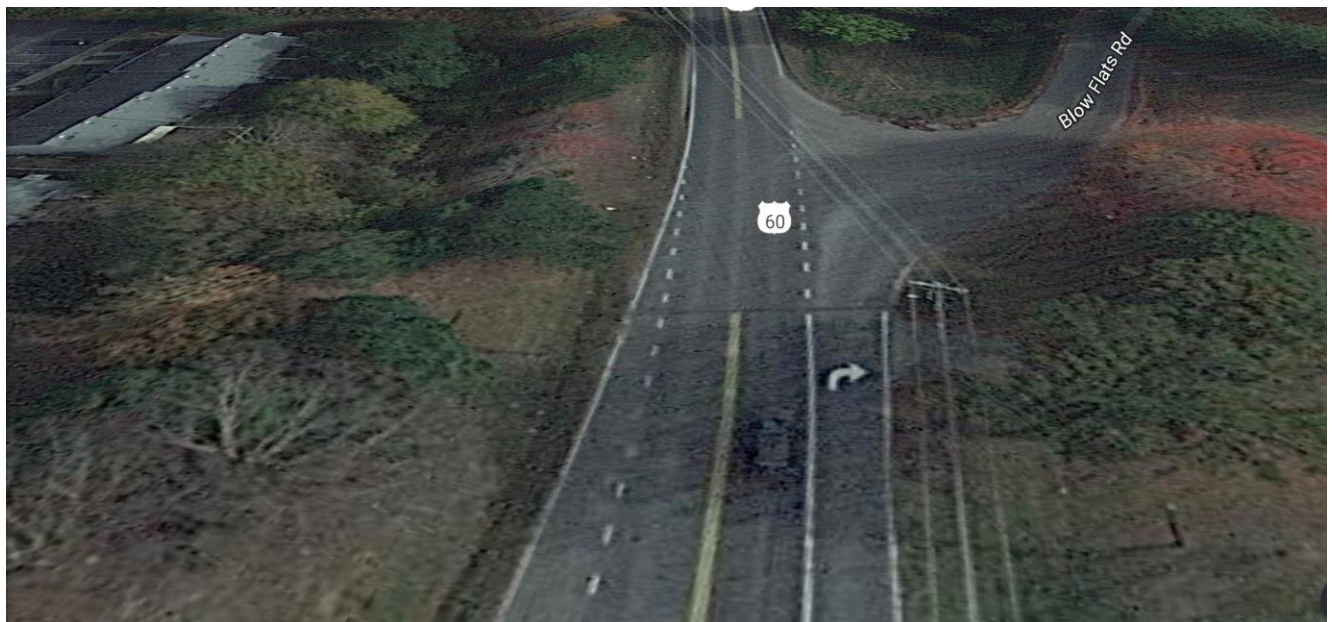
Truck Traffic						
	June 2022 - August 2022 (peak time of year)	Jan 1, 2022 - May 31, 2022	2018	2010	2005	2000
Truck trips on an average day	174 (142 for the borrow pit, 32 resource recovery*)	140 (118 for the borrow pit, 22 resource recovery*)	90	70	70	70
Truck trips on a peak day	300	250	200	120	120	160
Truck trips during the busiest month	5000	4000	4094	4000	4000	4000
Average truck trips during the busiest month	200	190	152	160	160	160

*Trip info for the resource recovery only
available for 2022

Existing Conditions (courtesy of Google Earth)



Intersection of Blow Flats Road and Pocahontas from the East (from Newport News)



Intersection of Blow Flats Road and Pocahontas Trail from the West (from Williamsburg)



Truck navigating a left turn from Pocahontas Trail onto Blow Flats Road (east from Newport News)



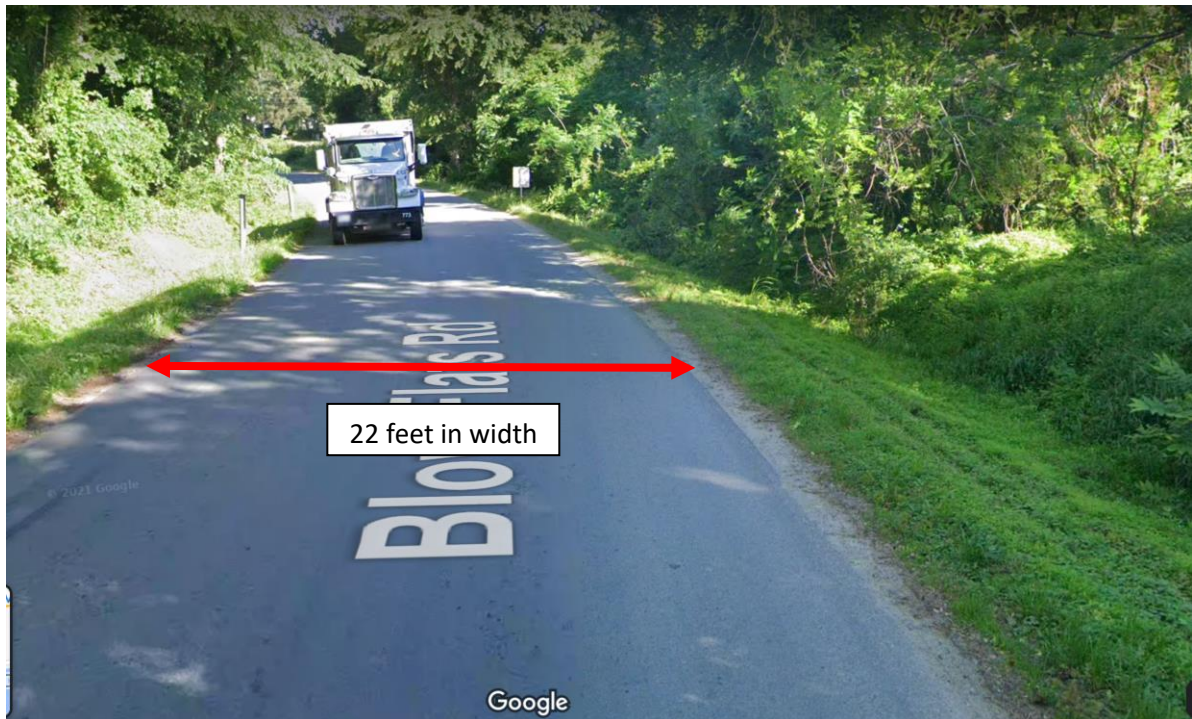
Truck turning onto Blow Flats Road from Pocahontas Trail (from the east, Newport News)



Blow Flats Road from an aerial view



Blow Flats Road looking away from Pocahontas Trail (Rt. 60)



Blow Flats Road looking towards Pocahontas Trail (Rt. 60)



Trucks traveling down Blow Flats Road away from Pocahontas Trail (Rt. 60)



Commonwealth of Virginia
Department of Energy
Mineral Mining
900 Natural Resources Drive, Suite 400
Charlottesville, VA 22903
Telephone: (434) 951-6310

PERMIT / LICENSE TO OPERATE A MINE

Permit/License Number: **10445AB**
Company issued to: **BRANSCOME INC - LEE/BICKFORD
PIT**
Whose main office location is: **432 MCLAWS CIRCLE
WILLIAMSBURG, VA 23185**

For type of mineral(s): **SAND**
Mine Type: **OPEN PIT**
Exemption Type:
County of: **JAMES CITY**
Mine Type: **OPEN PIT**

Original Date Issued: **05/25/2001**
Covering: **Permitted: 222.43 Bonded: 153.17**
Issue Date: **04/15/2022**
Anniversary Date: **05/25/2023**
Receipt Number: **170672**
Effective Date: **04/18/2022**

THIS PERMIT IS ISSUED PURSUANT TO TITLE 45.2 CHAPTERS 1 AND 11, CODE OF VIRGINIA(1950),

AS AMENDED Being an Act to require permits/licenses for certain mining operations and to affix conditions for issuance thereof; to provide that certain safety and reclamation requirements be performed by mine operators and for inspection thereof; and to advise on satisfactory compliance; to require an annual update on the progress of reclamation and tonnage of mineral mined; to provide for the certification of mineral mine workers; to provide for the Director to seek injunctive relief; and to provide for appeals from rulings and decisions of Mineral Mining.

THIS PERMIT/LICENSE MUST BE POSTED NEAR THE MINE OFFICE

OFFICIAL COPY

RESOLUTION

CASE NO. SUP-18-0011. 750 BLOW FLATS ROAD BORROW PIT RENEWAL

(BRANSCOME, INC.)

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, Branscome, Inc. (the "Owner") owns the parcel of property located at 750 Blow Flats Road, further identified as James City County Real Estate Tax Map Parcel No. 6030100002 (the "Property"); and

WHEREAS, the borrow pit operation encompasses two properties, 700 Blow Flats Road and 750 Blow Flats Road (together, the "Site"); and

WHEREAS, on behalf of the Owner, Mr. Julian Lipscomb has applied to amend SUP-0010-2010 to allow for the continued operation of a borrow pit, as shown on the exhibit titled "Amendment Map Branscome, Inc. Lee's Pit U.S.G.S. Quadrangle: Hog Island," prepared by Drapen Aden Associates and dated October 5, 2018; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. SUP-18-0011; and

WHEREAS, the Planning Commission, following its public hearing on October 17, 2018, recommended approval of this application by a vote of 7-0.

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-18-0011 as described herein with the following conditions:


1. Master Plan. The SUP shall be valid for a borrow pit at 750 Blow Flats Road, further identified as James City County Real Estate Tax Map Parcel No. 6030100002 (the "Property"). The borrow pit shall only be operated in those areas of the Property covered by the State Department of Mines, Minerals and Energy Mining Permit No. 10445AB (the "State Mining Permit"), as generally shown on the map submitted with the SUP request titled "Amendment Map Branscome Inc. Lee's Pit U.S.G.S. Quadrangle: Hog Island," and dated October 5, 2018.
2. Erosion and Sediment Control. An erosion and sediment control plan shall be submitted to, and approved by, the Stormwater and Resource Protection Division Director, or their designee, prior to any new land disturbance occurring on the Property. All approved erosion and sedimentation control measures shall be installed prior to any clearing or grading of any borrow pit cell.
3. Disturbance. No more than 60 acres of the site shall be disturbed at any one time.

4. Transitional Screening. A transitional screening buffer equal to or greater than 50 feet in width shall be provided along the perimeter of the Site. The transitional screening buffer shall be established and maintained in accordance with Chapter 24, Article 11, Division 4, Section 24-100 (a) *Transitional Screening* of the James City County Code, as amended.
5. Buffers. All buffer areas shall be flagged in the field prior to any new clearing so the equipment operators know the limits of their work. This flagging shall be inspected by the Stormwater and Resource Protection Division.
6. Hours of Operation. The hours of operation shall be limited to daylight hours, Monday through Saturday.
7. Mining Elevation. No mining shall occur below an elevation of +10 feet above mean sea level in order to keep the Property viable for future economic development.
8. Reclamation. Only "inert material" shall be used as fill during the reclamation of the Property. For the purposes of the SUP, "inert material" shall be defined as "clean soil, broken concrete, broken road pavement, rocks, bricks and broken concrete pipe." Under no condition shall fly ash, demolition debris, organic waste material, lumber or household waste be used as fill.
9. Archaeology. A Phase I Archaeological Study for the Property shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.
10. Annual Reporting. For as long as the SUP is valid, a report shall be prepared or verified by a licensed engineer or surveyor or permissible on-site verification by the Stormwater and Resource Protection Director, or their designee, documenting items A-H below. One such report shall be submitted to the Stormwater and Resource Protection Director, or their designee, between January 1 and January 31 of each year.

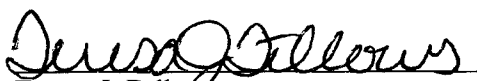
- a) The extent and depth of the area mined over the previous calendar year.
- b) The extent and depth of the area expected to be mined over the upcoming calendar year.
- c) A certification that no unauthorized encroachment has occurred into a Resource Protection Area (RPA), RPA buffer, the transitional screening buffer described above or any Natural Open Space easement.
- d) For areas that are wooded as of the date of issuance of this SUP, a delineation of any encroachment into such wooded areas.
- e) A certification as to the amount of disturbed acreage on-site.
- f) A certification that all fill used after the date of issuance of this permit is "inert material," as defined above.
- g) A delineation of all areas that have been restored, but not yet released under the State Mining Permit. This delineation shall show final grades for the restored area as well as any stabilization and/or reforestation plan, with implementation time schedule, if applicable.
- h) A delineation of the extent of the areas covered by the State Mining Permit.

11. Severance Clause. This SUP is not severable. Invalidity of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

12. Validity. This SUP shall be valid until December 31, 2028.


Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:


Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of November, 2018.

SUP18-11-750BFRd-res

**Unapproved Minutes of the October 5, 2022
Planning Commission Regular Meeting**

SUP-22-0007. Branscome Resource Recovery and Aggregate Storage

Ms. Terry Costello, Senior Planner, stated that Mr. Jay Lipscomb has applied on behalf of Branscome, Inc. for a Special Use Permit (SUP) for a resource recovery and aggregate storage facility. Ms. Costello the parcel is located at 750 Blow Flats Road, zoned M-2, General Industrial, and is designated as General Industry on the 2045 Comprehensive Plan Land Use Map.

Ms. Costello stated that there is an active borrow pit on the property that is subject to conditions of a previously approved SUP. Ms. Costello stated that separate from the borrow pit use, concrete and other materials are also being brought to the site, crushed, and then utilized at the Branscome Asphalt Plant on Merrimac Trail or sold on-site to other contractors. Ms. Costello further stated that a resource recovery and aggregate storage is a specially permitted use in the M-2 Zoning District. Ms. Costello stated that the applicant has requested an SUP to be able to operate this portion of the business in compliance with the Zoning Ordinance.

Ms. Costello stated that access to the site is provided by a private road that begins at the end of Blow Flats Road. Ms. Costello further stated that Blow Flats Road is a narrow, sub-standard road and furthermore, the intersection of Blow Flats Road and Pocahontas Trail is also substandard. Ms. Costello stated that staff finds that the roadway may not be suitable for the heavy construction traffic associated with a resource recovery and aggregate storage facility.

Ms. Costello stated that staff finds that the proposal is compatible with surrounding zoning and development and is generally consistent with the 2045 Comprehensive Plan and Zoning Ordinance; however, this proposal will add more truck traffic to a local road that is inadequate to manage the current truck traffic.

Ms. Costello stated that due to the traffic impacts, staff recommends that the Planning Commission recommend denial to the Board of Supervisors. Ms. Costello stated that should the Planning Commission recommend approval of this case, staff has included proposed conditions to mitigate the potential impacts that would result from this project.

Mr. Haldeman inquired if the applicant is already crushing asphalt and concrete on the site.

Ms. Costello confirmed that the applicant is already crushing asphalt and concrete.

Mr. Haldeman inquired what additional activities are being proposed.

Ms. Costello stated that the applicant would like to expand the use to a larger portion of the property.

Mr. Haldeman inquired if Blow Flats Road is a public road.

Ms. Costello stated that it is a public road.

Mr. Haldeman inquired if the applicant or other property owners along the road were responsible for improvements or maintenance.

Ms. Costello stated that it is a state-maintained road.

Mr. Haldeman inquired if the recommendations from the Virginia Department of Transportation (VDOT) for improvements to the road could be included in the SUP conditions.

Ms. Costello stated that the only improvement that could be made a condition is the requirement for a commercial entrance where the private road connects with Blow Flats Road. Ms. Costello further stated that all the other improvements were off-site and could not be included in the conditions.

Mr. Haldeman inquired if VDOT was planning to act on any of the recommendations.

Ms. Costello stated that VDOT is requesting that the applicant to make the improvements.

Mr. Polster inquired if staff anticipated an increase in truck traffic.

Ms. Costello stated that she would defer to the applicant; however, with expansion of the operation more truck traffic would be likely.

Mr. Polster noted that he had asked staff if they had discussed the recommended improvements with VDOT and staff confirmed that there had been discussions with VDOT on whether VDOT would make any road improvements. Mr. Polster further stated that when he spoke with VDOT, it was noted that this road falls well below other County road priorities. Mr. Polster commented that he feels that the applicant is caught in a Catch 22. Mr. Polster inquired about the SUP condition for the road if the application is approved.

Ms. Costello stated that the condition is for the commercial entrance on the applicant's property, not for the road.

Mr. Haldeman inquired how the 11 residences came to exist in the M-2 Zoning District.

Ms. Costello stated that the homes were built in the 1940s and 1950s before the first Zoning Ordinance was adopted in 1969. Ms. Costello further stated that no new

residences could be built. Ms. Costello stated that the existing homes are legally nonconforming.

