

**A G E N D A**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**BUSINESS MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**May 23, 2023**  
**1:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PRESENTATION**

1. Love Signs

**D. CONSENT CALENDAR**

1. Appropriation - \$18,200 COVID-19 Cost Recovery
2. Appropriation of Monsanto PCB Class Action Settlement Funds - \$17,414.03
3. COVID Homelessness Emergency Response Program
4. Lease Agreements with Colonial Community Corrections and Ninth District Court Services Unit
5. Minutes Adoption
6. Office of Elections Renovations and Supplemental Appropriation - \$207,500

**E. BOARD DISCUSSIONS**

1. Joint Work Session with the Planning Commission: ORD-22-0001. Amendments for Scenic Roadway Protection
2. Joint Work Session with the Planning Commission: Short Term Rentals
3. Regional Library Discussion
4. Briefing on the Development of a Park Master Plan for Brickyard Landing Park

**F. BOARD CONSIDERATIONS**

1. Virginia Business Ready Sites Program Grant

**G. BOARD REQUESTS AND DIRECTIVES**

**H. REPORTS OF THE COUNTY ADMINISTRATOR**

**I. CLOSED SESSION**

1. Consideration of the disposition of publicly held property located at 3100 John Tyler Highway, where discussion in an open meeting would adversely affect the bargaining position of the public body, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia
2. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
3. Reappointment - Clean County Commission

**J. ADJOURNMENT**

1. Adjourn until 5 pm on June 13, 2023 for the Regular Meeting

**ITEM SUMMARY**

DATE: 5/23/2023  
TO: The Board of Supervisors  
FROM: Carla Brittle, Tourism & Recreation Centers Administrator  
SUBJECT: Love Signs

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	5/12/2023 - 10:49 AM

**ITEM SUMMARY**

DATE: 5/23/2023

TO: The Board of Supervisors

FROM: Sharon B. McCarthy, Director of Financial and Management Services

SUBJECT: Appropriation - \$18,200 COVID-19 Cost Recovery

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Financial Management	Cochet, Cheryl	Approved	5/8/2023 - 6:26 AM
Publication Management	Pobiak, Amanda	Approved	5/8/2023 - 8:08 AM
Legal Review	Kinsman, Adam	Approved	5/8/2023 - 10:37 AM
Board Secretary	Saeed, Teresa	Approved	5/12/2023 - 11:18 AM
Board Secretary	Rinehimer, Bradley	Approved	5/12/2023 - 1:21 PM
Board Secretary	Saeed, Teresa	Approved	5/16/2023 - 11:29 AM

## MEMORANDUM

DATE: May 23, 2023

TO: The Board of Supervisors

FROM: Sharon B. McCarthy, Director of Financial and Management Services

SUBJECT: Appropriation - \$18,200 COVID-19 Cost Recovery

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The Federal Emergency Management Agency (FEMA) through the Virginia Department of Emergency Management is providing cost recovery during the COVID-19 pandemic. The reimbursement for these costs is 90% federal funding for Fiscal Year (FY) 2023, and the remaining 10% will be covered by local funding.

During FY2023, James City County has incurred approximately \$18,200 in expenditures related to the COVID-19 health emergency, of which \$16,380 are eligible for reimbursement from FEMA. These expenditures were for personal protective equipment and Emergency Medical Services supplies. Eligible costs may still be incurred if needs arise and final amounts for FY2023 reimbursable expenditures will be determined once all eligible expenditures have been paid.

The attached resolution requests the authorization for a flexible budget to appropriate the actual amount of costs (expenditures) as well as the federal reimbursement and local funding (revenue) in the Special Projects/Grants Fund once the final amounts for FY2023 are determined. A reimbursement request will be submitted by the County to FEMA based on the FY2023 final amounts.

Staff recommends approval of the attached resolution.

SBM/ap  
AppropFY23FEMA-mem

Attachment

**RESOLUTION**

**APPROPRIATION - \$18,200 COVID-19 COST RECOVERY**

WHEREAS, the Federal Emergency Management Agency (FEMA) through the Virginia Department of Emergency Management is providing cost recovery during the COVID-19 pandemic; and

WHEREAS, James City County incurred approximately \$18,200 in eligible COVID-19 related expenditures during Fiscal Year (FY) 2023; and

WHEREAS, the County will seek reimbursement from FEMA for the total amount of reimbursable expenditures incurred in FY2023; and

WHEREAS, these claims are reimbursable by the federal government at 90%; and

WHEREAS, the remaining 10% of these costs will be covered by local funding, which is available in the Special Projects/Grants Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation in the Special Projects/Grants Fund for purposes described above:

Revenues:

Federal - FEMA	\$16,380 (or actual amount incurred)
Local Match	<u>1,820</u> (or actual amount incurred)
Total Revenue	<u>\$18,200</u> (or actual amount incurred)

Expenditure:

COVID-19 FEMA Costs	<u>\$18,200</u> (or actual amount incurred)
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\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

SADLER  
ICENHOUR  
MCGLENNON  
LARSON  
HIPPLE

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 23rd day of May, 2023.

**ITEM SUMMARY**

DATE: 5/23/2023

TO: The Board of Supervisors

FROM: Joshua S. Everard, Assistant County Attorney

SUBJECT: Appropriation of Monsanto PCB Class Action Settlement Funds - \$17,414.03

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	5/12/2023 - 1:38 PM
Publication Management	Pobiak, Amanda	Approved	5/15/2023 - 9:42 AM
Legal Review	Kinsman, Adam	Approved	5/16/2023 - 11:28 AM
Board Secretary	Saeed, Teresa	Approved	5/16/2023 - 11:30 AM
Board Secretary	Purse, Jason	Approved	5/16/2023 - 2:57 PM
Board Secretary	Saeed, Teresa	Approved	5/16/2023 - 4:44 PM

## MEMORANDUM

DATE: May 23, 2023

TO: The Board of Supervisors

FROM: Joshua S. Everard, Assistant County Attorney

SUBJECT: Appropriation of Monsanto PCB Class Action Settlement Funds - \$17,414.03

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A nationwide class action lawsuit was filed against the former Monsanto Company related to its manufacture of industrial chemicals called polychlorinated biphenyls (“PCBs”) between the 1930s and 1977. In this lawsuit, the plaintiffs alleged that PCBs were released into water bodies across the United States, causing environmental damage. A settlement agreement between the parties was reached to avoid the time and cost of extensive class action litigation, and the United States District Court for the Central District of California approved the class action settlement.

James City County was named as a member of the Settlement Class because it is a National Pollutant Discharge Elimination System Phase II Municipal Separate Storm Sewer System permittee. As a member of the Settlement Class, James City County is entitled to funds in the amount of \$17,414.03 to use for the purpose of protecting and conserving the water quality of waterways in the James River watershed.

Staff recommends that the Board of Supervisors adopt the attached resolution to authorize acceptance of these funds and appropriate these funds.

JSE/ap  
AppPCBFds-mem

Attachment

**RESOLUTION**

**APPROPRIATION OF MONSANTO PCB**

**CLASS ACTION SETTLEMENT FUNDS - \$17,414.03**

WHEREAS, a nationwide class action lawsuit was filed against the former Monsanto Company related to its manufacture of industrial chemicals called polychlorinated biphenyls between the 1930s and 1977; and

WHEREAS, a settlement agreement between the parties was reached to avoid the time and cost of extensive class action litigation, and the United States District Court for the Central District of California approved the class action settlement; and

WHEREAS, as a member of the settlement class of the settlement agreement, James City County is entitled to funds in the amount of \$17,414.03 to use for the purpose of protecting and conserving the water quality of waterways in the James River watershed; and

WHEREAS, the Board of Supervisors of James City County, Virginia, desires to accept and appropriate these settlement funds in the amount of \$17,414.03 to use for the purpose of protecting and conserving the water quality of waterways in the James River watershed and appropriate them to the Grants/Special Projects Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts these settlements funds in the amount of \$17,414.03 to use for the purpose of protecting and conserving the water quality of waterways in the James River watershed and appropriates them to the Grants/Special Projects Fund.

Revenue:

Monsanto PCB Class Action Settlement Funds                      \$17,414.03

Expenditure:

Grants/Special Projects Fund    \$17,414.03

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

SADLER  
ICENHOUR  
MCGLENNON  
LARSON  
HIPPLE

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 23rd day of May, 2023.



**ITEM SUMMARY**

DATE: 5/23/2023

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Additional Funding Award for Emergency Shelter

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**ATTACHMENTS:**

	Description	Type
☐	COVID Homelessness Emergency Response Program Additional Funding	Cover Memo
☐	COVID Homelessness Emergency Response Program Additional Funding	Resolution
☐	Notice Additional Funding	Backup Material
☐	Notice of Extension	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	5/4/2023 - 3:17 PM
Publication Management	Pobiak, Amanda	Approved	5/4/2023 - 3:21 PM
Legal Review	Kinsman, Adam	Approved	5/8/2023 - 10:37 AM
Board Secretary	Saeed, Teresa	Approved	5/12/2023 - 11:20 AM
Board Secretary	Rinehimer, Bradley	Approved	5/12/2023 - 1:22 PM
Board Secretary	Saeed, Teresa	Approved	5/16/2023 - 11:31 AM

## MEMORANDUM

DATE: May 23, 2023

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Grant Award - \$18,963 - COVID Homelessness Emergency Response Program  
Emergency Shelter Funds

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

In an effort to continue responding to housing related impacts resulting from the COVID-19 pandemic, the GVPHC has made additional COVID Homelessness Emergency Response Program (CHERP) funds available for Emergency Shelter Operations. As a designated subgrantee, Housing has received an additional allocation of \$18,963 from these funds for non-congregate, emergency shelter. Use of these funds are restricted to Fiscal Year 2023 and will expire June 30, 2023.

By accepting these funds, the Housing Unit will agree to follow CHERP Funding Guidelines, as amended, for prioritizing the use of these funds and will commit to only use these funds to cover the costs associated with providing assistance toward achieving the “second goal” outlined in the CHERP guidelines. “The second goal of the COVID Homelessness Emergency Response Program is to help households maintain or obtain permanent housing and receive housing-focused supportive services necessary to retain permanent housing.”

Staff recommends that the Board of Supervisors adopt the attached resolution to authorize acceptance of these CHERP funds and the use of these funds to help households maintain or obtain permanent housing and receive housing-focused supportive services necessary to retain permanent housing.

RV/ap  
GA-EmerSheltr-mem

Attachments:

1. Resolution
2. Funding Award Documentation

**RESOLUTION**

**GRANT AWARD - \$18,963 - COVID HOMELESSNESS EMERGENCY**

**RESPONSE PROGRAM EMERGENCY SHELTER FUNDS**

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

WHEREAS, the GVPHC has made additional COVID Homelessness Emergency Response Program (CHERP) funds available through June 30, 2023, for Emergency Shelter Operations; and

WHEREAS, the James City County Social Services Housing Unit, as a designated subgrantee of funding awarded through the GVPHC, has received an additional allocation from the CHERP funding of \$18,963 to be used to help households maintain or obtain permanent housing and receive housing-focused supportive services necessary to retain permanent housing; and

WHEREAS, no local match is required.