Ms. Null inquired if there had been any correspondence from those residential property owners about the traffic on Blow Flats Road.

Ms. Costello stated that there had been no complaints.

Mr. O'Connor opened the Public Hearing.

Mr. Julian Lipscomb, Jr., applicant, 432 McLaws Circle, addressed the Commission in support of the application. Mr. Lipscomb noted that the current specially permitted use of the borrow pit would be winding down as the material available to mine were almost exhausted. Mr. Lipscomb stated that the resource recovery and storage would ultimately become the primary use on the property.

Mr. Haldeman inquired how many more trucks would be added to the traffic on the road with the proposed use.

Mr. Lipscomb stated that he anticipates that the truck trips will decrease as much as 30% as the mining operation phases out.

Mr. Haldeman inquired if there was also benefit to the environment from the resource recovery.

Mr. Lipscomb stated that reusing the concrete and asphalt is quite valuable to the environment as it keeps these materials out of the landfills.

Mr. Polster inquired if the aggregate recover and storage would continue after the mining operation ended.

Mr. Lipscomb stated that it will take a number of years to reclaim and restore the property once the mining operation ended and that the aggregate storage and recovery would continue for some time.

Mr. Polster inquired what percentage of the truck traffic was actually for the resource recovery and storage.

Mr. Lipscomb stated that it was about 30% of their truck traffic.

Mr. Polster stated that based on the figures provided, once the mining operation ended the remaining traffic would be roughly 150 peak hour trips.

Mr. O'Connor inquired when the applicant anticipated the borrow pit operations would end.

Mr. Lipscomb stated that it's based on demand; however, it would probably wind down of the next two years.

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.

Ms. Null stated that she drove out to the property and observed traffic for roughly half an hour. Ms. Null stated that the traffic was very light. Ms. Null further stated the traffic figures provided will actually be reduced once the mining operations end. Ms. Null stated that she intends to support the application.

Mr. Haldeman stated that he also drove down Blow Flats Road and agrees with staff's assessment of the road. Mr. Haldeman further stated that there is the potential for more commercial traffic on the road if the remaining properties are developed. Mr. Haldeman stated that his only concern is the capacity of the road to handle additional traffic. Mr. Haldeman stated that he intends to support the application.

Mr. Polster stated that he believes that the applicant has been caught in a Catch 22 where staff cannot support the application because of the condition of the road and the road does not rank high enough on the County's road improvement priorities to be improved at this time. Mr. Poster further stated that if the properties along Blow Flats Road are to be developed for industrial uses in the future, the County would be wise to examine better ways to connect those properties to Pocahontas Trail and the Skiffes Creek Connector. Mr. Polster stated that there is potential in the long term for a solution to the road concerns and in the short term the truck traffic will diminish. Mr. Polster stated that he intends to support the application.

Mr. Rodgers inquired about the ramifications if the SUP were not approved.

Ms. Costello stated that all the aggregate resource recovery and storage activities would have to cease, and the stockpiles would have to be removed. Ms. Costello noted that the borrow pit would be able to continue to operate.

Mr. Rodgers stated that if the borrow pit will eventually run out of material to be mined, it would be beneficial to the County and the property owner for there to be a continuing use on the property. Mr. Rodgers stated that he intends to support the application.

Mr. O'Connor stated that the County designated the area for industrial development, and it is incumbent on the County to ensure that the support is place for these uses. Mr. O'Connor stated that considering the existing use and the future of the parcel, he is inclined to support the application.

Ms. Null made a motion to recommend approval of the application with the conditions recommended by staff.

On a roll call vote, the Commission voted to recommend approval of SUP-22-0007.
Branscome Resource Recovery and Aggregate Storage. (5-0)

ITEM SUMMARY

DATE: 11/8/2022

TO: The Board of Supervisors

FROM: Suzanne Yeats, Planner

SUBJECT: SUP-22-0010. 9201 and 9225 Pocahontas Trail - The Grease Outlet

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Location Map	Backup Material
▣	Master Plan	Backup Material
▣	GreaseOutlet Standard Operating Procedures	Backup Material
▣	Exhibit - Road Conditions	Exhibit
▣	Unapproved Minutes of the October 5, 2022, Planning Commission meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	10/21/2022 - 4:08 PM
Development Management	Holt, Paul	Approved	10/21/2022 - 4:09 PM
Publication Management	Pobiak, Amanda	Approved	10/21/2022 - 4:46 PM
Legal Review	Kinsman, Adam	Approved	10/24/2022 - 12:19 PM
Board Secretary	Saeed, Teresa	Approved	10/31/2022 - 2:22 PM
Board Secretary	Rinehimer, Bradley	Approved	10/31/2022 - 2:57 PM
Board Secretary	Saeed, Teresa	Approved	11/1/2022 - 3:00 PM

**SPECIAL USE PERMIT-22-0010. 9201 and 9225 Pocahontas Trail - The GreaseOutlet
Staff Report for the November 8, 2022, Board of Supervisors Public Hearing**

SUMMARY FACTS

Applicants:	Mr. Chip Haskell and Mr. Boyd Andrews, GreaseOutlet of Virginia, LLC
Land Owner:	Walsh & Walsh, LLC
Proposal:	A request to allow the use of the property as a private solid waste transfer station and container site with a waste disposal facility for a grease waste collection, treatment, and transfer station
Locations:	9201 and 9225 Pocahontas Trail
Tax Map/Parcel Nos.:	6010100009 and 6010100009B
Property Acreage:	3.95 acres and 3.49 acres, respectively
Zoning:	M-2, General Industrial
Comprehensive Plan:	General Industry Military Influence Overlay District
Primary Service Area: (PSA)	Inside
Staff Contact:	Suzanne Yeats, Planner

PUBLIC HEARING DATES

Planning Commission:	October 5, 2022, 6:00 p.m.
Board of Supervisors:	November 8, 2022, 5:00 p.m.

FACTORS FAVORABLE

1. With the exception of traffic impacts to Blow Flats Road, staff finds the proposed conditions will mitigate expected impacts to surrounding properties and development.
2. Staff finds the proposal consistent with the *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*.
3. Impacts: See Impact Analysis on Pages 4-7.

FACTORS UNFAVORABLE

1. The property and proposed project entry would be accessed by a narrow, substandard local road. Further, the intersection of Blow Flats Road and Pocahontas Trail (U.S. Route 60) is also substandard. As such, staff finds that the roadway may not be suitable for the increase in industrial trucks associated with a grease waste collection, treatment, and transfer station.
2. Impacts: See Impact Analysis on Pages 4-7.

SUMMARY STAFF RECOMMENDATION

Staff recommends denial of this application. Should the Board of Supervisors approve this case, staff has included proposed conditions to mitigate a portion of the potential impacts that would result from this development.

PLANNING COMMISSION RECOMMENDATION

At its October 5, 2022, meeting, the Planning Commission voted to recommend approval of this application by a vote of 5-0.

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SPECIAL USE PERMIT-22-0010. 9201 and 9225 Pocahontas Trail - The GreaseOutlet
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PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

Condition No. 5, *Department of Environmental Quality (DEQ)*, was removed from the proposed list of conditions. The Virginia DEQ has stated that no solid waste permit is required, and they would perform inspections at the grease waste and transfer station site bi-annually.

PROJECT DESCRIPTION

Mr. Chip Haskell and Mr. Boyd Andrews have applied for a Special Use Permit (SUP) on behalf of GreaseOutlet of Virginia, LLC, to locate a private solid waste transfer station and container site with a waste disposal facility (the “Facility”) at 9201 and 9225 Pocahontas Trail. An SUP is required for this use in the M-2, General Industrial District.

The Facility would include a newly built industrial dome structure, four storage receiving tanks, processing equipment, office building, safety fence, and gravel equipment yard. The GreaseOutlet receives mixed waste collected by waste haulers from food service entities. The following is a summary of the of treated waste at The GreaseOutlet’s existing facility located in Raleigh, NC, which is anticipated to be similar to the proposed Facility on Blow Flats Road:

Incoming Mixed Waste	600,000 gallons/month or 2,500 tons/month
Outgoing Solid Waste to Composter	30,000 gallons/month or 125 tons/month
Outgoing Liquid to Sanitary Sewer/Hampton Roads Sanitation District (HRSD)	570,000 gallons/month or 2,380 tons/month

At the Facility, the waste is initially screened to separate extraneous trash which is then diverted to a landfill. The remaining waste is injected with a polymer, then separated into a solid byproduct and liquid, in a process called “dewatering.” The discharged liquids are pre-treated and routed into the sanitary sewer collection system where it will flow to the HRSD treatment plant, and the solid byproduct is transferred to either a landfill or third-party composters. As a comparison, The GreaseOutlet’s Raleigh facility received and processed approximately 8.5 million gallons of mixed waste materials in 2021 and transferred over 4 million pounds of solid waste materials to third-party disposal facilities primarily composters. The applicants have provided Attachment No. 5 which covers their overall purposes and objectives.

The proposed Facility site is currently undeveloped and wooded. The site will be accessed by Blow Flats Road which is a narrow road.

If approved, the Facility will seek to extinguish boundary lines between two parcels, combining approximately 7.44 acres, for the development of this use.

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

- Access into the proposed Facility will be off Blow Flats Road, which is a Virginia Department of Transportation (VDOT) maintained road, located within a public right-of-way.
- All immediately surrounding properties are zoned M-2, General Industrial.

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- Parcels northwest of the Facility are zoned R-5, Multifamily Residential, and are occupied by townhouses.
- Parcels north and northeast of the Facility are zoned MU, Mixed Use, and are currently vacant.
- Parcels east of the Facility are zoned M-2, General Industrial, and occupied by RWV Self Storage II, LLC, and Walmart Stores East, LP.
- The parcel south of the Facility, is zoned M-2, General Industrial, and is currently vacant.
- Properties to the west of the Facility are zoned M-2, General Industrial, and are occupied by single-family residences.

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SPECIAL USE PERMIT-22-0010. 9201 and 9225 Pocahontas Trail - The GreaseOutlet
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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>Not Mitigated</u>	<ul style="list-style-type: none"> • The Facility will not exceed 100 peak hour trips; the peak number of deliveries received is 12 trucks per day. • Access into the proposed Facility will be off Blow Flats Road, a VDOT maintained road, located within a public right-of-way. • Staff finds that Blow Flats Road is a narrow road that does not meet current VDOT standards and is inadequate to accommodate the increased traffic from the Facility. • Further, the intersection of Blow Flats Road and Pocahontas Trail (U.S. Route 60) is also substandard. • Staff finds that the roadway and intersection may not be suitable for the increase in industrial truck traffic that is associated with a grease waste collection, treatment, and transfer station. • Staff finds that traffic impacts from this proposal cannot be fully mitigated.
<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 2.6 miles from the proposed Facility. • To mitigate possible impacts, staff has proposed SUP Condition No. 7. The Facility operator will prepare and maintain an Emergency Management Plan to address situations that may require response from public safety personnel.
<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.

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SPECIAL USE PERMIT-22-0010. 9201 and 9225 Pocahontas Trail - The GreaseOutlet
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Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> • The anticipated discharge of pre-treated wastewater from the Facility into HRSD sewers will be approximately 25,000 gallons per day over an 8-hour period. • To mitigate possible impacts, staff has proposed SUP Condition No. 4: Prior to issuance of a site plan approval, for the use of the collection, treatment, and transfer of grease waste, the Owner must obtain all active direct wastewater discharge permits from HRSD.
<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. • To mitigate possible impacts, staff has proposed SUP Condition No. 3: 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. • To mitigate possible impacts, staff has proposed SUP Condition No. 8: Prior to final site plan approval, a Restoration Plan shall outline the required steps for removal of above- and below-ground Facility components and include the following: <ul style="list-style-type: none"> a. Dispose and/or recycle wastes and materials. b. Stabilize soil. c. Revegetate and restore native habitat of the Property. d. Provide a close-out procedure or remediation of stormwater facilities. • To mitigate possible impacts, staff has proposed SUP Condition No. 5: Prior to issuance of preliminary site plan approval, the Owner must determine if a general Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater Associated with Industrial Activity will be required

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Impacts/Potentially Unfavorable Conditions	Status (No Mitigation Required/Mitigated/Not Fully Mitigated)	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
		<p>from the DEQ. If a VPDES Permit is required, the Owner must provide evidence of having obtained the permit prior to issuance of final site plan approval.</p> <ul style="list-style-type: none"> To mitigate possible impacts, staff has proposed SUP Condition No. 6: Prior to the issuance of a Land Disturbing Permit, a Spill Prevention, Control and Countermeasures Plan, addressing the handling of inorganic and organic compounds, be submitted to the Director of Stormwater and Resource Protection for review and approval.
<u>Cultural/Historic</u>	<u>Mitigated</u>	<ul style="list-style-type: none"> Per Section 24-145 of the Zoning Ordinance, this proposal included an archaeological study and will be evaluated at the site plan stage should this application be approved. A natural resource inventory was not required.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	<ul style="list-style-type: none"> 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, staff has proposed the following: To mitigate possible impacts, staff has proposed SUP Condition No. 10: Prior to final site plan approval, a landscape, tree clearing, and protection plan for the Facility will be required and all buffers required shall remain undisturbed and in their natural state. To mitigate possible impacts, staff has proposed SUP Condition No. 11: Any fence will be neutral in color, shall not contain barbed wire, nor exceed a height of 8 feet above finished grade. To mitigate possible impacts, staff has proposed SUP Condition No. 12: No outdoor storage shall be permitted. To mitigate possible impacts, staff has proposed SUP Condition No. 13: All dumpster or HVAC units shall be screened from any public street or adjoining property. To mitigate possible impacts, staff has proposed SUP Condition No. 14: Limit dust, noise, and odor associated with the collection and transfer of grease waste

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Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
		<p>to an enclosed building and installation of an industrial odor control system is required.</p> <ul style="list-style-type: none"> • To mitigate possible impacts, staff has proposed SUP Condition No. 15: Hours of operation shall be limited to 5 a.m.-5 p.m., Monday through Friday.
<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. 10.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> • The applicants have verified that he is not aware of any covenants or restrictions on the property that prohibit the proposed use.
<u>Joint Base Langley Eustis (JBLE)</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> • This parcel is located within the Military Influence Overlay District on the 2045 Comprehensive Plan Land Use Map. JBLE personnel reviewed this proposal and raised no concerns regarding impacts on the mission of the base.

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SPECIAL USE PERMIT-22-0010. 9201 and 9225 Pocahontas Trail - The GreaseOutlet
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Blow Flats Road is a 22-foot-wide road with vary narrow gravel shoulders. According to VDOT, current minimum standards for a two-lane road would be 24 feet in width, with two feet of paved shoulders on each side for a total of 28 feet paved surface. This width is inadequate for trucks to safely pass to and from the site. There are also residences and other businesses along Blow Flats Road that must share the road with the truck traffic. Blow Flats Road intersects Pocahontas Trail (U.S. Route 60) at an angle of less than 45 degrees. According to VDOT, the angle should be a minimum of 75 degrees. The pavement is deteriorating and there is damage to the shoulders from the intersection of Pocahontas Trail and Blow Flats Road continuing southbound along Blow Flats Road to the entry of Branscome, Inc. Due to the current condition of this intersection, visibility is decreased. Representative photos of existing conditions can be found in Attachment No. 6.

Truck trip information has been received from the applicants as part of this SUP application. Trucks entering and leaving the site are primarily Liquid Vac Trucks (5,000-gallon capacity, approximately 30 feet in length) and Vacuum Trailers (6,500-gallon capacity, 42 feet in length). According to the applicants, the peak operating hours for truck traffic is from 5-7 a.m. and 11 a.m.-1 p.m. Dewatered solids will be shipped to a composter up to three times per week.

To mitigate possible impacts, staff has proposed the following:

- SUP Condition No. 2: Provide on-site parking for all vehicles during construction.
 - a. No vehicles shall be parked within the Blow Flats Road right-of-way.
 - b. Provide traffic control methods including lane closures, flagging procedures, directional and informational signage, and

designation of a single access point for deliveries and employee access.

- SUP Condition No. 9: Facility operator shall: Prior to issuance of a Certificate of Occupancy for the Facility, improve the shoulder of Blow Flats Road to a width of four (4) feet from the existing edge of roadway in the areas where the Property fronts on Blow Flats Road, as approved by VDOT. Such improvements shall be reflected on the site plan approved for the Facility.

VDOT's Annual Average Daily Traffic Volume Estimates for Blow Flats Road is 440 counts.