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

Revenue:

Federal - CHERP Emergency Shelter \$18,963

Expenditure:

CHERP Direct Services \$18,963

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

SADLER  
ICENHOUR  
MCGLENNON  
LARSON  
HIPPLE

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 23rd day of May, 2023.

# [External]Re-allocation of funding



Hill, Angelique (VDSS) <angelique.hill@dss.virginia.gov>

To  snellte;  Keith Denny

You forwarded this message on 2/2/2023 12:24 PM.

Hi all,

Here is the breakdown of the reallocation we spoke about yesterday.

Newport News will receive:

CHERP RRH	\$41,878.74
CHERP ESO	\$28,443.00
CHERP Admin	\$2,107.00

JCC will receive:

CHERP ESO	\$18,962.93
VHSP RRH	\$24,757
VHSP Admin	\$1,237
VHSP HMIS	\$1,237

Newport

**Angel Hill**

Senior Family Services Specialist

Hampton Department of Social Services

757-727-1907 - Desk

757-727-1932 - FAX

## Keith Denny

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**From:** Hill, Angelique <angelique.hill@dss.virginia.gov>  
**Sent:** Sunday, May 1, 2022 4:23 PM  
**To:** Allison Nelson; Snell, Traci E.; Mike Taylor; White, Quincy A.; Keith Denny; Lyn Carr; Gerald, Shardell D.; Sylvia Jones; Sanu Dieng; Jennifer W. Small; Irma Hinkle; Matthew Stearn; Kristina Bell; Amanda Brandenburg; Lynne Finding  
**Subject:** [External]Fwd: CHERP and CHERP HMIS expenditure deadline extended

Good news this weekend. See email below from the State. It looks like our CHERP funds have been extended. I really think we need to have a meeting about the possibility of reallocating some funds. I will send out a survey monkey to see when it is best for everyone to meet after Allison and I meet to review the budget. Having said that, I would like to make sure that everyone focuses on getting all CHERP reimbursement requests current, including those salary allocations. I know most of our ESO providers have spent down ESO funds and could use more funding. We need to look at our RRH budget allocations, but again, I need to get with Allison next Tuesday (4/9) to see where we are at. Please try to have your remittances submitted by the end of the week. Thanks for everything you are doing. I know these last two years have been extremely difficult.

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

**From:** Williams, Deserae  
**Date:** Sun, May 1, 2022 at 3:53 PM  
**Subject:** CHERP and CHERP HMIS expenditure deadline extended  
**To:**

Hello CHERP and CHERP HMIS grantees,

HUD has extended the ESG- CV expenditure deadlines. With that being said, DHCD extended the deadline for CHERP to June 30, 2023 and CHERP HMIS to September 30, 2023. These extensions will be automatically applied to all CHERP and CHERP HMIS grantees. Grant Amendments are forthcoming.

Please note this does not include CHERP CDBG.

Best,

**Deserae Williams**

(pronouns: she, her, hers – [What's this?](#))

Housing Program Administrator, Homeless and Special Needs Housing Unit

Department of Housing and Community Development

804-965-4690

[deserae.williams@dhcd.virginia.gov](mailto:deserae.williams@dhcd.virginia.gov)

DHCD's Homeless and Special Needs Housing Unit works to prevent and end homelessness in Virginia. If you or someone you know is experiencing a housing crisis, please contact your local housing crisis response system using this [interactive map](#) or [this directory](#).

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**Angel Hill**

Senior Family Services Specialist

**Hampton Department of Social Services**

**757-727-1907 - Desk**

**757-727-1932 - FAX**

**ITEM SUMMARY**

**DATE:** 5/23/2023

**TO:** The Board of Supervisors

**FROM:** Bradley J. Rinehimer, Assistant County Administrator

**SUBJECT:** Lease Agreements with Colonial Community Corrections and Ninth District Court Services Unit

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	5/2/2023 - 10:58 AM
Board Secretary	Rinehimer, Bradley	Approved	5/2/2023 - 12:15 PM
Board Secretary	Saeed, Teresa	Approved	5/2/2023 - 2:17 PM
Publication Management	Pobiak, Amanda	Approved	5/2/2023 - 2:25 PM
Legal Review	Kinsman, Adam	Approved	5/8/2023 - 1:13 PM
Board Secretary	Saeed, Teresa	Approved	5/12/2023 - 11:20 AM
Board Secretary	Rinehimer, Bradley	Approved	5/12/2023 - 1:25 PM
Board Secretary	Saeed, Teresa	Approved	5/16/2023 - 11:32 AM

**MEMORANDUM**

DATE: May 23, 2023

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Assistant County Administrator

SUBJECT: Lease Agreements with Colonial Community Corrections and Ninth District Court Services Unit

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James City County (the “County”) currently owns a certain parcel of land located in the County of James City at 4093 Ironbound Road and further identified as James City County Real Estate Tax Parcel No. 3842300002 (the “Property”). The County purchased the Property in 2021.

The County previously leased the building from the prior landlord and subleased certain office spaces to: Colonial Community Corrections and Ninth District Court Services Unit (the “Tenants”). Staff recommends entering into new five-year lease agreements, with two optional five-year terms, naming the County as Landlord, with each of the Tenants.

If adopted, the Tenants will pay the following lease amounts for 2023 with a 3% escalation each year:

<b>Tenant</b>	<b>Annual Rent</b>
Colonial Community Corrections	\$70,836
Ninth District Court Services Unit	\$165,300

The County or the Tenant may terminate the Lease upon providing 120 days’ written notice to the other party.

BJR/ap  
LseAgt4093IrnbdRd-mem

Attachment



**RESOLUTION**

**LEASE OF REAL PROPERTY - 4093 IRONBOUND ROAD**

**LEASE AGREEMENTS WITH COLONIAL COMMUNITY CORRECTIONS AND**

**NINTH DISTRICT COURT SERVICES UNIT**

WHEREAS, James City County currently owns a certain parcel of land located in the County of James City at 4093 Ironbound Road and further identified as James City County Real Estate Tax Parcel No. 3842300002 (the "Property"); and

WHEREAS, Colonial Community Corrections and Ninth District Court Services Unit each currently lease a portion of the Property to supply needed court support services; and

WHEREAS, Colonial Community Corrections and Ninth District Court Services Unit wish to continue to lease portions of the Property for the continued operation of their services; and

WHEREAS, the Board of Supervisors is of the opinion that the County should lease portions of the Property to Colonial Community Corrections and Ninth District Court Services Unit; and

WHEREAS, a public hearing is not required pursuant to Virginia Code § 15.2-1800(B).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute those documents necessary for the lease of portions of the Property to Colonial Community Corrections and Ninth District Court Services Unit.

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

SADLER  
ICENHOUR  
MCGLENNON  
LARSON  
HIPPLE

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 23rd day of May, 2023.

**ITEM SUMMARY**

DATE: 5/23/2023  
TO: The Board of Supervisors  
FROM: Teresa J. Saeed, Deputy Clerk  
SUBJECT: Minutes Adoption

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**ATTACHMENTS:**

	Description	Type
☐	April 11, 2023 Regular Meeting	Minutes
☐	April 25, 2023 Business Meeting	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	5/12/2023 - 11:06 AM

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**April 11, 2023**  
**5:00 PM**

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**A. CALL TO ORDER**

Mr. Hipple called the meeting to order at approximately 5:08 p.m. following the James City Service Authority Board of Directors Regular Meeting.

**B. ROLL CALL**

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

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

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. Olivia Mitchell, a 1st grade student at Clara Byrd Baker Elementary School and a resident of the Berkeley District

Ms. Larson gave highlights of Olivia's interests and activities.

Olivia led the Board and citizens in the Pledge of Allegiance.

**E. PUBLIC COMMENT**

Mr. Hipple opened the Public Comment portion of the meeting.

1. Ms. Peg Boarman, 17 Settlers Lane, addressed the Board to talk trash. She referenced a handout that promoted the 45th Annual County-wide Litter Cleanup on April 15. Ms. Boarman noted 23 groups or individuals were already registered and she was hopeful more would join before the week's end. She added the County's districts were represented with participants from each district. Ms. Boarman noted Stonehouse, Powhatan, and Jamestown each had five representatives while Berkeley and Roberts each had two representatives. She explained the process for the litter cleanup and the Jolly Pond Convenience Center crew's assistance with the litter pickup. Ms. Boarman noted cost-effectiveness of this process and the use of the Department of Environmental Quality (DEQ) grant funds to assist with the project. She added approximately 150 volunteers would be participating in the Litter Cleanup and meeting around 10 a.m., but if anyone had questions about the areas for pickup then they could contact her. Ms. Boarman stated the Volunteer Appreciation Picnic would take place on June 17, 2023, at the Willis G. (Will) Barnes Shelter in Veterans Park. She noted the third annual Earth/Arbor Day Plant-A-Tree ceremony would take place at 10:30 a.m. on April 22

at Freedom Park and she encouraged the Board members to attend.

Mr. Hipple thanked Ms. Boarman.

2. Mr. Tony Deyerle, 2572 Sheppard Town Road, Maidens, VA, addressed the Board noting he was from Sun Tribe Development and was speaking in response to the resolution on the meeting's Agenda which would delay consideration of solar projects for 12 months. He noted Sun Tribe Development had submitted a concept plan to James City County in October 2022, spent several months with the County's Planning staff, and other points regarding the solar project. Mr. Deyerle further noted Sun Tribe Development's work with the landowner over the past two years and respectfully asked the County not to unreasonably delay the project due to its use regarding various conditions identified in the Comprehensive Plan. He cited the benefits of the solar project. Mr. Deyerle noted if the project moved forward then Sun Tribe Development would continue to work with staff and address any conditions or studies as needed. He stated the 12-month delay created material harm in its prevention from entering into the Dominion Energy Share Program. He added that program benefitted low- and moderate-income families but added that program was anticipated to reach full allocation and unavailability by the end of 2023. Mr. Deyerle noted the solar project was a solid one, adding the loss of it could be potentially unfortunate for both Sun Tribe Development and James City County. He asked the Board to consider those points particularly as the process had been ongoing for a while. Mr. Deyerle noted Sun Tribe Development had established a strong reputation across Virginia with its work on solar projects. He further noted the opportunity to allow Sun Tribe Development to move forward with this project. Mr. Deyerle stated the landowner would speak to the importance of this project particularly in relation to land conservancy, legacy, and other points. Mr. Deyerle noted Sun Tribe Development had assisted other localities on development of policies and Ordinances which addressed alternative energy facilities and it welcomed the opportunity to assist County staff with policy updates over the upcoming months. He further noted he had worked with several state localities on their Solar Ordinances and Comprehensive Plans. Mr. Deyerle thanked the Board.

Mr. Hipple thanked Mr. Deyerle.