In reviewing the SUP application, VDOT has the following recommendations:

- Use low volume commercial entrance with extended pavement.
- The shoulders should be paved to the maximum extent possible at the intersection of Blow Flats Road and Pocahontas Trail.
- An auto-turn analysis (to check the road design to ensure all types of vehicles can move safely and efficiently) should be provided for the intersection of Blow Flats Road and Pocahontas Trail.
- A general site distance study for the intersection of Blow Flats Road and the private road.
- All shoulders should be graded back and stabilized to prevent damage resulting from the trucks.

Reduced visibility, shoulder damage, pavement damage, and deficient points of acceleration for trucks are all negative impacts that currently

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exist along Blow Flats Road and its intersection with Pocahontas Trail. The proposed application would add additional heavy truck traffic to these areas, thereby adding to the negative impacts. These additional impacts cannot be mitigated by the applicants.

2045 COMPREHENSIVE PLAN

The project site is designated General Industry on the 2045 Comprehensive Plan Land Use Map. Across Pocahontas Trail, the properties to the north, are designated Mixed Use and the properties to the northwest are designated Moderate Density Residential. The properties directly west, across Blow Flats Road are designated Mixed Use. All remaining properties to the south and southeast are designated General Industry.

The land use designation, General Industry, includes 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.

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.

Staff finds the grease waste collection, treatment, and transfer station to be an appropriate industrial use and the proposed location is adjacent to a compatible use.

- ii. 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.

Staff finds that the proposed use is not expected to have an impact on existing County services such as education or recreation; however, staff does find that impacts to roadway facilities are not mitigated and may add to VDOT's operations and maintenance costs. Further, since the roadway and intersection are substandard, any increase in accidents that might arise from an increase in the total truck traffic, may add to the demands of County first responders.

- iii. While a variety of market forces influence commercial and industrial development proposals, the maintenance of an acceptable Level of Service of roads and other public services and the availability and capacity of public utilities should be primary considerations.

The Facility requires public water and sewer; HRSD is aware of the site location and proposal for the use and "has no objection,"

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providing the following comment: “Based upon their (GreaseOutlet) operations in Raleigh, NC and preliminary information provided to HRSD, HRSD feels GreaseOutlet will be able to meet permit limitations and/or requirements that may be imposed on them for the discharge of their wastewater in James City County”(dated July 13, 2022).

Staff finds that Blow Flats Road is inadequate for the current truck traffic as well as any increased traffic. The road pavement is approximately 22 feet in width. VDOT’s current guidelines would require the road to be 24 feet with two-foot-wide paved shoulders on each side. This width is inadequate for trucks to safely pass to and from the site. There are also residences and other businesses along Blow Flats Road that must share the road with the truck traffic.

In addition to the inadequate pavement width, the turn angle is currently less than 45 degrees at the intersection of Blow Flats Road and Pocahontas Trail. According to VDOT’s guidelines, the angle should be a minimum of 75 degrees. The pavement is deteriorating and there is damage to the shoulder area. Due to the current condition of this intersection, visibility is decreased.

Given the deficiencies of the intersection of Blow Flats Road and Pocahontas Trail and the entire length of Blow Flats Road, staff finds that this proposal would increase the truck traffic and would cause the road to deteriorate even further. Any off-site road, visibility or safety improvements cannot be fully mitigated.

- 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 and

utilizing design features, including building and site design, buffers, and screening to adequately protect the resource.

Staff finds that with conditions, the use will be sufficiently buffered in this location and is not expected to have an impact to adjacent properties. There is not a Resource Protection Area nor a special flood hazard area on the property.

- v. Proposed commercial and industrial developments will have a limited impact on adjacent residential areas especially in terms of visible parking areas, lighting, signage, traffic, odor, noise, and hours of operation.

Staff finds that with these conditions, the proposed use will be sufficiently buffered in this location and is not expected to have a negative impact on adjacent properties.

- vi. Minimize the impact of development proposals on overall mobility, especially on major roads, by limited access points and providing internal, on-site collector and local roads, side street access, and joint entrances. Industrial and commercial areas should be planned and located to avoid traffic through residential and agricultural areas except in special circumstances where residential and nonresidential areas are both part of an overall master plan and special measures are taken to ensure that the residential or agricultural uses are adequately protected.

There are 11 residences and a small mobile home park on Blow Flats Road. Residents and other businesses must share the road with the truck traffic going to and from the site. Any off-site improvements cannot be fully mitigated.

In addition to being designated for General Industry, the project site is located within the JBLE Military Influence Overlay District (MIOD).

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-22-0010. 9201 and 9225 Pocahontas Trail - The GreaseOutlet
Staff Report for the November 8, 2022, Board of Supervisors Public Hearing

Per the adopted 2045 Comprehensive Plan Land Use Map, the intent of the MIOD is “to protect the mission footprint of Joint Base Langley Eustis and to reduce potential encroachment issues related to existing development, new development, or potential redevelopment surrounding the installation within the County.”

Accordingly, this proposal was transmitted to JBLE personnel for review and evaluation of potential impacts the base’s missions. No impacts of concern were raised by JBLE personnel during this review.

STAFF RECOMMENDATION

Staff finds that the proposal is compatible with surrounding zoning and development and is generally consistent with the Comprehensive Plan and Zoning Ordinance. However, this proposal will add more truck traffic to a local road that is inadequate to manage the current truck traffic. Staff finds that the current width of Blow Flats Road at 22 feet does not meet VDOT’s current standards for a two-lane road and is inadequate for the current truck traffic; this width is inadequate for trucks to safely pass to and from the site, and there are also residences and other businesses along Blow Flats Road that must share the road with the truck traffic.

Due to the angle of the turn at the intersection of Blow Flats Road and Pocahontas Trail, which is also substandard, there are issues with deteriorating pavement, damage to the shoulders, and a decrease in visibility causing safety concerns.

Reduced visibility, shoulder damage, pavement damage, and deficient points of acceleration for trucks are all negative impacts that currently exist along Blow Flats Road and its intersection with Pocahontas Trail. The proposed application would add additional heavy truck traffic to these areas, thereby adding to the negative impacts. These additional impacts cannot be fully mitigated by the applicant.

Therefore, staff recommends denial of this application. Should the Board of Supervisors approve this case, staff has included proposed conditions to mitigate a portion of the potential impacts that would result from this development (Attachment 1).

SY/md
SUP22-10PocTrGrease

Attachments:

1. Resolution
2. Location Map
3. Applicant Narrative
4. Master Plan
5. The GreaseOutlet Standard Operating Procedures
6. Exhibit - Road Conditions
7. Unapproved Minutes of the October 5, 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-22-0010. 9201 AND 9225 POCAHONTAS TRAIL -

THE GREASEOUTLET

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. Chip Haskell and Mr. Boyd Andrews have applied for an SUP on behalf of GreaseOutlet of Virginia, LLC, to locate a private solid waste transfer station and container site with a waste disposal facility (the “Facility”) at 9201 and 9225 Pocahontas Trail, further identified as James City County Real Estate Tax Map Parcel Nos. 6010100009 and 6010100009B (the “Property”); and

WHEREAS, the Planning Commission, following its public hearing on October 5, 2022, recommended approval of Case No. SUP-22-0010 by a vote of 5-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-22-0010; 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-22-0010 as described herein with the following conditions:

1. Master Plan. This SUP shall apply to the parcels situated at 9201 Pocahontas Trail and 9255 Pocahontas Trail, further identified as James City County Real Estate Tax Map Parcel Nos. 6010100009 and 6010100009B respectively (together, the “Property”). This SUP shall be valid for a private solid waste transfer station and container site in conjunction with a waste disposal facility (the “Facility”). All final development plans and use of the Property shall be consistent with the master plan entitled “9201 & 9225 Pocahontas Trail, The GreaseOutlet” dated September 13, 2022 (the “Master Plan”), as determined by the Director of Planning, with any deviations considered per Section 24-12 (a)(2) of the Zoning Ordinance, as amended.
2. 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. Provide on-site parking for all vehicles during construction. No vehicles shall be parked within the Blow Flats Road right-of-way.
 - b. Provide traffic control methods including lane closures, flagging procedures, directional and informational signage, and designation of a single access point for deliveries and employee access.

- c. Limit all construction activities, including clearing and grading of the Property, to the hours of 7 a.m. to 7 p.m., Monday through Friday.
 - d. Provide appropriate methods for the storage, transportation, and disposal of any waste and/or hazardous materials.
- 3. 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 offsite 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.
- 4. Industrial Wastewater Discharge Regulations. Prior to issuance of a site plan approval, for the use of the collection, treatment, and transfer of grease waste, the Owner must obtain all active direct wastewater discharge permits from Hampton Roads Sewer District.
- 5. Virginia Pollutant Discharge Elimination System (VPDES). Prior to issuance of preliminary site plan approval, the Owner must determine if a general VPDES Permit for Discharges of Stormwater Associated with Industrial Activity will be required from the Virginia Department of Environmental Quality. If a VPDES permit is required, the Owner must provide evidence of having obtained the permit prior to issuance of final site plan approval.
- 6. Spill Prevention Control and Countermeasures Plan. Prior to the issuance of a Land Disturbing Permit, a Spill Prevention, Control and Countermeasures Plan, addressing the handling of inorganic and organic compounds, be submitted to the Director of Stormwater and Resource Protection for review and approval.
- 7. 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.
 - 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.
 - c. Provide pertinent contact numbers for the Facility operator emergency personnel.
 - d. Provide that emergency contact information be posted on access gates.
- 8. Restoration Plan. Prior to final site plan approval, a Restoration Plan (RP) shall be submitted to the Director of Planning or their designee for review and approval. The RP shall include the following measures:
 - a. Outline the required steps for removal of above- and below-ground Facility components.
 - b. Dispose and/or recycle wastes and materials.
 - c. Stabilize soil.
 - d. Revegetate and restore native habitat of the Property.
 - e. Provide the close-out procedure or remediation of stormwater facilities.

9. Road Improvements. The Facility operator shall, prior to issuance of a Certificate of Occupancy (CO) for the Facility, improve the shoulder of Blow Flats Road to a width of four (4) feet from the existing edge of roadway in the areas where the Property fronts on Blow Flats Road, as approved by the Virginia Department of Transportation. Such improvements shall be reflected on the site plan approved for the Facility.
10. Landscape Perimeter Buffer. Prior to final site plan approval, the Director of Planning or their designee shall review and approve a landscape plan, tree clearing, and protection plan for the Facility. All buffers required shall remain undisturbed and in their natural state. The landscape plan shall be generally consistent with the Master Plan and provide, at a minimum, the following:
 - a. A vegetated buffer not less than 15 feet wide, as measured from the edge of the existing 30-foot-wide private drainage easement and parallel to the southern property line.
 - b. A vegetated buffer not less than 15 feet wide, as measured from the edge of the existing 120-foot-wide Dominion Energy easement and parallel to the eastern property line.
 - c. A vegetated buffer not less than 15 feet wide, as measured from the edge of the northern property line.
 - d. A vegetated buffer not less than 30 feet wide, measured from the existing edge of the property line along Blow Flats Road.
11. Security Fence. Any fence shall be black, brown, or other neutral color, shall not contain barbed wire, and shall not exceed a height of 8 feet above finished grade. The detail and the final color shall be submitted to and approved by the Director of Planning or their designee prior to final site plan approval.
12. Outdoor Storage. All storage of materials on the Property shall be within a fully enclosed building. No outdoor storage shall be permitted.
13. Dumpster/HVAC. All dumpster and heating and cooling units visible from any public street or adjoining property shall be screened from view with landscaping or fencing approved by the Director of Planning or their designee prior to an issuance of any CO.
14. Smoke (Dust)/Noise/Odor. Dust, noise, and odor associated with the use of the collection, treatment, and transfer of grease waste, shall be limited to a fully enclosed warehouse dome structure with retractable doors. No dust, odor or other objectionable effect shall extend beyond property lines. An activated carbon filtration system or an alternative odor control system shall be approved by the Director of Planning or their designee and installed prior to an issuance of any CO.
15. Hours of Operation. Hours of operation for the Facility shall be limited to 5 a.m. to 5 p.m., Monday through Friday.
16. Commencement. A permanent CO shall be obtained within 48 months from the date of approval of this SUP or this permit shall be void.
17. 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:

Teresa J. Saeed
Deputy Clerk to the Board

ICENHOUR
HIPPLE
LARSON
SADLER
MCGLENNON

VOTES

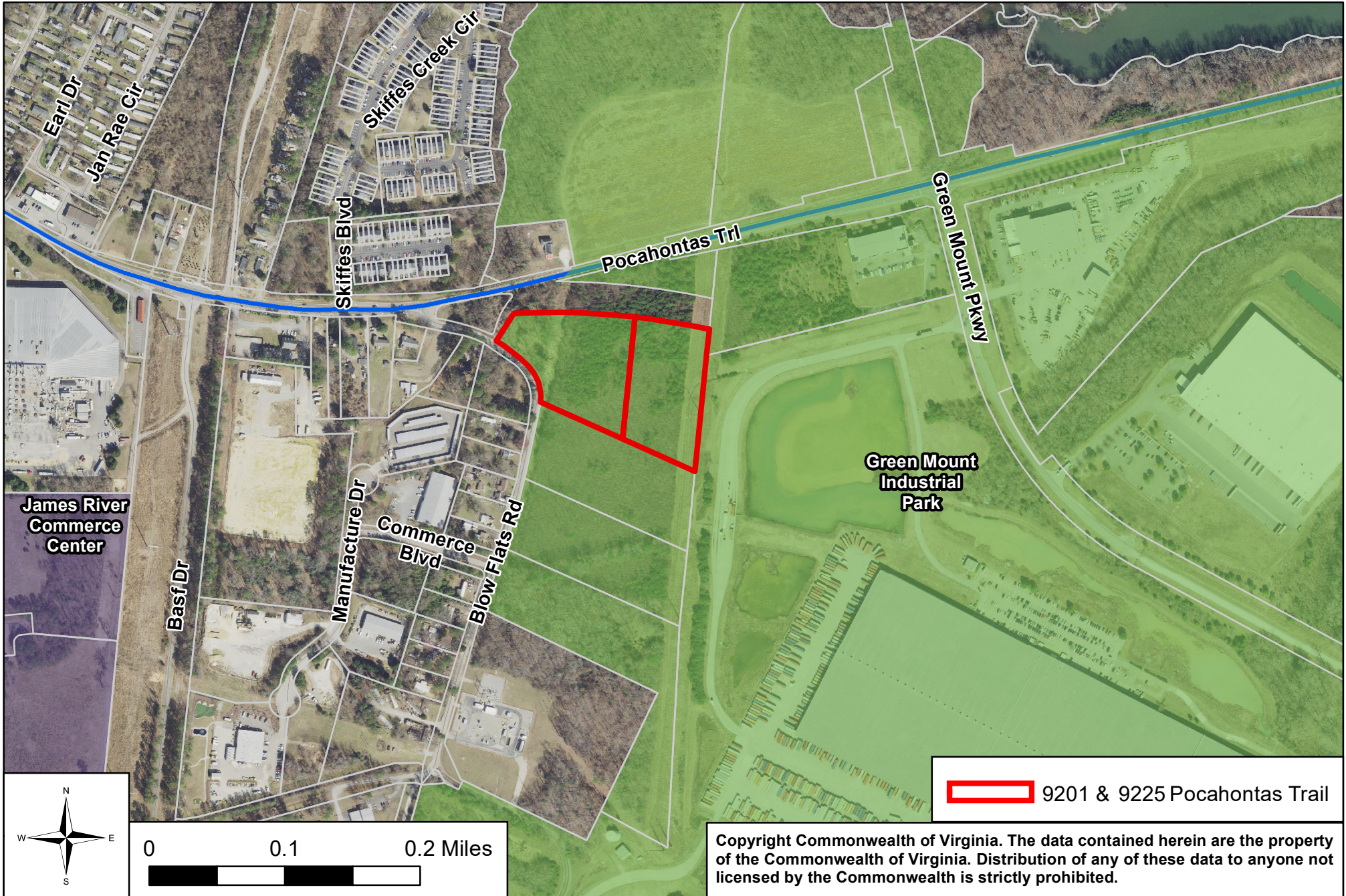
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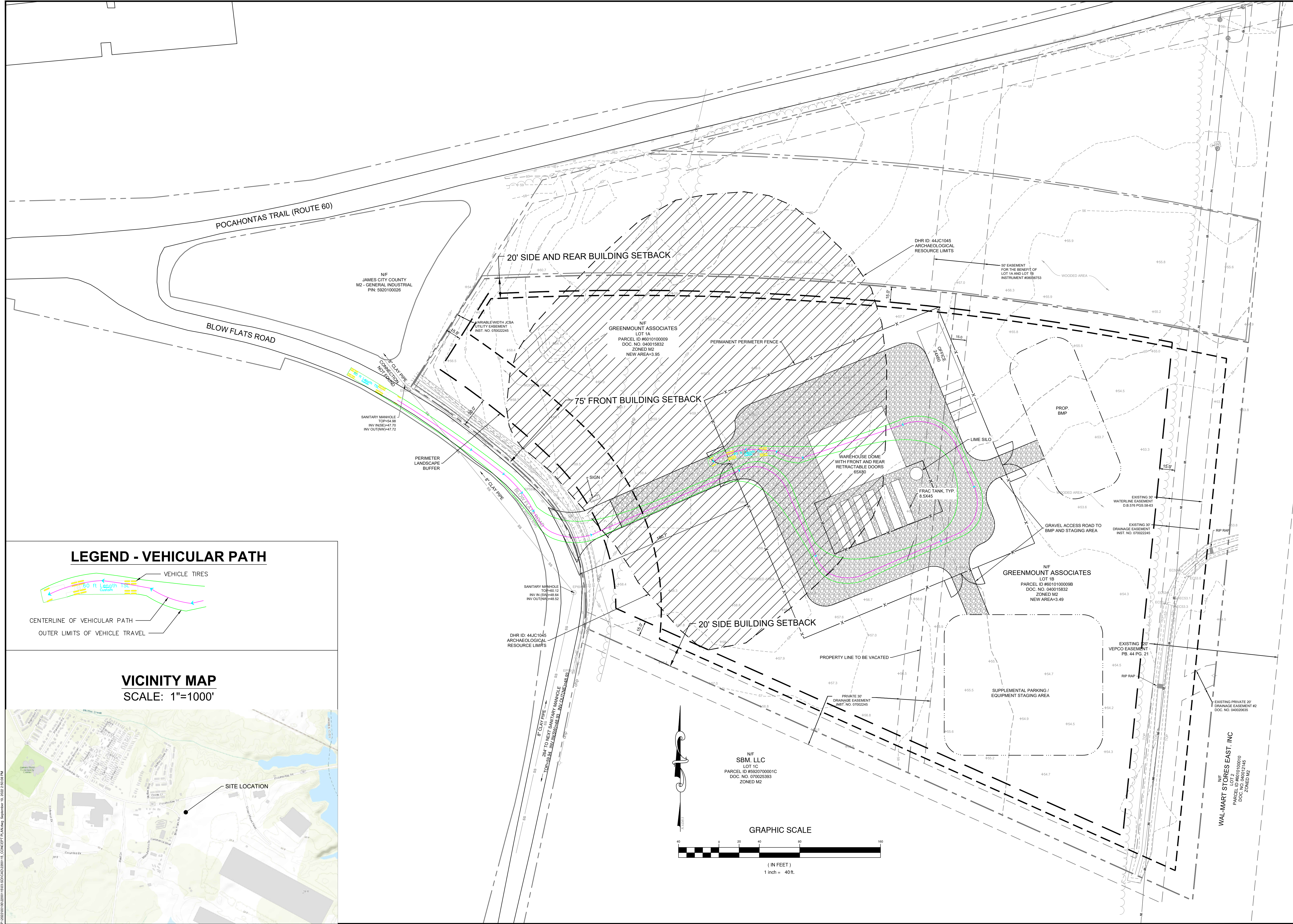
Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of November, 2022.

SUP22-10PocTrGrease-res

JCC SUP-22-0010

9201 & 9225 Pocahontas Trail





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• Raleigh, NC
• Fayetteville, NC
• Richmond, VA
• Blacksburg, VA
• Charlottesville, VA
• Northern Virginia
• Virginia Beach, VA

SPECIAL USE PERMIT - CONCEPT PLAN
GREASE OUTLET - POCAHONTAS
9201/9225 POCAHONTAS TRAIL
WILLIAMSBURG, VA 23185
JAMES CITY COUNTY, VA

REVISIONS	
DESIGNED BY:	TSL
DRAWN BY:	TSL
CHECKED BY:	MCH
SCALE:	1"=40'
DATE:	SEPTEMBER 13, 2022
PROJECT NUMBER:	2200115
SUP-1	

GreaseOutlet.com, LLC

Dewatering Facility

Standard Operating Procedures Manual

Revision –May 12, 2017

Site:

201 Walker St.

Raleigh, NC 27603

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Overall Purpose and Objectives

GreaseOutlet.com, LLC operates a modern grease trap dewatering facility. The facility will provide a convenient, economical and environmentally responsible disposal option for liquid waste materials. Primarily the facility will dewater grease trap waste collected within North Carolina. It will increase FOG compliance by making it easier for trap waste to be properly disposed of and by making it convenient for trap owners to properly service their traps.

The facility will accept and temporarily store restaurant grease trap waste from legally licensed trap waste pumping companies that have been pre-accepted by GreaseOutlet. GreaseOutlet will separate the waste into two components through a process of polymer dewatering utilizing gravity filtration containers. GreaseOutlet will at predetermined intervals and when sufficient quantity is available, dewater the grease trap waste, in accordance with NC DEQ regulations.

The dewatering process creates two by-products: the solids, which are a nutrient rich “filter cake” that will be recycled through offsite third party composting, (Letter of acceptance attached), and the filtered water, or “filtrate,” which will be discharged to the local sewer system of Raleigh, NC. (Permit attached)

GreaseOutlet’s facility is located at:

201 Walker Street, Raleigh, North Carolina 27603

Spill Prevention and Containment

SOP –DW100 PREVENTION

Spills will be prevented by draining, capping or plugging all transfer hoses. Transfer hoses will be hung up on posts or walls to prevent leakage. All valves will be closed and fittings capped when not in use.

SOP - DW150 SPILL CONTAINMENT

Minor spills are defined as ones which are contained within the operational containment of the Receiving Pad (RP) area and directed into the Receiving Tank (RT). The RP is a concrete berm area directly in front of the Receiving Tank (RT). The RT has a containment capacity of 6000 gallons, and is equipped with automatic high level alarm. Any liquid contained on the RP can be washed or squeegeed into the RT for processing. The RP area is equipped with hot water for wash down of equipment and concrete.

A major spill is defined as one where more than fifteen gallons of any waste is spilled. Absorbent material of sufficient quantity will be stored onsite and Labeled Major Spill Kit. Products such as Absorb-dry, sand, or wood shavings etc., will be used to contain the spill until pump trucks can be brought in to vacuum up the waste. Hydrated lime will be applied to spill area to address any possible odor or pathogens.

GreaseOutlet will immediately notify the appropriate state and local authorities as listed on emergency call sheet. (Attached)

Receiving

SOP –DW200 INBOUND LOADS

All incoming loads will be recorded on pre-printed manifest, inspected, and sampled if necessary.

Accepting Waste

The only access to the facility is through a locked gate on Walker Street. Trucks loaded with grease trap waste will enter through this gate. Only trucks that are fully compliant with all state and local regulations will be permitted access and a contract with GreaseOutlet (GO) must be in place prior to off-loading. Every load accepted at the facility will be manifested. A (GO) dewatering operator will be available when loads are delivered. (GO) Operator will determine available capacity to accept for the day by reviewing prior Daily Inventory Report (DIR1) and visually inspecting Storage Tank 1,2,3,4 levels. (ST1, ST2, ST3, ST4)

1. Accept the delivery.
 - a. Park delivery truck in the marked Receiving Pad (RP), in front of the Receiving Tank (RT).
 - b. Visually inspect the load and take sample if necessary.
 - c. Enter load information from truck bill of lading to the Customer Manifest (CM1) and Daily Inventory Report (DIR1).
 - d. (GO)Dewatering Operator will inspect RT to insure sufficient storage capacity.

SOP- DW300 OFFLOADING

2. Connect hose between delivery truck and PortaLogic (PL).
 - a. GO Operator will off load truck into the PL by connecting the truck discharge hose to the 6” or 4” camlock connection on the PL.
 - b. PL is positioned for Gravity Offloading of most delivery trucks. Driver may use truck vacuum pump to facilitate truck cleanout.
3. Begin offloading.
 - a. Enter Customer information into PL to open internal valve and allow discharge from delivery truck.
 - b. Open valve on back of truck to allow waste to begin flowing into PL.

- c. Waste will flow through the PL into the primary screener, (SC).
 - d. Visually verify waste is flowing into SC.
 - e. Go Operator will use hand rake to clear debris from screener as waste is flowing through SC. Debris will be deposited into sealed hopper for draining and disposal.
 - f. Waste will flow through screener SC into the in-ground receiving tank RT.
4. Stop Offloading.
- a. When truck is empty, close valve on truck.
 - b. Disconnect hose at the truck and manually drain hose into the PL.
 - c. Hang up hose on hook located adjacent to PL.
 - d. **If load is unacceptable:**
 - 1. Connect hose from Receiving Area Pump discharge manifold (RAPDM) to the delivery truck.
 - 2. Verify valves UL1, UL2, UL3 are in open position from RAP to delivery truck.
 - 3. Turn on RAP and reload delivery truck.
 - 4. Additional cleaning may be necessary of RT, SC and PL.
 - e. If load is acceptable offloading is complete.
 - f. **Record delivery by driver signature** on Customer Manifest. (CM1) and record data on Daily Inventory Report (DIR1), through the PL driver interface screen.

SOP- DW350 STORAGE

Once the load has been unloaded into the Receiving Tank (RT) and accepted, it will be transferred into one of four 21,000 gallon Storage Tanks (ST1, ST2, ST3, ST4) for later processing.

5. Begin Transfer of waste from RT to ST1, ST, ST3 or ST4.
- a. Visually confirm the available storage capacity in each Storage Tank. (ST1, ST2, ST3, ST4)
 - 1. GO Operator will climb stairs to check waste level in each tank.
 - b. Open appropriate Storage Tank valve on the Receiving Area Pump discharge manifold (RAPDM). Valves STV1, STV2, STV3, STV4
 - 1. Verify other storage tank valves are closed on (RAPDM) STV1, STV2, STV3, STV4.

- c. Turn on Receiving Area Pump (RAP) at control panel.
 - d. Verify RAP operation and waste is flowing into correct ST.
6. Stop Transfer of waste from RT to ST1, ST2, ST3 or ST4.
- a. When RT is empty, turn off RAP at control panel.
 - b. Close all valves on RAPDM (STV1, STV2, STV3, STV4).
 - c. Open drain valve on RAPDM. (DV2)
 - d. Climb onto appropriate ST, verify waste level.
 - e. Record transfer data on Daily Inventory Report (DIR1).

Dewatering

SOP – DW400 DEWATERING

Waste can be dewatered at any time, and in any weather. The number of gallons that can be dewatered at any one time is dependent on the percent of solids in the waste being dewatered. At three to four percent solids, (which is typical for regularly maintained grease traps) we expect to be able to dewater approximately 30-40,000 gallons per 30 yd. filter box.

The GO Operator will process as much material in one run as is possible. The gross daily volume will vary slightly based on such factors as the percent Total Solids in the storage tanks and other characteristics specific to a given batch processed. Once the GO Operator has processed an adequate volume of grease trap waste (as determined by loading of solids into the unit) another Dewatering Box can be filled or the dewatering completed for the day.

- 7. Determine if dewatering is needed.
 - a. Monitor total volume of waste on hand in Storage Tanks (ST1, ST2, ST3, ST4).
 - b. When trap waste exceeds 30,000 gallons, a batch is ready to be processed.
- 8. Set up equipment
 - a. All steps performed by trained GO Operator.
 - b. Turn on the corresponding Storage Tank Mixer Pump (STMP1-4) in each Storage Tank (ST1-ST4) that contains material to be dewatered.
 - 1. Connect 3” hose from the Filtration Box Inlet Valve (FBIV) to the Filtration Box (FB) inlet port.
 - c. On the Polymer Injection Unit (PIU) located in Dewatering Area (DA), open water Hydrant valve (WHV).

- d. Connect ¾" Suction Hose (PSH) from the storage container of Neat Polymer to the suction side of the Neat Polymer Chemical Pump (PP1) of the Polymer Injection Unit (PIU).
 - e. Connect 3" hose from the Filtration Box Drain Ports (FBDP) to the Effluent Tank Discharge Drain. (ETDD)
 - f. **IMPORTANT:** Check to make sure all hoses are attached and connected properly, and the Filtration Box (FB) back door is secure. Determine that all necessary power is turned on, the water is on, the Storage Tank Mixer Pump (STMP1-4) in the Storage Tank (ST1-ST4) being utilized is on, and then do a general safety inspection of entire area.
 - g. Open Storage Tank Drain Valve (STDV1, STDV2, STDV3, STDV4), on the appropriate Storage Tank (ST1-ST4) on the Sludge Feed Line (SFL) from which the wastewater is to be dewatered.
 - h. Turn on the switch that controls the Polymer Injection Unit (PIU). Make sure the water flow is adequate and the Neat Polymer Chemical Pump (PP1) is operational.
 - i. (If needed) Open the valve on the Flow Divider Recirculation Valve (FDRV) to the dewatering return line (DRL) to discharge the first approximately 100 gallons pumped into the RT, to certify good flocculation of sludge.
 - j. Turn on and set speed control on the Variable Speed Drive Controller on the 4" Sludge Dewatering Pump (SDP4). Sludge should be flowing at this time.
 - k. Verify flow of waste to RT and determine quality of flocculation. This is a judgement call on operator and improves with experience.
 - l. When quality of floc in wastewater is sufficient, open valve (FBIV) to Filtration Box (FB) and Close valve FDRV.
9. Continue Dewatering

The dewatering operation will continue until the Filtration Box (FB) is full, or the Storage Tank (ST1-4) are empty. During this period, the GO Operator will monitor the quality of the floc, and make minor adjustments to the speed of flow, dilution water, or the speed and volume of the neat polymer.

SOP – DW500 SHUTDOWN

When the GO Operator has determined dewatering operations are complete, the GO Operator will complete the checklist for shutdown and cleanup. Hoses will be capped,

valves and electrical switches will be secure. Freeze protection will be initiated, weather dependent.

GO Operator will notify management that Filtration Box is full and ready for disposal.

The operator will leave site ready to begin processing the next batch.

10. Shutdown

- a. Turn off the switch to the Polymer Injection Unit (PIU), leaving the water on to flush out the lines.
- b. Close tank valve (STDV1-STDV4), on the Storage Tank (ST1-ST4) being utilized, and secure.
- c. Visually check clean water has cleared all hoses into Filtration box (FB).
- e. Turn off the 4" Sludge Dewatering Pump (SDP4).
- f. Turn off the water that feeds the Polymer Injection Unit (PIU).
- g. Disconnect the 3" hose from the inlet of the Filtration Box (FB), cap it and place on storage hook.
- h. After the flow of effluent from the Filtration Box (FB) into the Effluent Tank Discharge Drain (ETDD) has stopped, disconnect the 3" hoses from the FB drain ports and secure dust caps to ports. The Filtration Box is then ready to be transported for disposal.
- j. The operator will complete an area and equipment cleanup. All wastewater and materials will be contained. Clear all hoses, Secure all tanks, valves, and electrical panel. Plug in heat tape and drain pumps if necessary.
- k. The operator is now ready to begin processing the next batch.

SOP- DW 600 Cleanup

11. The operator should wash down Receiving Pad (RP) and spray with deodorizer if needed. All equipment should be inspected for leaks. All valves should be closed position.
12. Removal and Cleaning of Filtration Box
 - a. Once the box has stopped draining, it can be transported to the local compost facility and the filter cake disposed of.
 - b. If necessary, Screens of the filtration box should be cleaned thoroughly when returned with pressure washer and hot water if available prior to the next batch being run.

SOP-DW650 Removal and Disposal of Dewatered Solids

GreaseOutlet will transport the roll-off filtration box to an approved permitted compost facility for disposal of the filter cake. See attached authorization for details.

SOP-DW700 Environmental Controls BMP

1. Hinsilblon odor control system. This is a motorized vapor phase system, that will point source neutralize strong odor events and reduce chances of stray odor escape from site.
2. Constructed Biofilter. This is a negative pressure air scrubbing system that continually replaces the air in the Storage Tanks (ST1-ST4) for control of evident odors through a natural organic filter media contained in a specified area.
Biofilter maintenance should be minimal and media should last several years.

Polymer Mixing Chamber

A custom stainless steel chamber with baffle walls on the inside, flanged couplings on the waste pipes, and one 1" coupling with a check valve for polymer hose hook up.

Polymer Injection System

Includes inline mixing equipment for Polymer and Water. The Polymer Injection Pump (PP1) controls a measured amount of neat polymer.

Sludge Dewatering Pump

This is a 4" Hose Pump, SDP4, variable speed electric pump. This is the main pump used for the dewatering operation.