3. Mr. Joshua Mayes, 135 Racefield Drive, addressed the Board noting he was speaking regarding Board Consideration Item No. 2, Special Use Permit (SUP)-20-0010. Hertzler Clearing and Grading. He noted his opposition and encouraged the Board to vote against the SUP. Mr. Mayes further noted his mother had spoken out against the SUP approximately 21 years earlier when it was first presented to the Board of Supervisors. He stated the community had been actively opposed to the SUP and the Board had voted 5-0 against it. Mr. Mayes noted his mother was unable to attend so he was speaking on her behalf, and he stressed the irrevocable harm to the neighborhood. He cited traffic concerns and referenced personal experiences regarding logging trucks on Barnes Road. Mr. Mayes stated this activity was unwanted in a small neighborhood with children. He reiterated the unanimous 5-0 vote against the Hertzler Clearing and Grading Company over 20 years earlier with public support against the company and still the company moved forward with its plans. Mr. Mayes referenced the after-the-fact permit application despite a unanimous vote against the application initially. He stressed the importance of the Board to unanimously vote against this SUP again. Mr. Mayes thanked the Board.

Mr. Hipple thanked Mr. Mayes.

4. Mr. Jay Everson, 6423 Chancery Lane, addressed the Board on two points. He referenced the first point was the Hertzler SUP and the unanimous vote against it over 20 years ago. Mr. Everson questioned if denial of an SUP meant individuals or companies could still do what they wanted regardless. He added in his view that was wrong and not law-abiding. Mr. Everson addressed his second point regarding the resolution regarding solar facilities. He expressed his

appreciation for the one-year moratorium, adding he had reached out to Ms. Sadler regarding any revisions to the resolution. Mr. Everson noted he had received the revised version and expressed his appreciation of the Natural and Cultural Resources Committee's report regarding considerations regarding a Solar Ordinance. He referenced driving down Farmville Lane and the impact there. Mr. Everson addressed points regarding the consultant and the timelines. He thanked the Board.

Mr. Hipple thanked Mr. Everson.

5. Mr. Vernon Geddy, Geddy, Harris, Franck & Hickman, LLP, 1177 Jamestown Road, addressed the Board noting he was present on behalf of Mr. Steven and Mrs. Mary Hertzler and Hertzler Clearing and Grading Company. He stated since the December 13, 2022, meeting when the SUP was postponed, Mr. and Mrs. Hertzler were working with LandTech Resources, Inc. He added that LandTech Resources, Inc. was working with the County's Stormwater and Resource Protection Division staff on a site visit and master plan that identified the location of each activity on-site. Mr. Geddy highlighted the various areas on the map including the Resource Protection Area (RPA) restoration. He indicated the traffic parameters in the PowerPoint presentation. Mr. Geddy noted the Hertzlers owned one logging truck and three dump trucks, but no company convoys. He added other traffic used the road as it was a cut-through for trucks heading to West Point which was not attributable to the Hertzlers. Mr. Geddy continued the presentation highlighting two areas of restoration. He added the Hertzlers had ordered the landscaping referenced in the staff report as a remediation requirement. Mr. Geddy concluded the presentation highlighting various positive aspects of the business and its use. He noted specific requirements and timelines had been incorporated into the SUP conditions with a provision for annual inspections. Mr. Geddy stated he and the applicants were available for questions.

Mr. Hipple noted the normal routine during Public Comment was not a question-and-answer session, but he stated he had a Board member with some questions.

Ms. Larson asked about the one logging truck.

Mr. Geddy confirmed yes there was one logging truck.

Ms. Larson asked if other logging trucks came to the Hertzler's business.

Mr. Geddy replied no.

Ms. Larson addressed the point that the business had illegally operated for numerous years. She noted concern regarding the message from the Board if the SUP was approved. Ms. Larson further noted this was a difficult situation as other local businesses had operated legally over the years.

Mr. Geddy noted the Hertzlers had felt, after the initial Board denial, there was discussion on the project's scope regarding areas that were approved and unapproved. He added the Hertzlers were current on both tax and business license payments, adding the County took aerial photographs every two years which showed progression. Mr. Geddy noted at the current point was it better for the County to make a statement on this SUP or allow the conditions and compliance to keep the business operating.

Ms. Larson thanked Mr. Geddy. She asked Mr. Hipple if questions could be addressed to staff during Board Considerations.

Mr. Hipple confirmed questions could be asked then.

6. Ms. Patricia Hunter, 1010 Marney Court, Richmond, VA, addressed the Board noting her family ties to the Toano area. Ms. Hunter stated she was the Martin family representative for its property on Richmond Road, adding she was the primary landowner for the Richmond Road solar project. She noted her work with County staff last year and the submission of the SUP application to the County. Ms. Hunter stated as multi-generational landowners, many developers and other groups including cellphone tower organizations had reached out regarding the potential sale of the family's land. Ms. Hunter noted when Sun Tribe Development approached the family over two years earlier, the family felt it was a prudent decision. She further noted Sun Tribe Development was a Virginia company whose intentions were rural land preservation. Ms. Hunter cited the solar project provided an income stream for her family for continual land support and clean renewable fuel. She noted the win-win situation for her family, the County, and energy consumers. Ms. Hunter stated Sun Tribe Development embraced the principles she felt were most important: good stewards of land preservation and environmental impacts. She noted respect of the community's wishes to protect rural lands and respect of the landowners' wishes for solar farms. Ms. Hunter added solar farms would be passive and quiet neighbors. She stated the opportunity for landowners to explore land use options without delay as others had done so over the years. Ms. Hunter thanked the Board.

Mr. Hipple thanked Ms. Hunter.

7. Mr. Brian Oyer, 9025 Barnes Road, addressed the Board noting people's opposition to solar farms. He stated he was unsure why as solar farms created no need for a new school and no traffic issues once construction eased. Mr. Oyer noted landowners struggled with the affordability of keeping their land and solar farms were a viable option for them. Mr. Oyer questioned how York County could build a fire station for \$3.6 million, but James City County could not because it would need to be a grand project. He addressed the upcoming budget and the Capital Improvements Program (CIP) and noted other counties were applying rebates and lowering property taxes. Mr. Oyer referenced the vote against Hertzler Clearing and Grading Company from more than 20 years earlier, adding he spoke against the SUP then and now. He noted he had resided on Barnes Road for 40 years and spoke of the traffic issues over the past 20 years. Mr. Oyer expressed his opinion regarding the logging truck and continued that this SUP should have been denied in December 2022. He cited some delineations in the traffic pattern which resulted in left turns onto Barnes Road causing shoulder damage to the road. Mr. Oyer stated the Virginia Department of Transportation (VDOT) laid stone there, but the stop sign disappeared from the Old Stage Road and Barnes Road intersection and the island divider was paved over. He added two people were killed at that intersection not long after those changes occurred. Mr. Oyer noted the danger at that intersection since the stop sign removal, the widening of the road, and the removal of the island divider. He addressed other traffic concerns on Barnes Road and visibility. Mr. Oyer addressed Hertzler Clearing and Grading Company's lack of compliance for the past 20-plus years. He stated if this SUP were approved then the wrong precedent would be set.

Mr. Hipple thanked Mr. Oyer.

8. Mr. Stephen Zabinski, 5133 Ginger Court, addressed the Board noting he had originally planned to talk about the 911 Dispatch Center. He recalled discussion on the company that had been denied an SUP yet still chose to continue its operation. Mr. Zabinski stated the company had been noncompliant for 20 years with disregard to the Board's vote. He noted the longevity of negative impacts to neighbors. Mr. Zabinski addressed his second point regarding the County's consolidation of its 911 Dispatch Center with York County. He noted the consolidation was primarily due to staffing issues and recognized burnout concerns, but he stressed the importance of a 911 Dispatch Center in James City County with the separate centers serving as backup for each other. Mr. Zabinski referenced a recent incident in which James City County's 911 Dispatch Center had to work out of the York County facility. He

questioned the backup aspect if the centers were consolidated and an incident occurred. Mr. Zabinski suggested waiting a year on the consolidation and actively recruit through various community groups including area retirees who are also active community participants. He noted sending staff to these groups and organizations to discuss the staffing concerns without incurring recruiting costs. Mr. Zabinski stressed the importance of keeping the 911 Dispatch Center resource within the community. He thanked the Board.

Mr. Hipple thanked Mr. Zabinski.

9. Ms. Ann Marie Smith, 105 Underwood Road, addressed the Board with concerns over the budget preparation and relocation of the 911 Dispatch Center. She noted she and other residents were not in favor of the move and had made that clear on other occasions. Ms. Smith further noted it was time for someone to listen and upon another defeat the consolidation issue should not be revisited. She referenced accountability and serving the will of the people who lived in the County and paid salaries. She thanked the Board.

Mr. Hipple thanked Ms. Smith.

Mr. Hipple closed the Public Comment as there were no additional speakers.

#### **F. CONSENT CALENDAR**

None.

#### **G. PUBLIC HEARING(S)**

Mr. Hipple requested Item No. 5 be moved as the first Item and requested a motion for that change.

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

He noted Mr. Frank Polster, Planning Commission Chair, was the Planning Commission representative present.

##### **1. Fiscal Year 2024 County Budget**

A motion to Approve was made by Ruth Larson, the motion result was Passed.  
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler  
As noted earlier Item No. 5 was moved to the first Item in Public Hearings.

Ms. Sharon McCarthy, Director of Financial and Management Services, addressed the Board noting various meetings focused on budget-related matters had been held over the past several months. She stated those matters included personnel, school funding, and capital projects. Ms. McCarthy noted this Public Hearing offered the public an opportunity to comment on the budget. She further noted she would provide a brief overview prior to the opening of the Public Hearing. Ms. McCarthy highlighted points of Fiscal Year (FY) 2024 which was the second year of the County's two-year budget. She noted the budget was built from the previous year's plan with adjustments regarding current demands. Ms. McCarthy highlighted the funding breakdown in the PowerPoint presentation showing the total proposed budget was \$330.2 million which included the County's operating budget (also known as the General Fund) of \$231.1 million. She continued the presentation noting that total did not include \$38.9

million of funding requests nor funding for new positions. Ms. McCarthy stated the proposed budget included a wage increase as well as some changes to existing positions. She noted the funds summary for the FY2023 adopted budget, planned and proposed FY2024 budgets, and a comparison of the FY2023 adopted and the FY2024 proposed budgets in her presentation. Ms. McCarthy stated the proposed \$14 million increase in the General Fund revenue was based primarily on three categories. She noted the first was General Property Taxes (County's main funding source for ongoing operations) which was approximately 70% of the total revenue and comprised of real estate and personal property taxes. Ms. McCarthy stated there were no changes in the proposed tax rates themselves and 2024 was a non-reassessment year, but the increase was based on new development and anticipation of new growth. She continued the presentation highlighting Local Taxes which had significantly decreased during the pandemic. Ms. McCarthy stated the County continued to see these revenues recover as compared to the height of the pandemic. She noted some modest fee changes for services which included the James City County Recreation Center fees and childcare programs which were reflective of increased wages and program costs. Ms. McCarthy further noted an adjustment to the Medic Transport Recovery Fee would be made to align with Medicare reimbursement rates. She continued the presentation highlighting the expenditure summary of the proposed budget with the largest portion being the County's contribution to the Williamsburg-James City County (WJCC) School Division for operations and debt service for capital projects. Ms. McCarthy noted the School Division portion of the budget was approximately \$106 million which equaled almost half of the County's budget at 46%. She added a \$4 million increase to the School Division contribution was included with an additional maximum \$2 million allocated pending the General Assembly's adoption of the state budget and the amount of state funding became known. Ms. McCarthy noted the \$2 million was reflected in the non-departmental line item in the PowerPoint. She added Public Safety comprised the second largest expenditure at approximately \$35 million and the two expenditures combined totaled approximately 61% of the County's budget. Ms. McCarthy noted the remaining 39% covered all the County's needs, other departments, and debt service obligation. She highlighted the next steps in the budget process with meeting dates and resources with summaries and detailed account information, the audit report, and the current year expenditure checkbook.