Effluent Tank

An in ground pre-cast concrete tank that can hold up to 4000 gallons designed to receive filtered water directly from the filtration box (ET).

DeTainer™ Filtration Box

This is a steel or stainless steel container with stainless steel false walls and floors that have expanded metal under a fine screen to allow the solids to be retained in the container and wastewater drains through the fine screen and out the bottom of the container to be contained and treated. The solids retained in the box are transported off-site for disposal or composting by truck. This is a commercially manufactured unit that has been on the market for nearly a decade. (FB)

Self Priming Pump

A 2" electric pump capable of 50gpm at 75 feet of head.

Storage Tanks

Steel frac tanks, 20-21,000 barrel capacities are utilized to store incoming grease trap waste (ST1, ST2, ST3, ST4)

Storage Tank Mixer Pump

One 10 hp (or equivalent) electrically powered agi-pumps used to mix and agitate the material in the Storage Tank. A manual on/off control is mounted on the top platform of each tank. (STMP1, STMP2, STMP3, STMP4)

Ball Valves

The ball valves used throughout this facility are schedule 40 pvc.
NEED TO UPDATE THIS WITH THE VALVE NAME AND LOCATION,

SOP-DW900

Emergency Contact List

Fire/ Ambulance/ Police

911

North Carolina DEQ

910-433-3352

GreaseOutlet.com LLC

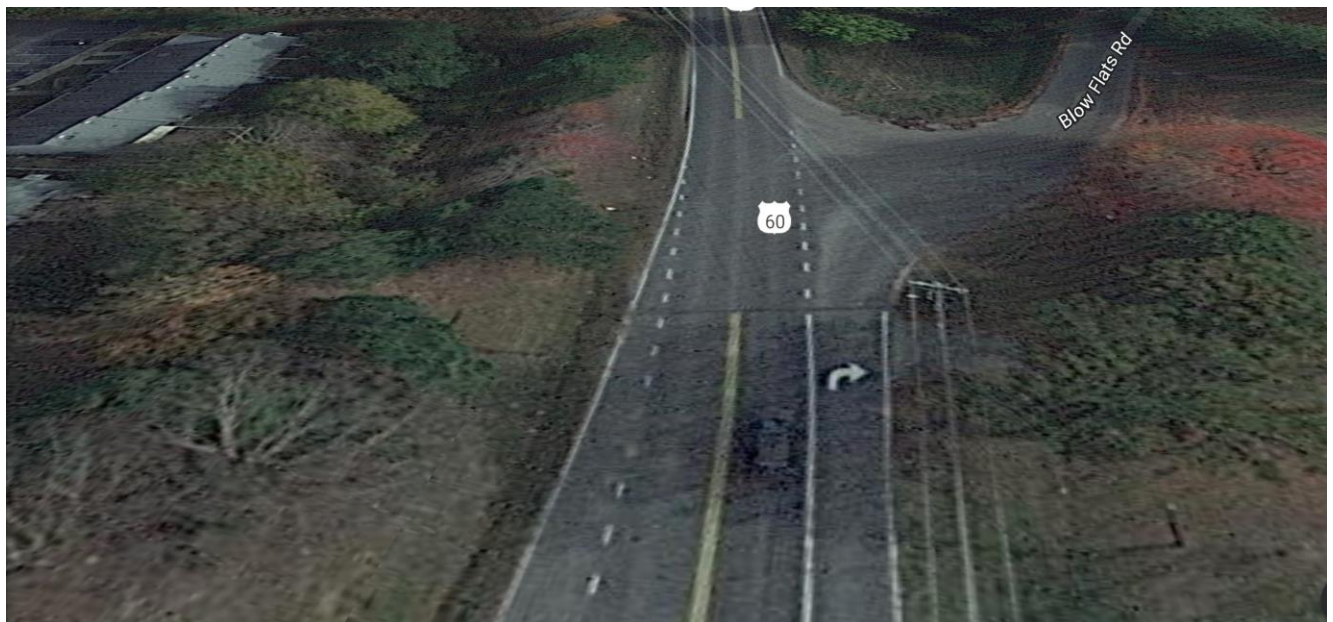
Joe VanSchaick

910-990-2926 cell

Existing Conditions (courtesy of Google Earth)



Intersection of Blow Flats Road and Pocahontas from the East (from Newport News)



Intersection of Blow Flats Road and Pocahontas Trail from the West (from Williamsburg)



Truck navigating a left turn from Pocahontas Trail onto Blow Flats Road (east from Newport News)



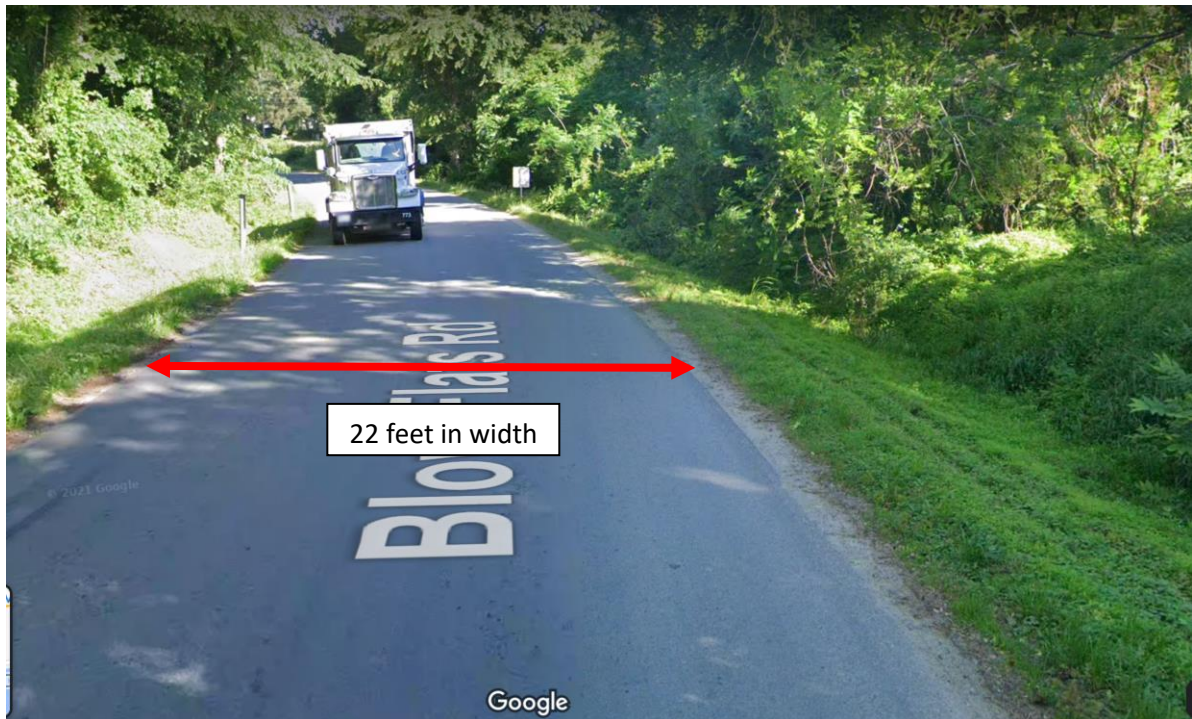
Truck turning onto Blow Flats Road from Pocahontas Trail (from the east, Newport News)



Blow Flats Road from an aerial view



Blow Flats Road looking away from Pocahontas Trail (Rt. 60)



Blow Flats Road looking towards Pocahontas Trail (Rt. 60)



Trucks traveling down Blow Flats Road away from Pocahontas Trail (Rt. 60)

**Unapproved Minutes of the October 5, 2022
Planning Commission Regular Meeting**

SUP-22-0010. 9201 & 9225 Pocahontas Trail. The GreaseOutlet

Ms. Suzanne Yeats, Planner, stated that Mr. Chip Haskell and Mr. Boyd Andrews with GreaseOutlet of Virginia, LLC, have applied for an SUP to allow the use of the property for a grease waste collection, treatment, and transfer station. Ms. Yeats stated that the subject properties are located at 9201 and 9225 Pocahontas Trail, zoned M-2, General Industrial, classified as General Industry on the 2045 Comprehensive Plan, and located inside the PSA.

Ms. Yeats stated that the facility would include an industrial dome structure with retractable front and rear doors, four storage receiving tanks, processing equipment, and an office building. Ms. Yeats stated that grease haulers bring waste from food service entities like fast food chains and restaurants to the facility, where it is initially screened to separate trash from the grease. Ms. Yeats stated that after screening, the trash is diverted to a landfill while the remaining grease waste is separated into a solid byproduct and liquid. Ms. Yeats further stated that the liquid is pretreated and routed into the sanitary sewer collection system that connects to the Hampton Roads Sanitation District (HRSD) treatment plant. Ms. Yeats stated that the leftover solid waste byproduct is transferred to a third-party disposal facility, primarily composters.

Ms. Yeats stated that with the exception of traffic impacts to Blow Flats Road, staff finds the proposed conditions will mitigate impacts to surrounding properties and development. Ms. Yeats further stated that staff finds that this proposal is compatible with surrounding zoning and development and is generally consistent with the 2045 Comprehensive Plan and Zoning Ordinance.

Ms. Yeats stated that if approved, the facility would be accessed by a narrow, substandard local road. Ms. Yeats further stated that the intersection of Blow Flats Road and Pocahontas Trail does not meet current VDOT standards. Ms. Yeats stated that staff finds the roadway may not be suitable for the increase in industrial trucks associated with this proposed SUP.

Ms. Yeats stated that staff recommends the Planning Commission recommend denial of this application to the Board of Supervisors. Ms. Yeats stated that should the Planning Commission recommend approval of the application; staff has included proposed conditions to mitigate a portion the potential impacts of this development.

Mr. O'Connor opened the Public Hearing.

Mr. Boyd Andrews, Owner, the GreaseOutlet, 2859 Cravey Trail NE, made a presentation to the Commission in support of the application.

Mr. Frank Polster inquired about the additional four feet of paving.

Mr. Andrews stated that the additional paving would be on the subject property and located along the curve.

Mr. Polster noted that he appreciated the entrance design which allowed good visibility on Blow Flats Road.

Ms. Barbara Null inquired whether grease waste was currently being taken from Virginia to the facility in North Carolina.

Mr. Andrews stated that his clients do service businesses in North Carolina; however, they also provide services in the local area and would be using the local facility.

Ms. Null inquired if that would lower the cost to local businesses.

Mr. Andrews stated that it would.

Mr. Tom Waltz, 134 Andrews Crossing, Representing the Owners of 9201 and 9225 Pocahontas Trail, 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. Haldeman stated that he would have had fewer concerns about the Branscome Resource Recovery and Aggregate Storage SUP if he had known about the proposed road improvement for this facility.

Mr. Rodgers stated that he finds that this use will not add significantly more traffic, particularly since the truck traffic to the Branscome property will diminish over time.

Mr. O'Connor stated that he had hoped to see direct access to Pocahontas Trail; however, adding another turning movement on Pocahontas Trail could also be problematic.

Mr. Polster made a motion to recommend approval of the application with the proposed conditions.

On a roll call vote, the Commission voted to recommend approval of SUP-22-0010. 9201 & 9225 Pocahontas Trail. The GreaseOutlet. (5-0)

3. SUP-22-0015. 7294 & 7296 Richmond Rd. Pivot Energy Solar Project

Mr. O'Connor noted that the applicant has requested a deferral of this case until the November 2, 2022, Planning Commission Meeting. Mr. O'Connor noted that the Public Hearing remains open.

Mr. Polster made a motion to defer the matter and keep the Public Hearing open until the November 2, 2022, Regular Meeting of the Planning Commission.

On a roll call vote, the Commission voted to defer the matter to the November 2, 2022 Planning Commission Meeting. (5-0)

ITEM SUMMARY

DATE: 11/8/2022

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. Approved Minutes of the September 7, 2022 Planning Commission Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	10/27/2022 - 3:55 PM
Development Management	Holt, Paul	Approved	10/27/2022 - 3:56 PM
Publication Management	Pobiak, Amanda	Approved	10/27/2022 - 4:04 PM
Legal Review	Kinsman, Adam	Approved	10/27/2022 - 4:08 PM
Board Secretary	Saeed, Teresa	Approved	10/31/2022 - 2:23 PM
Board Secretary	Rinehimer, Bradley	Approved	10/31/2022 - 2:39 PM
Board Secretary	Saeed, Teresa	Approved	11/1/2022 - 3:00 PM

**SPECIAL USE PERMIT-22-0016. 141 Blow Flats Road Battery Storage Facility
Staff Report for the November 8, 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
Military Influence Overlay District (MIOD)

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. (Deferred)
November 8, 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 3-5.

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 November 8, 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.

CHANGES MADE SINCE THE BOARD OF SUPERVISORS MEETING

In response to concerns raised at the October 11, 2022, Board of Supervisors meeting regarding public safety, Planning staff met with the applicant team and Fire Department leadership to discuss safety concerns. Additional SUP Conditions have been proposed to ensure enhanced protections. These conditions and additional information regarding public safety will be discussed at the November 8, 2022, Board of Supervisors Regular 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 November 8, 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. 13 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 November 8, 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. 16) 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. 14 limits the height of all structures to prevent any glare. - Condition No. 10 requires a construction management and mitigation plan which is intended in part to address impacts to nearby properties during the construction stage. - Condition No. 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 November 8, 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>Joint Base Langley Eustis (JBLE)</u>	<u>No Mitigation Required</u>	- This parcel is located within the MIOD on the Future Land Use Map. JBLE personnel reviewed this proposal and raised no concerns regarding impacts on the mission of the base.

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 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.

**SPECIAL USE PERMIT-22-0016. 141 Blow Flats Road Battery Storage Facility
Staff Report for the November 8, 2022, Board of Supervisors Public Hearing**

In addition to being designated for General Industry, the project site is located within the JBLE MIOD. Per the adopted Future Land Use Map, the intent of the MIOD is “to protect the mission footprint of Joint Base Langley Eustis and to reduce potential encroachment issues related to existing development, new development, or potential redevelopment surrounding the installation within the County.”

Accordingly, this proposal was transmitted to JBLE personnel for review and evaluation of potential impacts to the base’s missions. No impacts of concern were raised by JBLE personnel during this review.

STAFF RECOMMENDATION

Staff recommends the Board of Supervisors approve the SUP subject to the proposed conditions (Attachment No. 1).

PC/ap
SUP22-16_141BlwFlats

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. Approved 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. Fire Safety Measures. Prior to final site plan approval, the applicant will demonstrate to the Fire Official or their designee that the design of the facility meets the 2018 Virginia Statewide Fire Prevention Code (as amended) and includes the following safety requirements:
 - a. Containers will have cabinets that open externally and will not be a design that requires an operator to enter the cabinet;
 - b. Monitoring system to alert the Facility operator of any smoke, heat (thermal runaway), or fire;
 - c. Fire suppression system to extinguish any resulting fires;
 - d. Fire alarm and strobing system that can also be monitored by the Facility operator;
 - e. Deflagration panels that eliminate the risk of explosion as much as reasonably possible;
 - f. Emergency venting system that will automatically trigger an emergency shut-off and eliminate any power or charge to the cabinets;
 - g. Labelled Fire Department Connection for each container;
 - h. Fire hydrants as required by the Fire Department; and
 - i. Emergency management access to any gates entering the Facility.
8. Hazard Mitigation Analysis. Prior to final site plan approval a Failure Modes and Effects Analysis (FMEA) or an equivalent hazard mitigation analysis shall be reviewed and approved by the Fire Official or their designee. The FMEA shall be prepared by a registered design professional and shall analyze the fire safety properties of the Facility.
9. 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.
10. 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:
- iv. Dust containment; and
 - v. Noise mitigation.
11. Commissioning Report. Prior to the Certificate of Occupancy for the Facility, a commissioning report describing the results of the system commissioning, including the results of an initial acceptance testing shall be reviewed and approved by the Fire Official or their designee for approval. A copy of the approved report shall be maintained on the Property.
12. 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.
13. 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.
14. Height Limitation. The maximum height of all structures on the Property shall not exceed 16 feet.
15. Number of Storage Containers. No more than 15 battery energy storage system containers shall be permitted on the Property.
16. 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.
17. Commencement. The Facility shall be operational within 60 months from the issuance of this SUP, or this SUP shall automatically be void.