Mr. Hipple asked the Board if there were any questions for staff.

Mr. Hipple opened the Public Hearing as there were no staff questions.

1. Ms. Donnie McDaniel, Executive Director of Community of Faith Mission (COFM), expressed her appreciation of the County's support over 11 seasons with financial assistance to cover costs for the required fire and safety inspections of host sites. She noted the County also reimbursed COFM for bus tickets for its guests. Ms. McDaniel further noted challenges every year that COFM met adding that Year 10 showed an increase in mental illness level of its guests. She stated the necessity to hire off-duty Police Officers to ensure safety of guests, volunteers, and staff in Year 11 which was an unplanned budget item. Ms. McDaniel noted many of the Officers have Crisis Intervention Team (CIT) training. She stated these security measures were needed for Year 12 and beyond, adding 75% of the host sites were located within James City County with the majority of the Police Officers being off-duty County Officers. Ms. McDaniel noted the COFM would be attending CIT training with staff also participating in mental health first-aid training. She further noted as a nonprofit organization, she was requesting a reconsideration of the amount the County provided COFM. Ms. McDaniel stated the usual amount was \$1,200 to cover inspections. She noted COFM was requesting \$18,000 as she addressed the volunteer time from County Police Officers, which was three hours per night, seven nights a week for 126 nights. She added that point was a substantial amount of volunteer time. Ms. McDaniel asked for the Board's consideration during the budget discussion. She thanked the Board.



Mr. Hipple thanked Ms. McDaniel.

Ms. Larson asked about the three hours a night and the times.

Ms. McDaniel noted the current year COFM was required to have a four-hour minimum which included James City County and the City of Williamsburg. She further noted COFM had been able to negotiate that minimum down to three hours. Ms. McDaniel stated the shelter operated from 6:30 p.m. to 7 a.m. with the busiest times during check-in for possible challenges occurred from 5:30 p.m. to 9 p.m. She noted the start of bedtime was 8:15 p.m. with lights out at 10 p.m. Ms. McDaniel added approximately 10 incidents took place, but the Officers with CIT training quickly deescalated the situations.

Ms. Larson thanked Ms. McDaniel.

2. Mr. Jay Everson, 6923 Chancery Lane, addressed the Board complimenting the County for maintaining its health insurance at 3%. He noted the Jamestown High School cafeteria expansion was included in the CIP. Mr. Everson further noted the enrollment numbers could be alleviated with redistricting. He stressed his support of removing that project from the CIP list but expressed his appreciation on the Bright Beginnings Program.

3. Ms. Ann Marie Smith, 105 Underwood Road, addressed the Board noting as a County citizen she was not in support of the proposed budget and its 42% spending increase. She noted she was not in favor of funding the preschool program and other concerns. Ms. Smith referenced the \$95 million funding for a municipal building adding current buildings had unused space. She addressed citizen concern for unnecessary building and false growth data. Ms. Smith strongly opposed the proposed budget. She noted her support of increases for staff and teachers, adding the need to trim the excess was very necessary. She thanked the Board.

Mr. Hipple thanked Ms. Smith.

Mr. Hipple closed the Public Hearing as there were no additional speakers. He noted there would be no action on Item No. 5 at this meeting with the proposed budget slated for adoption at the Board's May 9, 2023, Regular Meeting.

2. AFD-22-0018. 278 Ivy Hill Road Mill Creek AFD Addition

A motion to Approve was made by Sue Sadler, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. John Risinger, Senior Planner, addressed the Board citing the specifics of the Agricultural and Forestal District (AFD) application. He noted the AFD Advisory Committee had recommended approval of the application with a 7-0 vote at its January 19, 2023, meeting. Mr. Risinger stated the Planning Commission voted 6-0 in favor of approval at its March 2, 2023, meeting. He noted staff's approval of the application and recommended the Board's approval subject to the proposed conditions.

Mr. Polster addressed the Board noting the Planning Commission had no questions for staff nor were there any speakers on the Public Hearing. He noted the Commissioners had no discussion either.

Mr. Hipple thanked Mr. Polster as the Board had no questions.

Mr. Hipple opened the Public Hearing.

Mr. Hipple closed the Public Hearing as there were no speakers.

3. LU-20-0002. Eastern State - Parcel C and LU-20-0003. Eastern State - Mixed Use Community Land Use Designation Changes

A motion to Postpone was made by James Icenhour Jr, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Ms. Ellen Cook, Principal Planner, addressed the Board noting its decision to postpone the two Land Use (LU) parcels' designation change applications during the 2045 Comprehensive Plan consideration. She noted the Board again postponed the applications for the LU change on April 12, 2022, adding no formal applications for the property had been received since the April postponement. Ms. Cook further noted with no rezoning applications received staff recommended postponement of the applications for 12 months or until the time rezoning applications were submitted. She stated if the Board wished to approve a Mixed Use designation on one or both applications then staff recommended the Board consider amendments to the 2045 Comprehensive Plan. Ms. Cook noted a proposed language change to Parcel C rather than New Town and a consolidated language update to address the Eastern State Mixed Use area.

Mr. Hipple noted as there was no Planning Commission report on this Item, he would open the Public Hearing.

Mr. Hipple closed the Public Hearing as there were no speakers.

Mr. Icenhour referenced staff's comment on no current applications, but added two applications would be pending within the next few months. He recommended a 12-month deferral or until an application was received and processed for the Board's consideration of the land use change concurrent with the rezoning application with postponement until the first Board meeting in April 2024.

4. Proposed Fiscal Year 2024-2029 Secondary Six-Year Plan

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Tom Leininger, Principal Planner, addressed the Board noting VDOT worked annually with the Board for development of a project list for the updated Secondary Six-Year Plan (SSYP). He noted the County received yearly state and federal allocations through the SSYP to fund proposed secondary improvements. Mr. Leininger listed the projects for the FY24-29 SSYP list included the widening of Croaker Road (between Richmond Road and the James City County Library) from two lanes to four lanes. He noted staff recommended this project stay as the top priority on the SSYP to ensure full funding. Mr. Leininger further noted the second and third priorities were the intersection improvements at Old Stage Road and Route 30 and Centerville Road and Route 5. He stated VDOT had installed temporary bollards at these intersections and by maintaining these projects as priorities then VDOT could fully fund these two projects as they moved through the Engineering phase. Mr. Leininger stated the fourth and fifth projects were Phases II and III of the Longhill Road widening. He noted VDOT utilized a special funding mechanism with annual allocations to localities which featured special projects such as bridges. Mr. Leininger further noted the Hicks Island Road Bridge was this year's project. He stated staff recommended the Board adopt the priority list.

Mr. McGlennon asked about the quick hit projects and particularly the Longhill Road. He questioned if any widening would occur between District Park and Centerville Road and identification of the road sections that were targeted for the quick hits.

Mr. Leininger referenced the Longhill Road Corridor Study done in 2014 that identified several short-term recommendations. He noted no widening portions were considerations. Mr. Leininger further noted quick hit projects were basically restriping of advance stop bars, intersection signage, T-intersection signage, and relocation of stop signs for better site distance.

Ms. Sadler noted citizen concerns about the intersection at the Williamsburg Indoor Sports Complex and the Longhill Gate Road. She inquired if any work at that location was considered for any project.

Mr. Leininger responded not in this project, but some better striping may be involved.

Ms. Sadler asked Mr. Leininger to remember that area for a future project. She thanked Mr. Leininger.

Mr. Icenhour noted when these intersection projects began he was hopeful the Board would support the need to address widening the portion running from New Town up to the District Park entrance. He further noted until that widening was included in the SSYP then it was nonexistent.

Mr. Leininger confirmed that was true.

Mr. Hipple noted as there was no Planning Commission report on this Item, he would open the Public Hearing.

Mr. Hipple closed the Public Hearing as there were no speakers.

5. SUP-23-0001. 2886 Lake Powell Road Rental of Rooms

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

Ms. Terry Costello, Senior Planner, addressed the Board citing the specifics of the SUP application. She noted favorable factors such as adequate off-street parking and the owner living on-site. Ms. Costello further noted unfavorable factors included inconsistency with the short-term rental recommendations of the County's 2045 Comprehensive Plan. She stated staff was not in favor of recommending the application, but staff had provided conditions if the Board approved the application. Ms. Costello referenced the Planning Commissions' 6-0 vote to recommend approval at its March 1, 2023, meeting.

Mr. Polster addressed staff's reference to the inconsistency with the 2045 Comprehensive Plan and clarified that point regarding the unfavorable factor. He noted that point was the property was not located within the Rural Lands but was consistent on other points: on a major road located on the edge of an existing subdivision and the owner lived on-site. Mr. Polster further noted there had been one speaker, the next-door neighbor, who spoke in favor of the application. He noted the Planning Commission voted 6-0 in favor based on that point.

Ms. Sadler asked if the neighbor spoke in favor of the application.

Mr. Polster replied yes in favor.

Mr. Hipple opened the Public Hearing.

1. Ms. Emily Martel, 2886 Lake Powell Road, addressed the Board noting she was the applicant. She noted the top portion of her home was the rental area and was only listed on Airbnb. Ms. Martel provided details on the property, adding she and her husband had spoken with their neighbors during the SUP process. She added the neighbors were supportive of the SUP. Ms. Martel noted she and her husband were agreeable to all conditions. She thanked the Board.

Mr. Hipple thanked Ms. Martel.

Ms. Larson asked Ms. Martel if her Airbnb had been operated without the SUP.

Ms. Martel replied yes.

Ms. Larson asked about that point.

Ms. Martel noted the SUP process was interesting as it seemed to be perpetually changing. She further noted when she started the Airbnb rental, she understood if she lived in the home, it was allowed. Ms. Martel stated she received a Cease-and-Desist order in December 2022 when she stopped the Airbnb and instead switched to a 30-day rental arrangement as the rental was an income revenue. She noted compliance and following the rules.

Ms. Larson thanked Ms. Martel.

2. Ms. Lisa Waltrip, 2868 Lake Powell Road, addressed the Board noting she was the Martels' neighbor who spoke in favor of their SUP application. She noted she had not had noise concerns, renter issues, or any negative factors.

Mr. Hipple thanked Ms. Waltrip.

Mr. Hipple closed the Public Hearing as there were no other speakers.

Mr. McGlennon noted his high standards regarding short-term rentals. He stated he drove by the Martel house multiple times a day when leaving his house. Mr. McGlennon noted the property was well maintained and he was reassured by the on-site owner presence in this situation. He further noted this situation's balance of affordable housing for the family and revenue from tourists. Mr. McGlennon stated his support of this SUP.