18. 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:

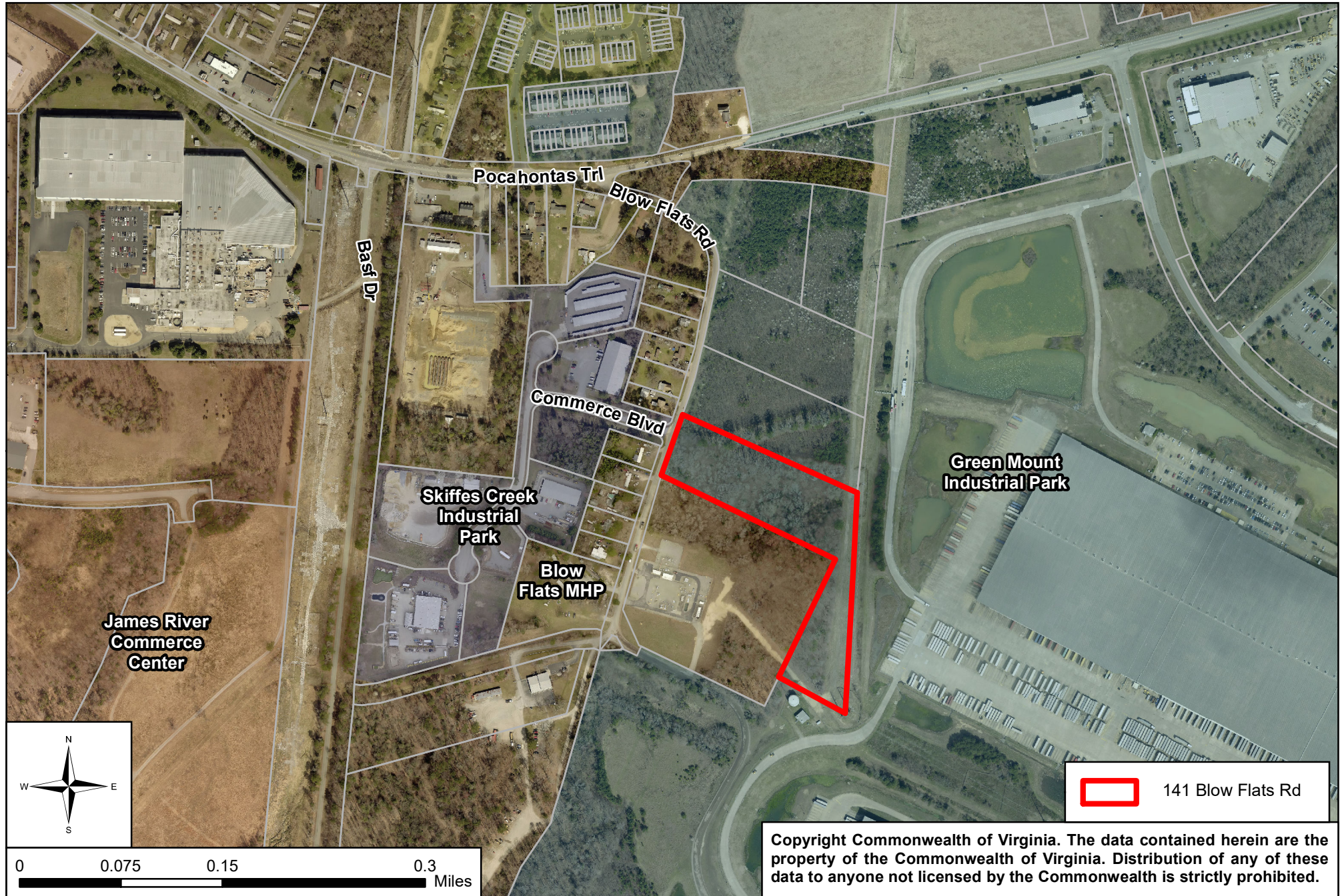
		VOTES			
		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
	ICENHOUR	_____	_____	_____	_____
	HIPPLE	_____	_____	_____	_____
	LARSON	_____	_____	_____	_____
	SADLER	_____	_____	_____	_____
	MCGLENNON	_____	_____	_____	_____

Teresa J. Saeed
Deputy Clerk to the Board

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

SUP22-16_141BlwFlats-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:

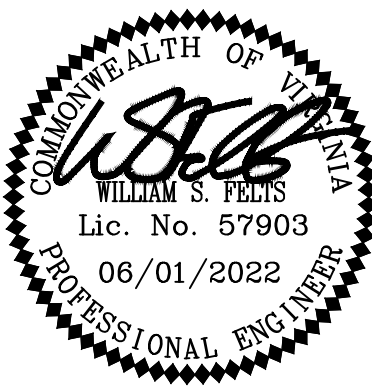
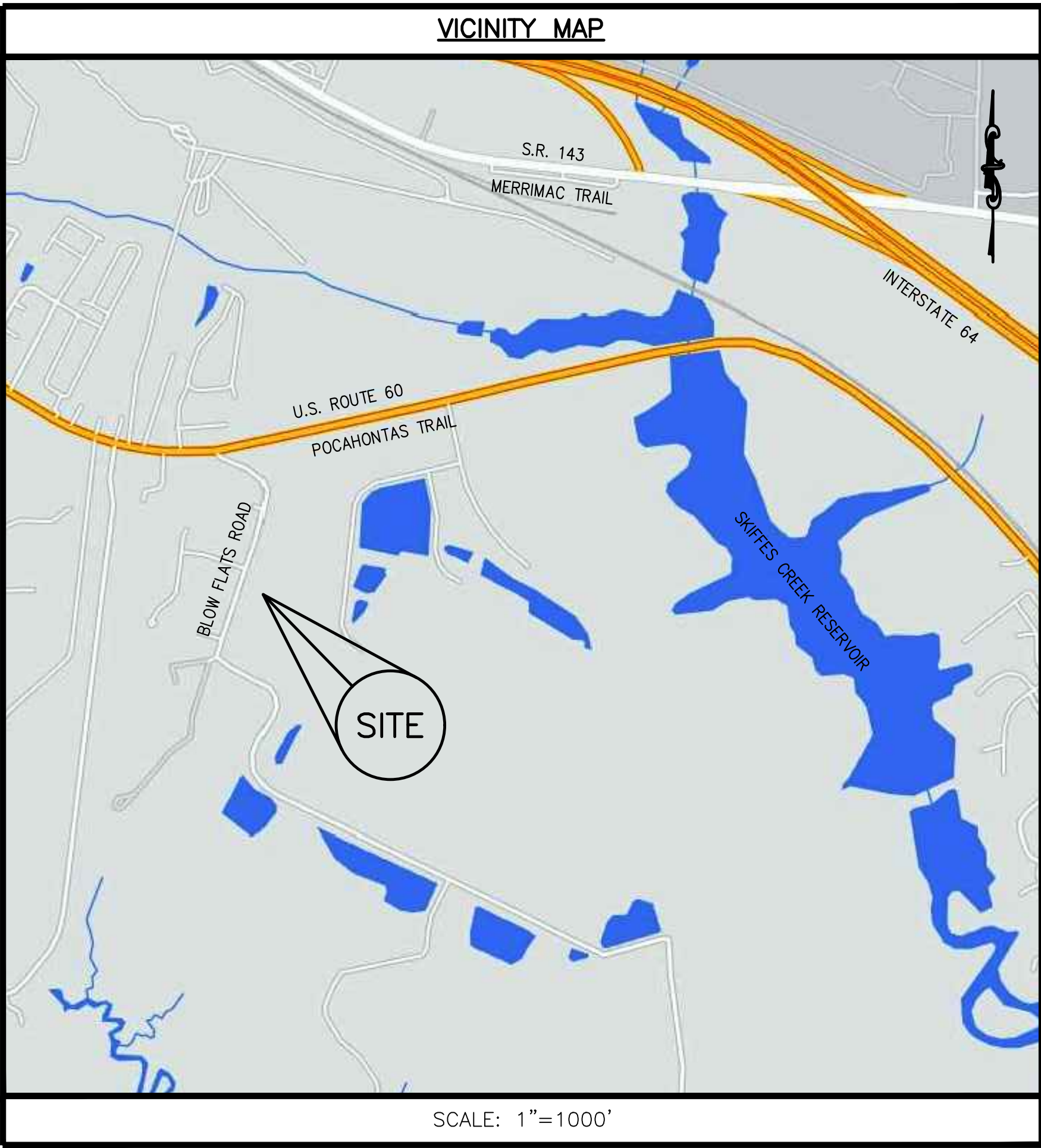
- THE PROPOSED PROJECTS DOES NOT PROPOSE THE INSTALLATION OF A DOMESTIC WATER CONNECTION NOR A DOMESTIC SANITARY SEWER CONNECTION.
- ALL OTHER PROPOSED UTILITIES SHALL BE PLACED UNDERGROUND.

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

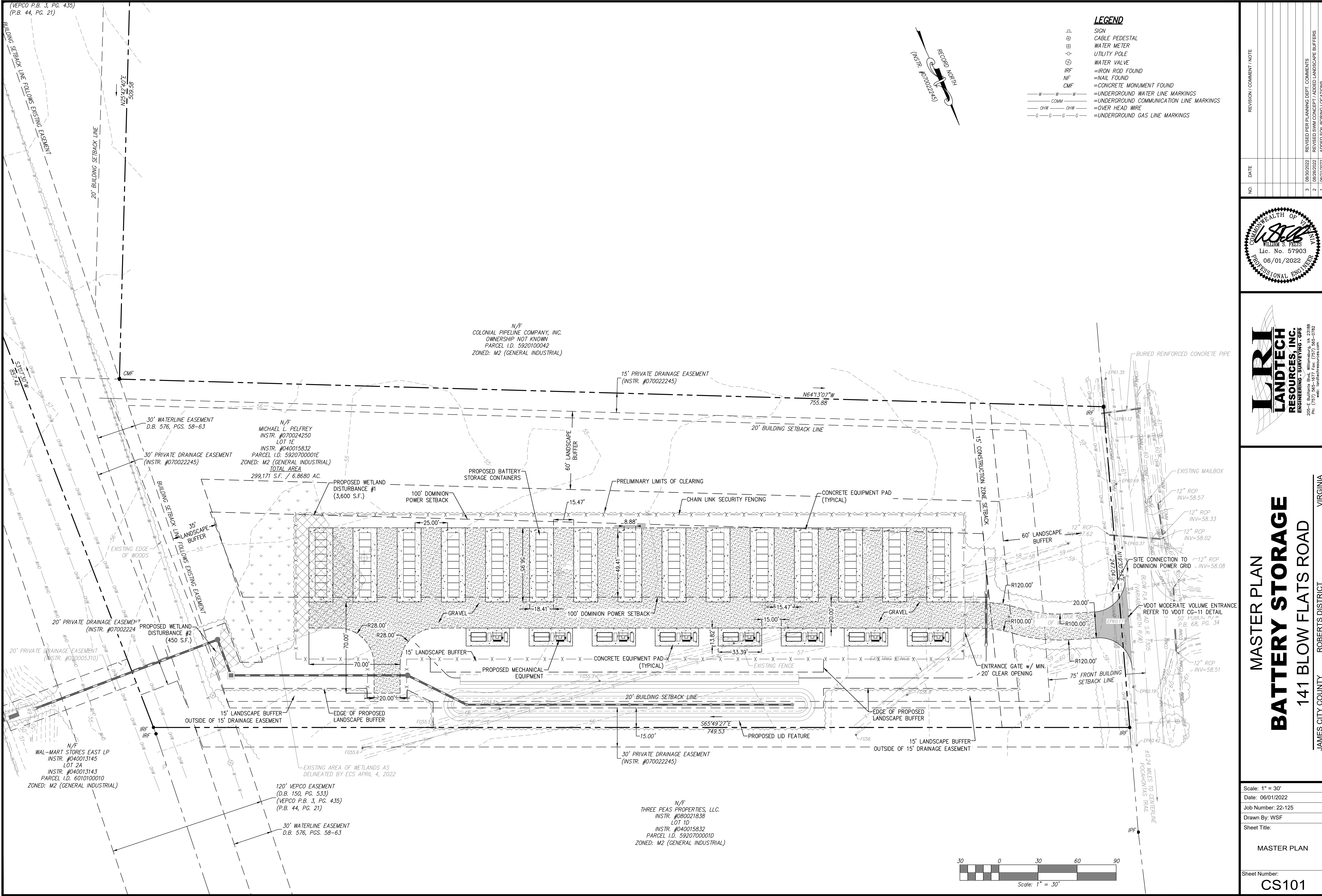
141 BLOW FLATS ROAD

JAMES CITY COUNTY ROBERTS DISTRICT VIRGINIA

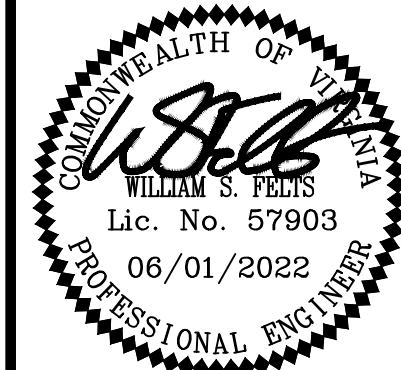
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Drawn By: WSF
Sheet Title:

COVER SHEET

Sheet Number:
C0001

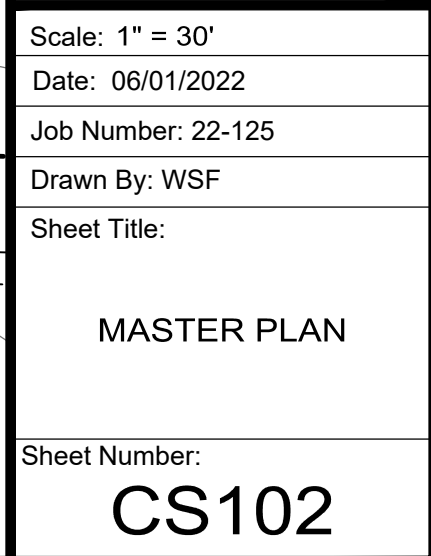


- LEGEND**
- SIGN
 - CABLE PEDESTAL
 - WATER METER
 - UTILITY POLE
 - WATER VALVE
 - IRF = IRON ROD FOUND
 - NF = NAIL FOUND
 - CMF = CONCRETE MONUMENT FOUND
 - W = UNDERGROUND WATER LINE MARKINGS
 - COMM = UNDERGROUND COMMUNICATION LINE MARKINGS
 - OHW = OVER HEAD WIRE
 - G = UNDERGROUND GAS LINE MARKINGS



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



Energy Storage System Example

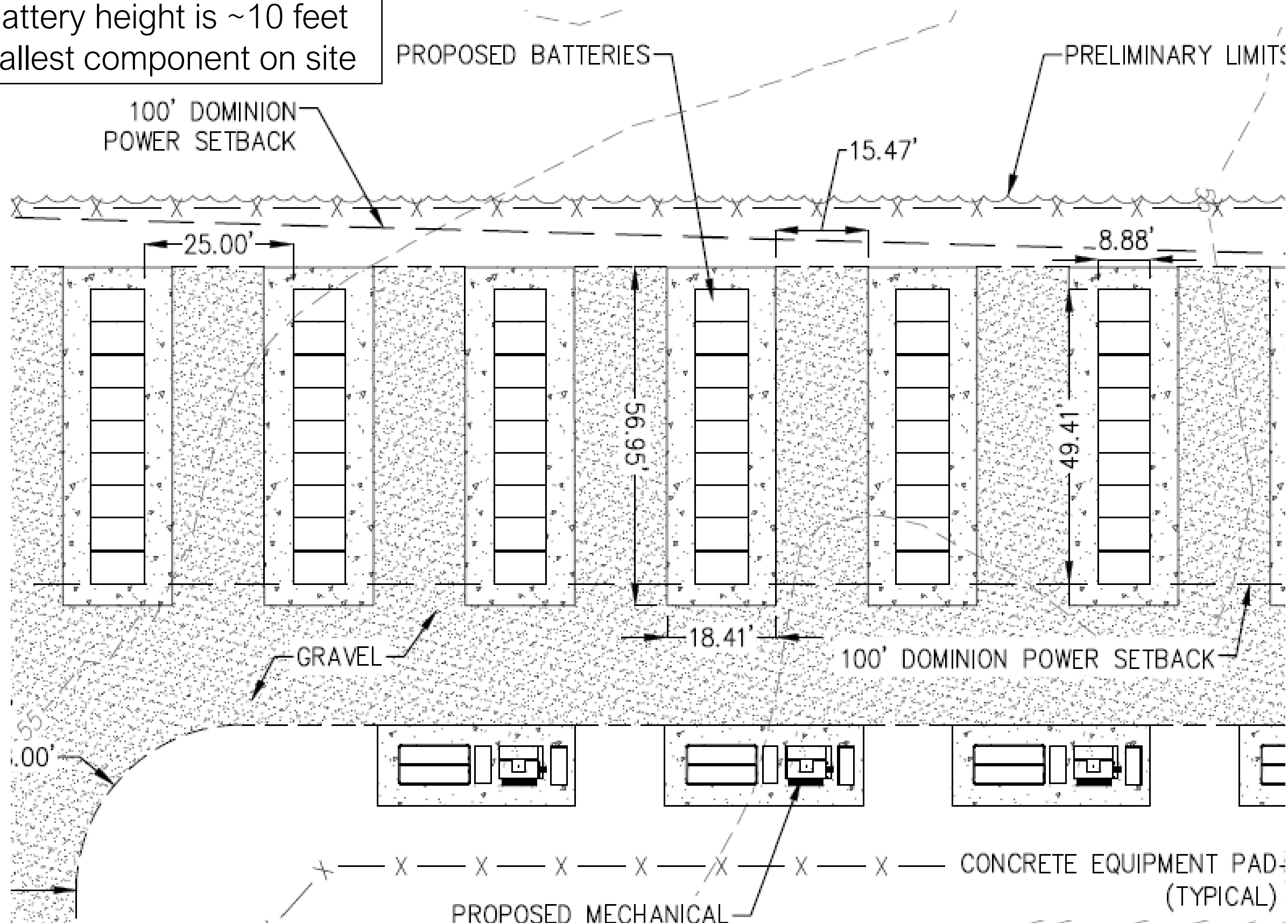


Energy Storage Facility Examples












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-

—PRELIMINARY LIMITS OF CLEARING

CONCRETE EQUIPMENT PA
(TYPICAL)

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

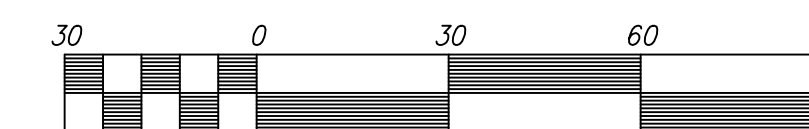
Job Number: 22-125

Drawn By: WSF

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.

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
September 7, 2022
6:00 PM

A. CALL TO ORDER

Mr. O'Connor called the meeting to order at 6:00 p.m

B. ROLL CALL

Planning Commissioners Present

Tim O'Connor
Rich Krapf
Jack Haldeman
Frank Polster
Barbara Null
Rob Rose
Stephen Rodgers

Staff Present:

Paul Holt, Director of Community Development and Planning
Liz Parman, Deputy County Attorney
Josh Crump, Principal Planner
José Ribeiro, Senior Landscape Planner
Terry Costello, Senior Planner
Thomas Wysong, Senior Planner
John Risinger, Planner
Paxton Condon, Planner

C. PUBLIC COMMENT

Mr. O'Connor opened Public Comment.

As no one wished to speak, Mr. O'Connor closed Public Comment.

D. REPORTS OF THE COMMISSION

Mr. Jack Haldeman stated that the Policy Committee met on August 11, 2022, to continue its role in the Planning Division work program for the remainder of fiscal 2022, and to begin the process of aligning the Zoning Ordinance with the revised 2045 Comprehensive Plan's Goals, Strategies and Actions, per directives from the Board of Supervisors.

Mr. Haldeman stated that staff addressed three of the five Board of Supervisors' Initiating Resolutions, one of which was to complete a draft Ordinance revision that set residential lot sizes consistent with the Rural Lands Designation Description and Development Standards contained in the Comprehensive Plan. Mr. Haldeman stated that the draft also includes language that grandfathers all parcels in existence as of January 1, 2022, that are 25 or fewer acres in size and also eliminates the central well requirement for subdivisions that are consistent

with the stated Rural Lands Designation Description and Development Standards.

Mr. Haldeman stated that staff led a discussion on the draft revision of Zoning Ordinance Sections 24-214 and 24-350, which covered the revised lots sizes and grandfathering, and recommended that the Policy Committee recommend approval of them to the full Planning Commission. Mr. Haldeman stated that staff also recommended such approval for the draft revisions to Sections 19-59 through 19-62 of the Subdivision Ordinance, which cover water and sewer connection requirements for subdivisions. Mr. Haldeman stated that the Committee tabled the recommendation pending clarification of the effect the revisions may have on the Natural and Cultural Assets Plan mapping, wildlife corridors, how new clustering standards would affect the revision, and whether to use setbacks or buffers for protection on scenic roads. Mr. Haldeman stated that staff will schedule another Policy Committee meeting during the week of August 22, 2022, to determine next steps.

Mr. Haldeman stated that the Committee also discussed the Board of Supervisors' second directive: To consider amendments to the Zoning and Subdivision Ordinances to provide additional requirements to protect and preserve scenic roadways consistent with Strategy LU 6.3 of the 2045 Comprehensive Plan. Mr. Haldeman stated that staff had no proposed draft revisions but asked the Committee for feedback on what constitutes a scenic roadway and which tools would best meet the directive.

Mr. Haldeman stated that staff recommended that the Policy Committee define “scenic roadways” as portions of Community Character Corridors (CCC) located outside of the Primary Service Area (PSA). Mr. Haldeman stated that the Committee agreed, but added Croaker Road from I-64 to Sycamore Landing Road to the segments of the following CCCs outside the PSA, which will be considered for additional regulations as part of this Ordinance amendment process:

1. Forge Road (classified as “Open/Agricultural”)
2. Old Stage Road (classified as “Open/Agricultural”)
3. Richmond Road (classified outside the PSA as “Wooded”)
4. Monticello Avenue (classified outside the PSA as “Wooded”)
5. John Tyler Memorial Highway (classified outside the PSA as “Wooded”)
6. Riverview Road (classified as “Wooded”)
7. Centerville Road (classified as “Wooded”)
8. Colonial Parkway (classified as “Wooded”)
9. Croaker Road from I-64 to Sycamore Landing Road

Mr. Haldeman stated that a study of a visual analysis of viewsheds from Forge Road showed few structures within the distances under consideration. Mr. Haldeman stated that the Committee decided that using setbacks would provide better protection than buffers for these roads because buffering could obscure the viewshed. Mr. Haldeman stated that the Committee also decided that setbacks should be applied to specific roads rather than to zoning districts because applying setbacks to entire districts might impact narrow parcels and would require too much grandfathering to be practical. Mr. Haldeman stated that the Committee believed that implementing an overlay district would also be impractical. Mr. Haldeman stated that the Policy Committee directed staff to further evaluate setbacks for scenic roadway protection and to draft amended Ordinances.

Mr. Haldeman stated that relating further to the Initiating Resolution regarding the R-8 and A-1 Districts, the Committee considered the eleven A-1 cluster configuration subdivision standards for its own focused review. Mr. Haldeman stated that the consultant stated that clustering can produce some benefits, but that they rarely provide protection for rural character. Mr. Haldeman stated that the Committee wanted some assurance that clustered housing would not get too close to scenic roadways.

Mr. Haldeman stated that staff provided a summary of the existing standards for the A-1 cluster configuration, as well as potential considerations for revisions and improvements. Mr. Haldeman further stated that the standards for road frontage/access, buffer/screening and setbacks from roadways were discussed in context with scenic roadways, using setbacks to provide better protection than buffers, which obscure the viewshed.

Mr. Haldeman further stated that the open space/conserved area percentage and open space/conserved area values, configuration, and ownership issues were discussed in the context of the earlier discussion on the A-1/R-8 lot size and the Natural and Cultural Asset Plan mapping and how new clustering standards would affect the revision.

Mr. Haldeman stated that the Policy Committee also met on August 22, 2022 to continue its discussion of the Board of Supervisors' Initiating Resolution pertaining to A-1, R-8, and Subdivision ordinances. Mr. Haldeman stated that Committee members had clarified the effects that the revisions might have on the Natural and Cultural Assets Plan mapping and wildlife corridors, how new clustering standards would affect the revision, and whether to use setbacks or buffers for protection on scenic roads. Mr. Haldeman further stated that there was also a better understanding of how these Ordinances would apply to A-1 and R-8 Districts inside the PSA. Mr. Haldeman stated that the Committee also discussed the effects the revisions may have on the supply of affordable housing in the County.

Mr. Haldeman stated that the Committee unanimously voted to recommend that the Planning Commission recommend approval of the Ordinance revisions, as written in Item Nos. 3, 4, and 5 of the reading material, to the Board of Supervisors.

Mr. Haldeman stated that the Committee then requested of staff that they model three properties to learn how scenic road setbacks and the new 1/20 density designation descriptions will affect them, and whether the new Ordinances will help protect wildlife corridors.

Ms. Null stated that the Development Review Committee (DRC) met at 4 p.m. on August 24, 2022, to consider SP-22-0005. Colonial Veterinary Clinic Parking Expansion. Ms. Null stated that the matter came before the DRC for a determination of Master Plan Consistency.

Ms. Null stated that Mr. Ryan Stephenson, of AES Engineering, on behalf of the applicant, has submitted a site plan for the development of a parking lot, pedestrian accommodation and vehicular entrance to be connected to an existing veterinary clinic located at 3280 Ironbound Road.

Ms. Null stated that the proposed parking would be located on a parcel which is subject to an adopted master plan and recorded proffers. Ms. Null stated that on February 12, 2008, the Board of Supervisors approved Z-0005-2007 to rezone the property located at 112 Ingram Road from R-8, Rural Residential, to B-1, General Business, to allow for the construction of a two-story office building, attached garage, and three parking spaces.

Ms. Null stated that Proffer No. 1 requires that "The Property shall be put to one or more of the following possible uses: business, governmental, contractor's and professional offices and accessory uses thereto as defined in the James City County Zoning Ordinance. All other otherwise permissible uses shall be prohibited. The Property shall be developed generally in accordance with the Plan, with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development."

Ms. Null stated that staff determined that the current proposal does change the basic concept and character of the development from the approved master plan. Ms. Null stated that staff

recommended that the DRC find this proposal not consistent with the adopted master plan and recommend denial to the Planning Commission and that the applicant pursue a Master Plan/proffer amendment through the legislative application process.

Ms. Null stated that Mr. Rodgers asked for a better understanding of how the Committee would determine master plan consistency.

Ms. Null stated that staff stated that it was at the Committee's discretion after reviewing the matter. Ms. Null stated that staff and the Committee discussed the proposed layout of the parcels, the terms of the proffer, and the difference between the original plan which was in keeping with the community character for Five Forks and the proposed parking lot. Ms. Null stated that staff noted that the building in the original plan had architectural details that enhanced the character of the area as opposed to a parking lot.

Ms. Null stated that Mr. Rodgers inquired about the recommendation that the applicant pursue a different procedure.

Ms. Null stated that staff recommends that the applicant pursue a master plan and proffer amendment to remove the building from the master plan and amend proffers to be consistent with the master plan.

Ms. Null stated that staff believes that it requires more than just submitting a site plan. Ms. Null stated that staff further noted that since the property is bound by a master plan and proffers, staff is bound to adhere to it.

Ms. Null stated that Mr. Polster inquired if the Commission finds the proposed parking to be consistent, will the applicant be required to follow through on the landscaping as submitted.

Ms. Null stated that staff would have to review the landscaping plan to ensure that it meets Ordinance requirements and is consistent with the proffer for enhanced landscaping.

Ms. Null stated that Mr. Rodgers inquired if there was a downside of potentially finding the proposal to be consistent with the master plan rather than having the applicant go through the legislative process.

Ms. Null stated that the ensuing discussion revolved around costs involved and the potential for setting precedents.

Ms. Null stated that staff recommends that if the Committee finds this consistent, then the applicant will need to remove internal property lines.

Ms. Null stated that the Committee and staff discussed the requirements of the Primary Principals for Five Forks. Ms. Null stated that the Committee noted that the proposed parking would be in the rear of the business. Ms. Null stated that the Committee reviewed the existing features of the property and the other business and noted that the parking would be well screened. Ms. Null stated that the Committee noted that the proposal does stay within the spirit of the guidelines. Ms. Null stated that the Committee further noted that this is a stable business, and that the owner would be committed to ensuring the aesthetics of the area. Ms. Null stated that the Committee found that the proposal does fit the character of the area.

Ms. Null stated that Mr. Polster made a motion that the proposal be found generally consistent with the master plan for the property with the conditions that the submitted drawings without the building become the master plan for the property and that the proposal undergo landscape review for adherence to the landscape ordinance and the proffers for enhanced landscaping. Ms. Null stated that the Committee recommended that staff work with the applicant regarding

extinguishing internal property lines.

Ms. Null stated that on a roll call vote, the Committee voted to recommend that the Planning Commission find the proposal consistent with the master plan (3-1).

E. CONSENT AGENDA

A motion to Approve was made by Frank Polster, the motion result was Passed.

AYES: 5 NAYS: 2 ABSTAIN: 0 ABSENT: 0

Ayes: Haldeman, Null, O'Connor, Polster, Rose

Nays: Krapf, Rodgers

Mr. Rich Krapf requested to remove SP-22-0005 from the Consent Agenda for further discussion.

Ms. Null made a motion to approve the Minutes of the August 3, 2022, Regular Meeting.

On a voice vote, the Commission voted to approve the Minutes of the August 3, 2022, Regular Meeting. (7-0)

Mr. O'Connor opened the floor for discussion on SP-22-0005. Colonial Veterinary Clinic Parking Expansion.

Mr. José Ribeiro, Senior Planner, provided an overview of the application and the parcels involved. Mr. Ribeiro stated that the matter came before the DRC for a determination of master plan consistency as the property proposed for the parking lot is subject to proffers and a master plan.

Dr. Rose inquired about the difference in footprint between the building and the paved parking.

Mr. Ribeiro stated that they appeared to have approximately the same amount of impervious surface.

Mr. Polster stated that the proposal for the parking lot has less impervious surface. Mr. Polster further stated that the proposal for the parking lot includes better landscaping which also carries through to the two other parcels.

Mr. O'Connor inquired if development on the center parcel would require additional review.

Mr. Ribeiro stated that he did not find a master plan for the center parcel. Mr. Holt stated that under the proposed scenario it would not come back for review other than site plan approval.

Mr. Polster stated that if staff follows the recommendation of the DRC to require extinguishment of the internal property lines, it will become one parcel. Mr. Ribeiro stated that a parking lot would not meet the proffers requirements as a primary use, it would become accessory to the veterinary clinic if the boundary lines were removed.

Mr. Holt noted that by extinguishing the property lines, the SUP conditions and proffers would not automatically extend across the entire parcel. Mr. Holt stated that if a plan of development were submitted for the center parcel it would be reviewed administratively and if one were submitted for the corner parcels it would go to the DRC.

Mr. Krapf stated that while, the current proposal does appear to be better plan, his concern is whether the number of changes are so significant that they deviate from the master plan.

Mr. Haldeman stated that he has the same concerns. Mr. Haldeman stated that the proposed changes would not detract from the community character of Five Forks, and it would help a growing local business; however, he finds it to be inconsistent with the adopted master plan. Mr. Haldeman stated that he has concerns about setting precedent for future requests.

Mr. Polster stated that he finds the development is consistent with the principles for development in Five Forks. Mr. Polster further stated that the current owner of the property is invested both in the property and the community. Mr. Polster stated that his decision point is whether the development of the property without the two-story building and the garage a better fit. Mr. Polster further stated that as far as setting precedents, the cases are reviewed on their individual merits. Mr. Polster stated that he finds the proposal to be a benefit to the business as well as the community. Mr. Polster stated determining consistency is a judgement call for the DRC each and every time.

Mr. Krapf noted that circumstances of ownership and development plans can change over time. Mr. Krapf stated that he believes the applicant should formalize the proposal through a master plan amendment.

Mr. Rodgers stated that he believes the parking lot would not enhance the Five Forks area as much as the building and its potential uses would. Mr. Rodgers stated that he does not see the parking lot as consistent with what is in the master plan.

Dr. Rose stated that if the applicant applied for a master plan amendment, the request would be likely to be approved. Dr. Rose stated that he did not feel it was appropriate to require the applicant to spend more time and money for the same outcome. Dr. Rose stated that the important outcome is to ensure that the development enhances the character of the area.

Mr. O'Connor stated that he found the parking lot use to be accessory to the existing use and would be consistent.

Mr. Polster made a motion to find the application generally consistent with the master plan with the conditions that the property owner extinguish the internal property lines and that staff review the landscaping plan to ensure it meets the enhanced landscaping requirements.

On a roll call vote, the Commission voted to find SP-22-0005. Colonial Veterinary Clinic Parking Expansion consistent with the master plan. (5-2)

1. Minutes of the August 3, 2022, Regular Meeting
2. Development Review Committee Action Item: SP-22-0005. Colonial Veterinary Clinic Parking Expansion

F. PUBLIC HEARINGS

1. Z-22-0001 & SUP-22-0012. 5700 Williamsburg Landing Rezoning and SUP Amendment

A motion to Approve was made by Jack Haldeman, the motion result was Passed.