Ms. Sadler asked staff if this use had minimal impact on the property.

Ms. Costello noted staff felt there would be no negative impacts.

Ms. Sadler thanked Ms. Costello.

## **H. BOARD CONSIDERATION(S)**

### **1. Contract Award - Audit Services**

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Ms. McCarthy addressed the Board noting a Request for Proposal (RFP) was publicly advertised for qualified, professional audit services for the County, the James City Service Authority, and the WJCC School Division. She noted four firms responded to the RFP with the selection of Cherry Bekaert with a five-year contract. Ms. McCarthy added the contract contained the option for five additional one-year renewals. She stated staff recommended adoption of the resolution which authorized the Audit Services award to Cherry Bekaert.

Mr. Icenhour asked if this was a new auditing firm.

Ms. McCarthy confirmed this was a new firm.

Mr. Icenhour thanked Ms. McCarthy.

Ms. Larson echoed Mr. Icenhour's question adding she remembered a name change from previously. She asked if Ms. McCarthy thought it would be a fairly seamless transition to the new auditor.

Ms. McCarthy responded it should be seamless as there were professional standards that were part of the transition process. She added all the information the new auditor would need was in the County's possession.

Ms. Larson thanked Ms. McCarthy.

Mr. McGlennon asked if the County had ever done business with Cherry Bekaert in the past.

Ms. McCarthy replied no, but she added she had worked for the company previously. She noted she had also worked for other local firms.

At approximately 6:23 p.m., the Board recessed for a short break.

At approximately 6:28 p.m., the Board reconvened.

2. SUP-20-0010. Hertzler Clearing and Grading

A motion to Postpone consideration at the applicant's request until October 10, 2023, was made by James Icenhour, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Hipple asked the Board if it wanted a staff presentation or move into discussion.

Mr. Icenhour requested staff give a brief presentation of changes that had occurred since the last meeting and what conditions had been built into the resolution.

Mr. Risinger noted following the December 13, 2022, meeting, a revised master plan was submitted by the applicant in conjunction with a letter from the United States (U.S.) Army Corps of Engineers. He noted the letter was for the Preliminary Jurisdictional Determination of wetlands on the property. Mr. Risinger further noted staff from the County's Stormwater and Resource Protection (SRP) Division and the engineer met on the property on February 14, 2023, for inspection on the impact areas to the RPA. He highlighted the areas on the presentation slide. Mr. Risinger stated the SRP staff confirmed work had commenced in the impact areas. He noted the applicant notified staff that the work would be completed within six months with submission of a site plan within 60 days of the SUP approval. Mr. Risinger further

noted those timelines had been incorporated into Condition Nos. 3 and 16 with the addition of Condition No. 19 to require annual inspection to the property for compliance with all the SUP conditions.

Mr. McGlennon asked for clarification on the U.S. Army Corps of Engineers' letter. He noted he read the letter but did not feel he had a definitive sense of what was being said.

Mr. Risinger said the letter had not identified any wetland impacts, but he added the applicant and the engineer could address that point. He noted the U.S. Army Corps of Engineers had jurisdiction of that analysis.

Mr. McGlennon asked if that letter was based off the report from Roth Environmental, LLC.

Mr. Risinger confirmed yes.

Mr. Hipple noted the environmental impacts were being reviewed under current conditions and not those from 20 years ago. He further noted there were no current impacts, but wetland impacts had taken place over those 20 years. Mr. Hipple referenced the stream that was no longer present, but a pond now existed. He added the letter addressed no current impacts.

Mr. McGlennon noted he was on the Board of Supervisors 23 years earlier when the SUP request was denied. He further noted the denial had not mattered to the applicant. Mr. McGlennon added his confidence levels that the conditions would be met was very low. He noted if a vote on this SUP was done immediately he would not support it, but added he would be inclined to review it after all the conditions were met and completed though he was not guaranteeing support at that point.

Mr. Hipple asked Mr. McGlennon if he was saying that if all the conditions listed by staff were done by the applicant in the timeframe, then he would possibly consider approval of the SUP with a postponement until completion of the work.

Mr. McGlennon said yes.

Ms. Larson concurred with Mr. McGlennon.

Mr. Icenhour concurred on that point also.

Ms. Sadler expressed hesitation. She noted she had comments but was unsure if she should make them at the postponement time.

Mr. Hipple noted the Board would have to ask the applicant if she was willing to postpone.

Mr. Geddy noted the applicant was in agreement with the postponement. He further noted on a point of clarification that completion of all the restoration work, removal of materials, planning, and SRP review and inspection would take place and then come back before the Board.

Mr. McGlennon said yes. He noted his concern regarding the conditions being met.

Mr. Geddy stated the applicant was agreeable to the postponement.

Ms. Sadler asked the timeline.

Unidentified speaker responded six months.

Mr. Kinsman clarified the applicant was requesting a six-month deferral until completion of the work.

Mr. Hipple asked the meeting date in six months.

Mr. Stevens responded the date would be October 10, 2023.

Ms. Sadler asked about noise and traffic complaints from Barnes Road and who should receive those concerns.

Mr. Hipple answered staff.

Mr. McGlennon asked if Ms. Sadler wanted to move forward on the SUP.

Ms. Sadler noted her concern regarding complaints since 2000, property and stormwater impacts. She stated she was a proponent of small business, but this situation was different regarding permitting and other points. Ms. Sadler noted her concerns especially in relation to speaker comments both at the meeting and elsewhere.

Mr. McGlennon noted he wanted the restoration completion and compliance with the conditions. He further noted he was not confident those points would occur otherwise.

Ms. Larson asked where the Board was in the process.

Mr. Geddy noted the applicant had asked the Board for a six-month deferral.

Ms. Larson asked if the six-month deferral was granted could staff gather some traffic impact information for Barnes Road for the October 10, 2023, meeting. She noted that information would be helpful.

Discussion ensued.

Ms. Larson noted she would like that information in the record.

Mr. Hipple noted the applicant had requested a postponement until the Board's October 10, 2023, meeting. He further noted at that time all conditions in the master plan would be done and the Board can then review and vote at that time.

Mr. Icenhour added the inclusion of the traffic information also at the October meeting.

Mr. Hipple confirmed the traffic report to be included.

Ms. Sadler asked that the traffic report include Barnes Road and Old Stage Road.

### 3. Resolution Considering Large-Scale Solar Farms

A motion to Approve the resolution as amended was made by James Icenhour, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Kinsman stated Board members had expressed concern at the March 14, 2023, meeting, that goals of the Natural Resources Plan, with relation to solar farms, had not been completed. He noted the Board had requested a resolution to direct staff to complete those goals and to

not place large-scale solar farms on the Board's Agenda until that time or until March 2024. Mr. Kinsman stated the resolution was in the Board's Agenda Packet.

Ms. Larson referenced speakers earlier in the meeting who had noted the timeline of the process. She asked Mr. Kinsman for clarification, adding some speakers had indicated working with staff since October 2022.

Mr. Kinsman noted those cases could be grandfathered in which the Board could allow. He further noted he had not been asked to incorporate that point so it was not included in the resolution. Mr. Kinsman stated that point could be included in the resolution.

Ms. Larson stated okay.

Mr. McGlennon asked if that was the only current case.

Ms. Larson noted that was her next question also.

Mr. McGlennon noted it was the only active application.

Ms. Sadler asked if a motion to amend the resolution to grandfather current applicants was needed.

Mr. Kinsman confirmed yes. He requested some time to ensure the wording was correct for the active case.

Mr. Hipple asked if the application had been submitted prior to Ms. Sadler's request for the amended resolution.

Ms. Sadler stated it was before the request.

Mr. Paul Holt, Director of Community Development and Planning, addressed the Board noting verification of the dates in relation to the start of the conceptual plan review process versus submission of the SUP application. Mr. Holt noted the traditional process, using short-term rentals as an example, entailed continued processing with full staff review, public hearing with the Planning Commission, and then waited until the application was deemed to be on the Board's Agenda. He further noted there were two options. Mr. Holt stated the process could continue as he had explained or the current application could be grandfathered and continue the process to the Planning Commission and the Board. He added there were no other solar SUP applications currently.

Ms. Larson noted the need for a policy. She added that if someone was mid-process, a change would be abrupt.

Ms. Sadler recognized Ms. Larson's point adding she was concerned about a policy to address a similar situation to the current one. She questioned how to proceed if there were no guidelines and applications were already in place like the current situation.

Mr. Holt noted outside of this SUP, staff would continue processing the applications as it had with the first three SUPs regarding the adopted 2045 Comprehensive Plan and with conditions designed to mitigate impacts.

Ms. Sadler asked about staff contacting consultants to gather information, investigate, and develop policies.

Mr. Holt replied that point would not be an issue for input into the process.



Ms. Sadler noted the timeline for the process.

Mr. Holt noted there would still be a process and Board input to determine the timeline. He further noted the specialized need of consultants to work with staff regarding policies, adding citizen input to the Natural & Cultural Assets Plan was welcome.

Ms. Sadler asked about the process if a citizen or citizens had ideas. She questioned if a resolution was necessary.

Mr. Holt noted a resolution was not necessarily required. He further noted information on timelines and milestones could be made available to applicants and they could contact staff with questions.

Ms. Sadler thanked Mr. Holt.

Mr. Icenhour addressed the application already in the works and asked Mr. Holt's prediction for when it would come before the Board after normal staff and Planning Commission reviews.

Mr. Holt replied he was unsure and would need to get back to the Board with an answer.

Mr. McGlennon asked about the acreage.

Mr. Holt noted 130 acres. He added it was one of the big parcels to the left at Anderson's Corner.

Mr. Hipple noted the parameters established for solar farm locations and concern for placement without consideration of aspects like the viewshed and the natural and cultural assets.

Ms. Sadler referenced a situation in a Virginia locality and the need to ensure a fully vetted policy was in place.

Mr. Hipple asked Mr. Holt for a timeline to provide the necessary information. He noted the need for a consultant to work with staff. Mr. Hipple further noted current staffing shortages.

Mr. Holt stated if the Board supplied a time then staff would work toward that time. He noted procurement of a consultant was a time factor. Mr. Holt further noted additional guidance from the Board regarding specific criteria in addition to stormwater aspects from the DEQ and other components.

Mr. McGlennon noted the discussion had shifted to broader policies but inquired about the current SUP application. He further noted the need to respect the landowner and developer intent while also considering the Dominion Energy program which would benefit some of the County's residents for the subsidized energy plan. Mr. McGlennon noted the investment and opportunity cost with a delay.

Ms. Larson agreed. She noted she was focused on a policy and her concerns regarding comments from her Virginia Association of Counties (VACo) counterparts. Ms. Larson stressed the need to not shift in the midst of the process. She recognized the project might ultimately look different than envisioned and the lessons learned to have staff work closely with applicants to ensure the process was being followed. Ms. Larson questioned the timeline and the various components of the process.