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Haldeman, Krapf, Null, O'Connor, Polster, Rodgers, Rose

Mr. Thomas Wysong, Senior Planner, stated that Mr. Paul Gerhardt of Kaufman & Canoles, P.C. 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 SUP for the existing Williamsburg Landing Continuing Care Retirement Community (CCRC) 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 PSA 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 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 CCRC.

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 this 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)

2. 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. 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. 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)

3. SUP-22-0015. 7294 & 7296 Richmond Rd. Pivot Energy Solar Project

Mr. Holt stated that there would not be a presentation for the matter. Mr. Holt stated that the applicant has requested to continue the matter to the Planning Commission's October 5, 2022, Regular Meeting.

Mr. Holt noted that since the Public Hearing has been advertised, it is necessary to open the Public Hearing and for it to remain open until the October meeting.

Mr. O'Connor opened the Public Hearing.

No one wished to speak at this time.

On a voice vote, the Commission voted to postpone the matter to the Planning Commission's October 5, 2022, Regular Meeting. (7-0)

4. SUP-22-0016. 141 Blow Flats Rd. Battery Storage Facility

A motion to Approve was made by Rich Krapf, the motion result was Passed.

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Haldeman, Krapf, Null, O'Connor, Polster, Rodgers, Rose

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 a U. S. 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 Road. Battery Storage Facility. (7-0)

Mr. Krapf made a motion to find the facility in substantial accord with the Comprehensive Plan.

On a roll call vote, the Commission voted to find the facility in substantial accord with the Comprehensive Plan.(7-0)

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

A motion to Approve was made by Frank Polster, the motion result was Passed.

AYES: 4 NAYS: 3 ABSTAIN: 0 ABSENT: 0

Ayes: Haldeman, Krapf, Null, Polster

Nays: O'Connor, Rodgers, Rose

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 nothing 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 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 homeowners association.

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 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 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 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 one to 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)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for Planning Commission Consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - September 2022

Mr. Holt highlighted the update on the Skiffe's Creek Connector project. Mr. Holt noted that the project is on schedule and should be completed this calendar year.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Polster noted that he believes the County will see more battery storage units in residential development coming forward. Mr. Polster noted that the costs associated with decommissioning these units is astronomical. Mr. Polster stated that this is something to be aware of and consider for possible Ordinance updates. Mr. Polster noted that it would be crucial to look at the hazmat component of these units.

Mr. O'Connor noted that the residential battery, or virtual power plant, technology is expanding quickly. Mr. O'Connor further noted that he has concerns about what impacts it will have on fire and rescue.

Ms. Null inquired if permits were required for solar panels.

Mr. Holt stated that it does require an electrical permit and an inspection.

Mr. Haldeman inquired about a reference to a housing development on the Williamsburg side of Strawberry Plains Road. Mr. Haldeman noted that he hopes the County would be able to provide feedback on the proposal.

Mr. Holt stated that feedback would be provided from staff level.

Mr. Krapf inquired if there were a table of the number of parcels by acreage.

Mr. Holt noted that most likely this was a working paper provided during the Comprehensive Plan update.

J. ADJOURNMENT

Mr. Polster made a motion to adjourn

The meeting was adjourned at approximately 8:52 p.m.

Paul D. Holt, III, Secretary

Tim O'Connor, Chairman

ITEM SUMMARY

DATE: 11/8/2022

TO: The Board of Supervisors

FROM: A. Vaughn Poller, Neighborhood Development Administrator

SUBJECT: Grant Award – Virginia Association of Planning District Commissions - Virginia Housing Grant Award - \$300,000

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Location Map	Exhibit
☐	Conceptual Subdivision Plan	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Housing & Community Development	Poller, Vaughn	Approved	10/24/2022 - 10:41 AM
Development Management	Holt, Paul	Approved	10/24/2022 - 12:08 PM
Publication Management	Daniel, Martha	Approved	10/24/2022 - 12:12 PM
Legal Review	Kinsman, Adam	Approved	10/24/2022 - 12:19 PM
Board Secretary	Saeed, Teresa	Approved	10/31/2022 - 2:20 PM
Board Secretary	Rinehimer, Bradley	Approved	10/31/2022 - 2:58 PM
Board Secretary	Saeed, Teresa	Approved	11/1/2022 - 2:59 PM

MEMORANDUM

DATE: November 8, 2022

TO: The Board of Supervisors

FROM: A. Vaughn Poller, Neighborhood Development Administrator
Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Grant Award - \$300,000 - Virginia Association of Planning District Commissions - Virginia Housing Grant

Virginia Housing has made funding available to support the development and provision of affordable housing to all Planning District Commissions throughout the Commonwealth. The Hampton Roads Planning District Commission has awarded \$300,000 of its allocation to James City County. There is no local match required.

As covered in more detail in the memorandum and resolution for the Disposition of County-Owned Property at 6145 and 6151 Old Mooretown Road and 130 Clark Lane, the County owns several residual properties that are currently undevelopable. This area has been identified for its potential to develop workforce and affordable housing units. The development of affordable housing on underutilized property was a strategy identified by the Workforce Housing Task Force. In partnership with Habitat for Humanity Peninsula and Greater Williamsburg, the potential for up to nine new buildable lots are possible. The funds awarded by this grant are intended to support the development costs associated with these new lots, including the relocation of an 8-inch water line and an 8-inch sewer line. Per the James City Service Authority, the current location of the water and sewer mains would not allow for development of the proposed lots. As such, the mains must be relocated. Based upon preliminary estimates, the grant funding will fully fund the relocation of these mains as well as assist with other ancillary site development costs.

Staff recommends acceptance of these grant funds and approval of the attached resolution.

AVP/ap
GA-VAPDCVAHsg-mem

Attachments:

1. Resolution
2. Location Map
3. Conceptual Subdivision Plan

RESOLUTION

GRANT AWARD - \$300,000 - VIRGINIA ASSOCIATION OF PLANNING DISTRICT

COMMISSIONS - VIRGINIA HOUSING GRANT

WHEREAS, the Virginia Association of Planning District Commissions has awarded James City County funding in the form of a Virginia Housing Grant for \$300,000; and

WHEREAS, the County will follow the Workforce Housing Task Force recommendations and use the funding to develop affordable infill housing on underutilized property; and

WHEREAS, there is no local match required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance and appropriation of funds to the Special Projects/Grants Fund as follows:

Revenue:

State - Virginia Housing Grant Award	<u>\$300,000</u>
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Expenditure:

Affordable Infill Housing	<u>\$300,000</u>
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John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

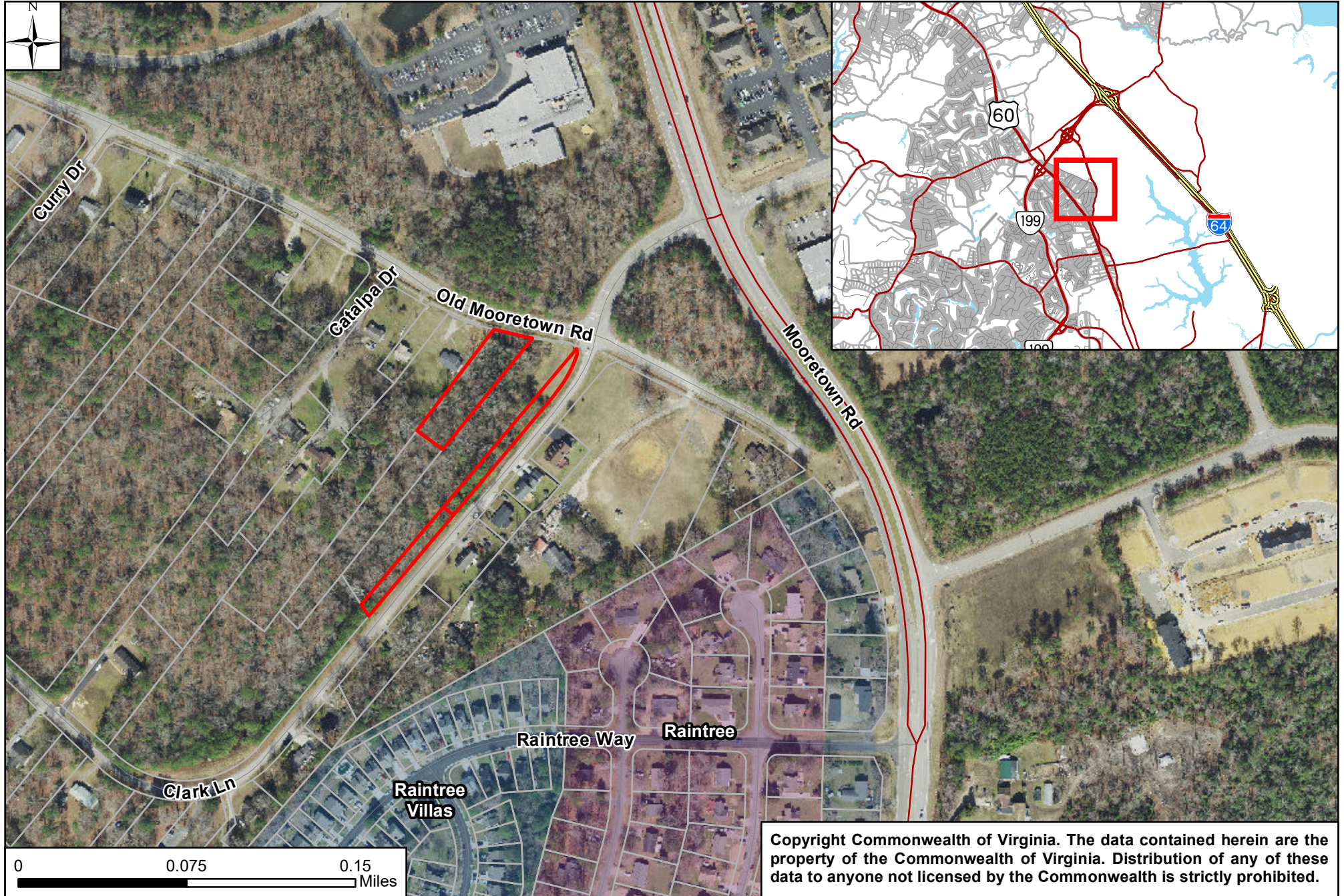
Teresa J. Saeed
Deputy Clerk to the Board

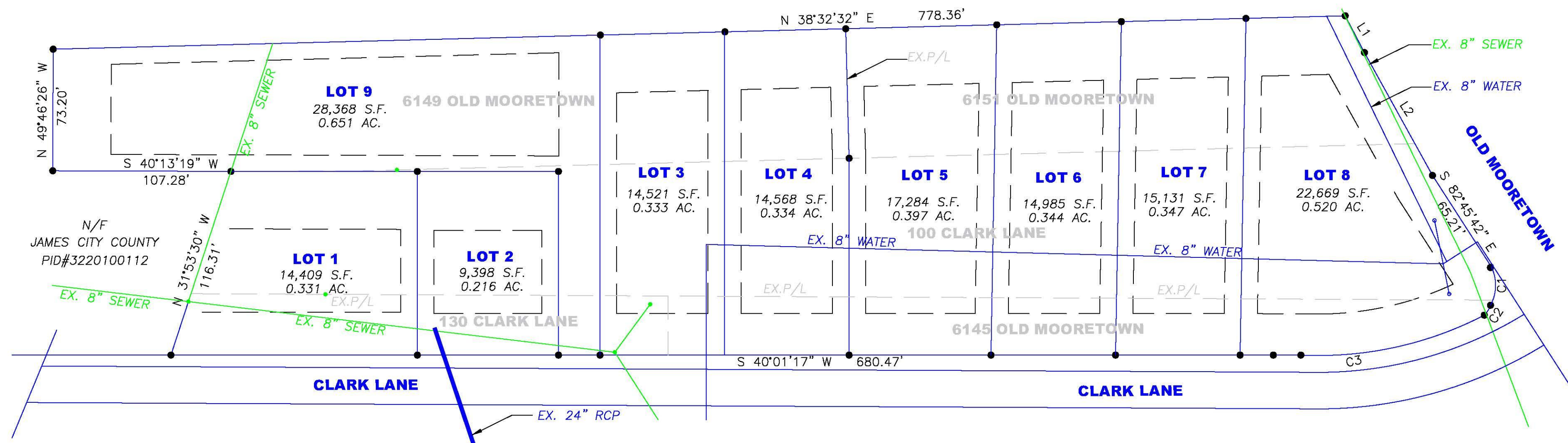
	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
ICENHOUR	_____	_____	_____	_____
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MCGLENNON	_____	_____	_____	_____

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

GA-VAPDCVAHsg-res

Disposition of County Owned Property at 6145 and 6151 Old Mooretown Road and 130 Clark Lane





ITEM SUMMARY

DATE: 11/8/2022

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: 2023 Legislative Agenda

ATTACHMENTS:

	Description	Type
📎	memo	Cover Memo
📎	reso	Resolution
📎	DraftAgenda	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	10/26/2022 - 1:34 PM
Publication Management	Pobiak, Amanda	Approved	10/26/2022 - 2:15 PM
Legal Review	Kinsman, Adam	Approved	10/27/2022 - 4:08 PM
Board Secretary	Saeed, Teresa	Approved	10/31/2022 - 2:18 PM
Board Secretary	Rinehimer, Bradley	Approved	10/31/2022 - 2:38 PM
Board Secretary	Saeed, Teresa	Approved	11/1/2022 - 2:59 PM

MEMORANDUM

DATE: November 8, 2022
TO: The Board of Supervisors
FROM: Adam R. Kinsman, County Attorney
SUBJECT: 2023 Legislative Program

Attached for your consideration is a resolution approving James City County's 2023 Legislative Program. Also attached is the 2023 Legislative Program.

I recommend adoption of the attached resolution.

ARK/ap
LegislativePrgm23-mem

Attachment

RESOLUTION

2023 LEGISLATIVE PROGRAM

WHEREAS, James City County has developed a Legislative Program for the consideration of the 2023 session of the General Assembly which outlines certain legislative policies which the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its Legislative Program and believes that it is in the best interests of the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the County's 2023 Legislative Program and commends it to the County's representatives in the General Assembly for action.

BE IT FURTHER RESOLVED that a copy of the County's 2023 Legislative Program be forwarded to the County's elected representatives to the General Assembly.

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 8th day of November, 2022.

LegislativePrgm23-res



JAMES CITY COUNTY 2023 LEGISLATIVE PROGRAM

1. CHANGE THE SCHOOL FUNDING INDEX TO MORE FAIRLY ALLOCATE STATE FUNDS AMONG LOCALITIES
2. DECENTRALIZE THE HAMPTON/PENINSULA HEATH DISTRICT INTO THREE SEPARATE, SMALLER DISTRICTS
3. IMPACT FEES

The County encourages the General Assembly to revise existing impact fee laws to encourage the use of statutorily-calculated impact fees in lieu of cash proffers.

4. STATE FUNDING

The County requests that the state adequately fund for local road improvements, tourism, substance abuse and mental health treatment, public education, stormwater local assistance funds ("SLAF" funding), and public libraries.

5. GROCERY TAX

The County encourages the General Assembly ensure that any reduction in the grocery tax includes permanent replacement funding for local governments and school divisions.

6. SHORT TERM RENTALS

The County requests that the General Assembly reject any attempt to usurp local zoning control of short term housing rentals.

7. VIRGINIA RETIREMENT SYSTEM

The County recommends that the General Assembly amend Virginia Retirement System regulations to allow retired police officers and school resource officers to return from retirement without affecting their VRS status.

8. COLONIAL BEHAVIORAL HEALTH EXPANSION

The County encourages the General Assembly to approve Colonial Behavioral Health's request for funding to expand a building on its Merrimac campus to provide for crisis service operations.

9. LEGISLATIVE PROGRAMS OF VML/VACO/VIRGINIA COALITION OF HIGH GROWTH COMMUNITIES/HRPDC/TPO

The County supports the legislative agendas of the Virginia Municipal League, the Virginia Association of Counties, the Virginia Coalition of High Growth Communities, the Hampton Roads Planning District Commission, and the Hampton Roads Transportation Planning Organization.

ITEM SUMMARY

DATE: 11/8/2022

TO: The Board of Supervisors

FROM: Teresa J. Saeed, Deputy Clerk

SUBJECT: Adjourn until 1 pm on November 22, 2022 for the Business Meeting

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	11/1/2022 - 3:04 PM