Mr. Holt noted he was reviewing previous Board decisions for consistency regarding

Ordinance changes in similar situations. He referenced the initial review of Airbnbs prior to the Comprehensive Plan update, adding applicants were notified the Board was actively reviewing the policy. Mr. Holt noted applicants were advised the Board could postpone the application and advised caution on proceeding. He added that process differed from the current one where the applicant was already four months into the process. Mr. Holt noted the timeline and whether several points were considered versus a multi-page report were requirements. He added working with consultants would likely be a 12-month timeline.

Mr. Hipple noted he and the other members wanted to keep this SUP moving forward. He questioned the timeframe for the resolution and if a timeframe was needed.

Mr. Hipple added Mr. Icenhour had a timeframe consideration he would address.

Mr. Icenhour proposed an alternate resolution based on an earlier discussion with staff. He noted he was very conscious of not overburdening staff and addressing the process in a very reasonable manner. Mr. Icenhour referenced the alternate resolution's wording remained the same until the first WHEREAS. He noted two aspects existed: 1) Board policy; and 2) numerous studies required under the Natural & Cultural Assets Plan. Mr. Icenhour further noted the validity of the latter as they were important supplemental documents with specific details on the particular subject, i.e., watershed or other areas. He added these documents assisted the Board with rezoning decisions. Mr. Icenhour read the revision which stated findings would be presented at the Board's July 25, 2023, Business Meeting to determine the most effective way for the Board to proceed to meet the goals in the Natural & Cultural Assets Plan. He noted this was a scope of work analysis in which staff would inform the Board of cost, timeline, and other factors at the July 25, 2023, Business Meeting. Mr. Icenhour continued referencing the resolution's wording on retainment of an outside consultant to assist staff and the Board with development of a comprehensive Board policy on large-scale solar farm projects with a draft document presentation slated for the September 12, 2023, Regular Meeting. He noted that meeting was five months out and not wanting to overburden staff with all the work, he recognized the benefit of hiring an exceptional outside consultant to gather information from VACo, the Virginia Municipal League, and other counties. Mr. Icenhour further noted he was unsure if a final document would be set at the September 12, 2023, meeting, but rather an opportunity for the Board to review the collected information in developing a policy. He stated his opinion was this should be a Board policy rather than an Ordinance which outlined the Board's criteria for acceptable versus unacceptable items with relation to applications and would provide a clear viewpoint to applicants on requirements. Mr. Icenhour noted the importance of having each Board Supervisor meet with staff and the consultant to discuss his or her individual thoughts on points to be included in the policy. He added this would be a Board policy and he wanted its collective input. Mr. Icenhour noted the consultant could then incorporate the research found throughout the state. He further noted a six-month timeline of October 2023, but that timeline could be adjusted as necessary. Mr. Icenhour added proceeding with the application already in place but emphasized the need for a Board policy on solar farms to be established sooner rather than later. He proposed the substitution of the resolution as he read the revisions with an understanding the timelines were flexible.

Ms. Sadler noted her concern regarding flexibility. She further noted as an applicant it would be difficult to know what could be done when. Ms. Sadler stated she felt the timeline suggested by Mr. Icenhour might be too short and referenced Mr. Holt's earlier comment that the Board was working on a policy. She noted her concern that if the timeline was shortened then the product the Board hoped for might not be available.

Mr. Hipple asked if the October timeline could be moved to December or January 2024. He noted the other dates may prove difficult, but the Board would target for them.

Mr. Icenhour stated he was agreeable to moving the date from October to December. He noted that extension provided several additional months.

Mr. Hipple agreed.

Mr. Icenhour emphasized the need for the Board to work with staff and consultant sooner rather than later on the policy.

Mr. Hipple agreed.

Mr. Icenhour noted establishing the policy allowed people to see the timeline for the process. He further noted he was in agreement with applications in process to be presented to the Board or defer if requested.

Ms. Larson noted her agreement with the December timeline. She further noted a follow-up to Mr. Holt's comment on the type of policy the Board wanted. Ms. Larson stated she wanted a more extensive policy rather than just bullet points.

Mr. Hipple and Mr. Icenhour concurred.

Mr. McGlennon noted defining what encompassed a large-scale solar farm project.

Mr. Kinsman noted he had revised the resolution to include the requested changes. He read the revision aloud.

Ms. Sadler asked the date.

Ms. Larson noted December 2023.

Mr. McGlennon noted the current application was moving forward.

Mr. Hipple confirmed yes.

## **I. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon noted the Director of the Williamsburg Regional Library, Ms. Betsy Fowler, had been in attendance earlier. He extended congratulations to Ms. Fowler for being recognized in the Women We Admire Top 50 Women Leaders of Virginia for 2023. He further noted the James City County Williamsburg Master Gardener Association would be hosting its plant sale on May 6, 2023, from 9 a.m.-noon at the Williamsburg Botanical Gardens in Freedom Park.

Mr. Icenhour noted a Vietnam Veterans Day presentation would be shown. He further noted the Vietnam Veterans Day ceremony was held on March 29, 2023, and it was a huge success with over 200 attendees. Mr. Icenhour stated the County, the local Vietnam Veterans of America Chapter 957, the Virginia Department of Veterans Services, and the local chapter of the Daughters of the American Revolution co-sponsored the event. He noted special recognition to one of his constituents, Mr. Michael Milner. Mr. Icenhour further noted Mr. Milner, Retired Air Force, was a Parks & Recreation Department volunteer. He stated Mr. Milner took all the photographs for the event from the past two years which would be shown in an approximately 60-second presentation from the County's Video Team. Mr. Icenhour noted in talking with the Video Team they may want to do some video work at next year's ceremony. He added the show of support was a true credit to the community.

Mr. Hipple thanked Mr. Icenhour for the presentation and his service.

Ms. Sadler said she had no comment.

Mr. McGlennon noted he was sponsoring the first in a series of community meetings in his district, the Roberts District, on April 20. He further noted the focus for that meeting would be the Kingsmill area and would take place in the County Government Center Board Room where Board of Supervisors meetings were held. Mr. McGlennon added the meeting would take place from 6-7:30 p.m.

Ms. Larson thanked Mr. Icenhour for the presentation and his service. She noted she would be unable to attend the April 15 45th Annual County-wide Litter Cleanup. Ms. Larson further noted the area had too much trash and while people were addressing it, they needed to do better. She stated the work of the Game and Inland Fisheries Department regarding beavers and flooding around the Route 5 area. Ms. Larson noted she had met a gentleman when walking the Virginia Capital Trail who had commented on trash, gone home to get his waders, and was removing trash from the marsh. She further noted she encouraged him to join the Clean County Commission. Ms. Larson expressed her appreciation for people in the County doing daily cleanups. She encouraged people to participate in Saturday's County Litter Cleanup adding she looked forward to attendance at the County's Service Awards on Friday, April 14. Ms. Larson extended her thanks to her fellow Board members for a productive meeting and all the work to address issues.

Mr. Hipple thanked Mr. Icenhour and all the people involved in the Vietnam Veterans Day ceremony. He asked Mr. Icenhour to convey the Board's appreciation of all the hard work and the service people.

Mr. Icenhour noted the importance of the County's sponsorship to area veterans.

Mr. Hipple thanked Mr. Icenhour for leading the way for the event.

## **J. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Stevens noted the two points to address were the 2023 Summer Camp Fair on Sunday, April 16 at the James City County Recreation Center located at 5301 Longhill Road from 11 a.m.-3 p.m. He further noted the event was open to parents and children to learn what opportunities were available for pre-Kindergarten through High School. He added camp registration was available on-site, but this offered an opportunity to gather information on programs. Mr. Stevens stated a Rental Fair was scheduled for landlords, property managers, and renters to be held Monday, April 17 from 5:30 to 7 p.m. at the Recreation Center. He noted the Rental Fair would have guest speakers providing information on homelessness, eviction court navigation, second chance housing, and fair housing. Mr. Stevens encouraged people who were interested in housing to attend and if anyone had questions to call 757-259-5340.

Ms. Larson referenced the recent Household Chemical Collection and Computer Recycling Event at Warhill High School that was sponsored by Virginia Peninsulas Public Service Authority (VPPSA). She asked Mr. Stevens if he had heard anything about the success of the event.

Mr. Stevens replied no but he would find out. He noted he had spoken with his neighbors, adding those events and the Shred-A-Thon events were popular in the community. Mr. Stevens further noted he would get the numbers for Ms. Larson.

Ms. Larson thanked Mr. Stevens.

## **K. CLOSED SESSION**

A motion to Enter a Closed Session for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Va. Code § 2.2-3711(7) and (8); specifically regarding: (1) a stormwater facility and (2) a potential special use permit violation was made by Ruth Larson, the motion result was Passed.  
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

At approximately 7:24 p.m., the Board of Supervisors entered a Closed Session.

At approximately 7:59 p.m., the Board re-entered Open Session.

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

1. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Va. Code § 2.2-3711 (7) and (8); specifically regarding: (1) a stormwater facility and (2) a potential special use permit violation.

## **L. ADJOURNMENT**

1. Adjourn until 1 pm on April 25, 2023 for the Business Meeting

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

At approximately 8 p.m., Mr. Hipple adjourned the Board of Supervisors.

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**BUSINESS MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**April 25, 2023**  
**1:00 PM**

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**A. CALL TO ORDER**

Mr. Hipple called the meeting to order at approximately 1:01 p.m. following the James City Service Authority Board of Directors Special Meeting.

**B. ROLL CALL**

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

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

Mr. Hipple sought a motion to amend the Agenda to add an additional Closed Session item pertaining to the disposition of publicly held real property.

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

**C. PRESENTATION**

1. VDOT Project Pipeline: Route 199 Update

Mr. Chad Tucker, Program Manager of the Virginia Office of Intermodal Planning and Investment, addressed the Board to provide an update on the Project Pipeline study. He stated the Route 199 corridor was selected in the Project Pipeline Program for the Hampton Roads region. Mr. Tucker explained Project Pipeline was a study program that was initiated by the Commonwealth Transportation Board to assist local governments and regional agencies with technical assistance and resources to address high priority roadway challenges with relation to safety and congestion within the Commonwealth of Virginia through the VTrans - Virginia's Transportation Plan. He mentioned a multiphase effort was conducted. Mr. Tucker explained Phase No. 1 was to diagnose the issue(s) and evaluate data; Phase No. 2 was to test, develop alternatives, and solicit feedback to allow more efficient operation of the corridor. He mentioned there was significant public feedback based on the alternative options presented for the corridor which resulted in an extended public engagement period. Mr. Tucker highlighted the various public engagement opportunities conducted on the PowerPoint presentation. He noted after further public engagement the concepts were refined to address

several of the concerns based on the public feedback received. He further noted he looked to the Board for guidance as far as moving forward to Phase No. 3 which would allow more detail regarding the project. Mr. Tucker mentioned the proposed improvements even if funding was committed within a year or two would not allow for construction to commence until well over a decade from now, adding the project development process was extensive for the Virginia Department of Transportation (VDOT) Six-Year Improvement Program (SYIP). He turned the presentation over to Ms. Danielle McCray, P.E. Project Manager, Kimley-Horn and Associates, Inc., to discuss the refined improvement concepts and the public feedback received.

Ms. McCray addressed the Board to discuss the public feedback received in the Fall of 2020. She touched on the public meetings and open house meetings conducted and the attendees for those meetings on the PowerPoint presentation. Ms. McCray remarked the public engagement was beneficial and allowed for better understanding of the proposed concepts and necessary revisions based on public feedback. She added it was also informative for the public to better understand the impacts if alternative strategies were not implemented to the Route 199 corridor. Ms. McCray moved on to discuss the three different study areas and incorporated public feedback into the proposed improvements. She indicated that the final report for Phase Nos. 1 and 2 were available on the Project Pipeline website.

Mr. McGlennon asked if the Appendices were available.

Ms. McCray replied the Appendices were available upon request, adding the Appendices were quite lengthy.

Mr. McGlennon thanked Ms. McCray.

Ms. McCray continued the PowerPoint presentation highlighting the Brookwood Drive intersection of Route 199 and the recommended improvement for this intersection was a thru-cut. She referenced the image shown on the PowerPoint presentation which included recommended improvements to the concept based on public feedback and discussed that aspect in more detail. Ms. McCray stated VDOT had performed tree clearing on Route 199 westbound direction to improve sight distance approaching Brookwood Drive. She noted the nonmotorized connectivity along Lake Powell Road would be maintained as there were raised concerns from residents regarding that point. She moved on to discuss Jamestown Road intersection of Route 199 and the recommended improvement for this intersection was a Bowtie. Ms. McCray noted two roundabouts were proposed for this concept. She further noted left turns from Jamestown Road to Route 199 would be restricted. Ms. McCray highlighted the recommended improvements to the concept based on public feedback on the PowerPoint presentation. She discussed the John Tyler Highway intersection of Route 199 and the recommended improvement for this intersection was a Displaced Left and Roundabout concept. Ms. McCray mentioned at the public meeting two concepts were proposed: 1) traffic signalization and 2) a roundabout, adding based on public feedback a roundabout would be the recommended improvement. She stated all turn lanes within the three intersections would be the appropriate length to accommodate future forecasted congestion. Ms. McCray discussed exploring safety measures regarding access management and turn movements from the Williamsburg Crossing Shopping Center for some weaving traffic concerns when exiting the shopping center and turning left onto Route 199. She stated the next steps would be to consolidate all the improvements and evaluate right-of-way impacts, more refined costs, and the operational improvements to the Route 199 corridor. Ms. McCray turned the presentation back to Mr. Tucker to discuss next steps.

Mr. Tucker touched on next step options which included concluding the study or advancement to Phase No. 3 of the study to include further evaluation of operational and traffic analyses, cost estimation, and investment strategy refinement. He mentioned if the County and the City

of Williamsburg were supportive of moving forward with the study the SMART SCALE application process would begin next March. Mr. Tucker stated if the Route 199 project was selected in the next round of SMART SCALE projects it would be incorporated into the fifth year of the SYIP. He noted the earliest the project would commence in that scenario would be 2033-2035 timeframe. He concluded the presentation and welcomed any questions the Board might have.

Mr. Hipple asked if any Board members had questions.

Ms. Larson asked if the County chose to advance to the next phase of the study would there be an opportunity for additional considerations and/or recommendations through the process.

Mr. Tucker replied he believed there would be further opportunity for recommendations and engagement to ensure it was a viable project.

Ms. Larson asked if there was any thought regarding noise when future construction occurred as various areas along the Route 199 corridor had residents nearby.

Mr. Tucker replied the level of construction noise would be taken into consideration as part of the construction plan. He expressed his belief that a lot of the future construction would occur during the day, adding there would be efforts to mitigate noise impacts to the surrounding communities.

Ms. Larson thanked Mr. Tucker.

Mr. McGlennon remarked citizens would be relieved to hear that the proposal would not restrict the left-turn lanes at Brookwood Drive and Route 199 intersection as it was a significant concern nearby residents had regarding the proposed improvements. He questioned Section 1.4 on Page No. 6 of the Project Pipeline information packet as there was a list of criteria that could be a part of the project; however, there were many of which were not addressed nor a priority. Mr. McGlennon expressed his belief that the proposed improvements would increase the flow of traffic speed regarding a throughput standpoint for those already traveling on Route 199; however, vehicles coming from Jamestown Road or seeking access to Jamestown Road would be likely to experience a longer trip and delay in many instances. He stated he was also involved in the last set of improvements conducted on the Route 199 corridor back in 2000. Mr. McGlennon remarked he felt this particular study did not recognize the significant commercial and residential activity in this area. He expressed his belief that increased speed should not be encouraged. Mr. McGlennon moved on to discuss the lack of bicycle and pedestrian connectivity that was proposed. He asked if it was possible to revise the proposed improvements to incorporate some of the priorities and values which were not addressed. Mr. McGlennon noted several vacant commercial sites on Jamestown Road which potentially could be acquired to provide access for transit, provide safer pedestrian access, and other factors. He asked if that could be included in the scope of work for consideration.

Mr. Tucker replied all three intersections of Route 199 and the proposed improvements incorporated bicycle and pedestrian accommodations. He stated there were a number of trails which would be incorporated into the John Tyler Highway intersection proposed improvements. He explained the goal was not to increase the maximum speed limit in these intersections, but to reduce the delay at the traffic signalizations. Mr. Tucker stated by reducing signal phases it allowed additional time for movements opposed to congestion at those intersections. He agreed there was a trade-off regarding some of the movements; however, essentially the proposed improvements would still reduce the delay. Mr. Tucker noted the goal was to find a balance between reducing impacts to the surrounding communities while making performance improvements and reducing conflict points. He turned it over to Ms. McCray for any additional comments.



Ms. McCray mentioned the objective was to serve the forecasted demand on Route 199, adding the forecast for this year regarding queues were significant and extensive. She explained the goal was to accommodate and process the number of vehicles through the Route 199 corridor with regard to traffic flow and not by increased speed.

Mr. McGlennon replied yes, but there was a disadvantage regarding traveling on Jamestown Road.

Ms. McCray replied the safety along Jamestown Road would be improved.

Mr. McGlennon stated like many of the Board members he traveled the Jamestown Road intersection multiple times a day. He questioned the congestion impacts that the proposed improvements would have regarding Jamestown Road. Mr. McGlennon noted if significant traffic volume was anticipated on Route 199 there should be consideration on potentially directing traffic to Route 199 West to access Interstate 64 (I-64). He mentioned the recent widening of I-64 and potentially faster commute for some citizens in the community.

Mr. Tucker explained there was some psychology that played a role in the study, which determined that individuals do not like to go away too far from their destination. He mentioned that suggestion could be explored in the Travel Demand Model; however, he expressed his belief that recommendation would not be as effective.

Mr. McGlennon replied he recognized Route 199 West congestion was much lower than approaching the John Tyler Highway intersection of Route 199 East.

Mr. Tucker agreed, adding there was a significant amount of traffic volume coming from John Tyler Highway South up to Route 199 and turning right at the intersection. He mentioned it was one of the heaviest moves within the study corridor.

Mr. McGlennon inquired on consideration of roadside travel time comparison signs. He expressed his belief that would be beneficial. Mr. McGlennon questioned the objective of the proposed improvements as it seemed to be partially beneficial.

Mr. Tucker replied further evaluation would be conducted in Phase No. 3 to ensure all aspects were taken into account. He mentioned the objective was to improve traffic flow on the Route 199 corridor, but to also balance the improvements and needs for the side streets approaching Route 199. Mr. Tucker noted without improvements the performance of the corridor would decrease gradually over time. He further noted that the proposed improvements would benefit not just the Route 199 corridor, but the side streets as well.

Ms. McCray stated as future volume increased the likelihood of accidents would increase. She added the operational analysis incorporated safety aspects.

Discussion ensued.

Mr. McGlennon stated in 10 years it was likely to see a significant increase in autonomous vehicles which could be an additional factor for consideration.

Mr. Tucker explained conversations were had regarding that subject and the impacts associated with autonomous vehicles. He mentioned the uncertainty aspect of impacts and various factors. Mr. Tucker pointed out increased traffic volume if driver's licenses were no longer required in relation to autonomous vehicles and how those vehicles would affect the transportation network. He noted the objective of Project Pipeline was to make the existing system more efficient opposed to building interchanges, adding thru lanes, etc.

Mr. McGlennon expressed various concerns he had regarding the proposed improvements and questioned if the proposed improvements would even be beneficial a decade from now.

Mr. Hipple asked if the proposed concepts were set in stone.

Mr. Tucker mentioned there would be opportunities for tweaks so to speak.

Ms. McCray stated Phase No. 3 of study entailed refining the concepts, collaboration with County and City of Williamsburg staff, and if selected for SMART SCALE funding there would be an official design public hearing that would be conducted for an additional opportunity for public feedback at the preliminary engineering and design phase.

Mr. Hipple noted the limited funding opportunities and if the study was not pursued it would eliminate the process for improvements. He further noted with inflation and costs of construction the estimated \$33 million for the project would most likely dramatically increase. Mr. Hipple mentioned it may not be the perfect scenario regarding improvements; however, it was a step in the right direction to help alleviate traffic congestion at those intersections and improve safety. He remarked if no improvements were made it would only make the current situation worst. Mr. Hipple pointed out for public notification purposes that the objective was not to increase the maximum speed limit, but to increase the traffic flow through those intersections at a faster pace. He commented he was in support of the project and moving forward with Phase No. 3.

Ms. Larson asked when this presentation would be conducted for the City of Williamsburg.

Mr. Tucker replied May 8, 2023.

Ms. Larson asked if both the County and the City of Williamsburg had to be in support of advancement in order to move forward.

Mr. Tucker replied both jurisdictions were involved and so it was imperative to receive support from both the County and the City of Williamsburg in order for the project to move forward.

Mr. Hipple asked if the Board members were okay with moving forward.

Mr. McGlennon replied not me, adding that was not to say he would not be in favor with improvements of some kind. He explained he desired more assurance that there would be more opportunity for significant adjustment of the proposal than what had been presented today.

Mr. Hipple asked Ms. Larson if she was in agreeance to advance.

Ms. Larson confirmed, adding she hoped that Supervisor McGlennon's comments would be taken into consideration. She noted he had a lot of experience regarding this subject.

Mr. Icenhour stated he was in support of moving forward; however, he mentioned he shared many of Supervisor McGlennon's concerns. He recommended more flexibility and exploring these options thoroughly. He remarked he was one of the individuals who chose to take an alternate route to avoid the traffic congestion on Route 199. Mr. Icenhour mentioned it added an additional mile or two to the commute, but it was considerably faster.

Mr. Tucker expressed his belief that the travel time sign was a good idea, adding it was worth looking into.

Mr. McGlennon stated that would be something that could be done now at a relatively modest cost and obtain data to determine what people were likely to do.

Ms. Sadler stated she was in favor of moving forward. She requested consideration on Mr. McGlennon's points.

#### **D. CONSENT CALENDAR**

Mr. Hipple asked if any Board member wished to pull an item. As no Board member requested an item be pulled, Mr. Hipple sought a motion on the Consent Calendar's approval.

1. Fiscal Year 2023 Supplement Appropriation - \$683,000

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

2. Contract Award - \$677,754 - James City County Recreation Center Renovations Project

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

3. Memorandum of Agreement for Participation in the Hampton Roads Regional Stormwater Management Program

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

4. Minutes Adoption

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

The Minutes Approved for Adoption included the following meeting:

-March 28, 2023, Business Meeting

#### **E. BOARD DISCUSSIONS**

1. Fiscal Year 2024 Budget

Ms. Cheryl Holland, Budget Manager, addressed the Board to discuss the County's finances for Fiscal Year (FY) 2023 from July 2022-March 2023 timeframe. She presented the revised FY23 Budget and actual revenues through March 2023 on the PowerPoint presentation. Ms. Holland stated the adopted FY23 Budget was \$217 million and revisions to the General Fund budget reflected uses of Fund Balance approved during the course of the year. She touched on General Property Taxes which was the County's largest revenue source representing two-thirds of the County's total revenue. Ms. Holland indicated this category included real estate and personal property taxes. She discussed the regular bills for these taxes which were due

twice per year and supplemental billings were every other month for various reasons. She mentioned the figures presented reflected the December 2022 regular and supplemental billings through February 2023. Ms. Holland noted the second regular property tax billing was due June 5, 2023, adding a significant increase in revenue would be forthcoming in the fourth quarter. She explained most of the year-over-year increase in General Property Taxes related to real estate as FY23 reflected the most recent reassessment, adding reassessments were conducted every other year. Ms. Holland noted the remainder of the increase related to Personal Property Taxes which were assessed annually. She further noted the other revenue types shown on the PowerPoint presentation did not have the same billing or collection frequency and discussed that point in more detail. Ms. Holland touched on Charges for Services had increased due to Parks and Recreation revenue as time moved forward into the spring months. She spoke about the Miscellaneous & Transfers revenue type and indicated the increase was due to a property sale conducted. Ms. Holland discussed the Fund Balance expenditures of \$14.2 million for various purposes such as FY23 Capital Improvements Program (CIP) Projects, school year-end spending, and prior year purchase orders. She referenced the FY23 Other Local Taxes on the bar graph on the PowerPoint slide. Ms. Holland mentioned the green indicated the forecasted projections for those revenue types and the blue indicated the actual revenues received for the revenue types. She touched on the various local taxes collected such as Local Sales Tax, Historic Triangle 1% Sales Tax, Business and Professional Licenses, Lodging Tax, Meals Tax, and other taxes.

Ms. Larson mentioned she had heard from Visit Williamsburg yesterday that the year-to-date occupancy had increased 7.4% over 2019 figures, adding the average daily rate had increased approximately 15.1%. She anticipated positive trends forthcoming.

Ms. Holland commented that was a great point, adding based on review of prior years to current year activity the trend was showing improvement. Ms. Holland highlighted the FY23 General Fund Expenditures on the PowerPoint slide. She referenced County Departments spending on the line graph on the next PowerPoint slide and discussed that point in more detail. Ms. Holland concluded the PowerPoint presentation and welcomed any questions the Board might have.

Mr. Hipple asked if any Board member had questions.

Mr. Hipple thanked Ms. Holland.

Ms. Sharon McCarthy, Director of Financial and Management Services, addressed the Board noting she would discuss a few items regarding the FY24 Budget. She noted the FY24 Budget would begin July 1, 2023, adding FY24 was the second year of the County's two-year budget. Ms. McCarthy further noted it served as the County's means of allocating funding to the County's Strategic Plan goals and initiatives. She stated the total FY24 Budget equated to \$330.2 million, which was a 42.7% increase from last year's budget. Ms. McCarthy advised the majority of the FY24 Budget focused on Capital Funds. She mentioned the County's General Fund, which was the County's operating budget, had increased approximately 6%, adding that was consistent with inflation and Consumer Price Index (CPI). Ms. McCarthy stated there were no changes to the tax rates pertaining to personal property and real estate. She remarked there were modest increases in the James City County Recreation Center fees and childcare programs due to operational costs. Ms. McCarthy noted an adjustment to the Medic Transport Recovery Fee would be made to align with Medicare reimbursement rates. She indicated that the FY24 Budget did not include any new positions; however, it did provide a general wage increase and changes to certain existing positions. Ms. McCarthy stated there were \$39 million in requests which were not funded due to funding restraints. She mentioned there was significant public inquiries regarding the proposed FY24 Budget and the increases associated. Ms. McCarthy referenced the Total Budget bar graph on the PowerPoint slide which represented the County budgets for the past five years, in addition to the Proposed

FY24 Budget. She noted the color coding in the bar graph depicted each of the County's fund types. Ms. McCarthy stated most budget discussions focused primarily on the operating budget which was the General Fund; however, the County presented both the total budget and the General Fund budget. She mentioned the Capital Fund was incorporated into those figures, which could create dramatic fluctuation from year to year. Ms. McCarthy indicated the dark blue on the bar graph represented the Capital Fund, adding during the COVID-19 pandemic the County's Capital plan was reduced primarily to critical maintenance efforts. She addressed the five-year budget comparison on the PowerPoint slide indicating very little Capital activity was conducted during the pandemic years. Ms. McCarthy stated the increase in the Proposed FY24 Budget was due to recovering from the pandemic and reinstating some of those Capital projects that were put on hold. She referenced one of the CIP priorities for FY24 was the Preschool Space project which had been discussed for several years but was put on hold due to the pandemic. Ms. McCarthy noted that next year when she addressed the following year's budget that number would dramatically decrease. She highlighted a 10-Year Review pertaining to the Capital Budget on the PowerPoint presentation noting years 2019-2023 for the Capital Budget were minimal as the focus during the pandemic years was strictly critical maintenance efforts of County facilities. Ms. McCarthy stated that approach was not sustainable and continuing to delay it further would only increase the costs moving forward, in addition to population growth and the demand for service factors. Ms. McCarthy highlighted the CIP priorities for FY24 which included a new General Services Building, a Preschool Space, and design costs for the new County Government Center. She mentioned as shown on the PowerPoint slide that the Capital Budget would be reduced in years 2025 and 2026. Ms. McCarthy referenced the 2027 bar graph on the PowerPoint slide which indicated funding for construction of the new County Government Center and a new library. She stated those projects were funded by Bond Proceeds which the County would pay back in a 20- to -30-year timeframe. Ms. McCarthy explained the timing of the projects were strategic as some of the existing debt would be paid off which allowed the County to accommodate new debt without increasing any of the County's revenue sources. She discussed the various Capital funding sources utilized with relation to the County's and Williamsburg-James City County (WJCC) Schools CIP projects. Ms. McCarthy highlighted the County's contributions in FY24 to the WJCC School Division for operations, debt service for capital projects, and the School Board's compensation in the amount of \$105.6 million. She mentioned an additional \$2 million allocated pending the General Assembly's adoption of the state budget and the amount of state funding became known. Ms. McCarthy stated the County contributions included an additional \$4.9 million in pay-go funding for WJCC School capital projects next year. She spoke about the State requirements with regard to contributions to the School Division equated to \$52.8 million, adding the County contributed \$105.6 million.

Mr. Hipple requested Ms. McCarthy to repeat that statement once more for public notification purposes.

Ms. McCarthy replied based on the State's Standards of Quality (SOQ) requirement, the County was required to contribute \$52.8 million. She added the County's contributions in FY24 to the School Division was \$105.6 million, which was literally twice the amount required. She highlighted a list of local nonprofit organizations that the County funded as they provided vital services to the community on the PowerPoint presentation which included a five-year comparison for service demand purposes. Ms. McCarthy concluded the presentation, adding the FY24 Budget was scheduled for adoption at the Board's Regular Meeting on May 9, 2023. She welcomed any questions the Board might have.

Mr. Hipple asked if any Board member had questions.

Ms. Larson asked if there was an update regarding the General Assembly.

Ms. McCarthy replied there was still ongoing discussion, adding she did not anticipate that

there would be a firm number prior to the County's budget adoption.

Ms. Larson asked what the plan was regarding the School Division.

Ms. McCarthy deferred that question to the County Administrator.

Mr. Stevens stated he had a number of conversations with Dr. Olwen Herron, Superintendent of WJCC School Division, and advised she could not provide contracts to WJCC teachers until the County's FY24 Budget was adopted. He stated at a \$4 million contribution Dr. Herron could provide a 5% wage increase, adding at a \$6 million contribution she could provide a 7% wage increase. He noted Dr. Herron's desire to issue a 7% wage increase and issue those contracts immediately after the budget adoption to ensure teacher retainment. Mr. Stevens expressed his concern of allocating the requested figures and potentially creating an expectation for future years. He mentioned the additional \$4 million increase to the School Division with an additional maximum of \$2 million allocated pending the General Assembly's adoption of the state budget. Mr. Stevens expressed his disbelief in receiving a firm number prior to the County's budget adoption. He anticipated receiving that information sometime in the month of June. Mr. Stevens mentioned discussions to determine the best course of action to that point. He stated there was no final determination on that yet; however, he expressed his intent to support the School Division if the State did not. Mr. Stevens mentioned various options that could be accommodated.

Mr. McGlennon asked about the specifics of the options. He inquired whether the Board could approve more than the 7% wage increase request.

Mr. Stevens replied yes, adding he recognized the Board's support for increased wages for WJCC teachers. He mentioned the various factors in providing the requested figures. Mr. Stevens pointed out that once the funds were allocated to the School Division, the School Board then dictated how the funds were allocated.

Ms. Larson remarked that the School Board could spend it how they saw fit.

Mr. Stevens pointed out that the County had no involvement in the School Division's budget. He stated it was the School Board and the Superintendent's responsibility to bring a budget forward that met the needs of the School Division. Mr. Stevens remarked the County had approximately \$2 million in personnel positions which he did not recommend for funding this year that he felt the County needed. He mentioned after discussion with department heads it was determined the priorities this year were to focus on supporting current staff, retention, etc. versus trying to fund all requests proposed. Mr. Stevens agreed the additional positions were needed; however, he believed the focus should be to fill the current vacant positions first. He remarked he believed the School Division had the same ability to that point but was unsure to what degree.

Mr. Hipple expressed his frustration regarding funding the School Division and the inability to control how those funds were spent. He referenced the request for funding for seven school buses last year and then the funds were reappropriated. Mr. Hipple mentioned he consulted with the County Attorney regarding the concern and was advised there was nothing that could be done as it was prohibited by law. He expressed his desire to support WJCC teachers; however, he did not believe the County should be required to fully fund the 7% wage increase for teachers as the County had its own staff to retain. Mr. Hipple pointed out that the County contributed twice the amount the State required by law, adding there was significant County support regarding the School Division. He suggested that the School Division set aside other priorities to accommodate the teacher wage increase.

Ms. Sadler remarked the County had to set aside priorities due to urgent needs. She asked

Mr. Stevens if the School Division made any adjustments to its budget to accommodate teacher wage increases.

Mr. Stevens replied he did not know as no further details were brought to his attention since the Joint meeting.

Ms. Sadler questioned how to obtain the answers. She mentioned from her understanding the State Legislature could make changes to expunge it at any time, adding if the Governor signed off it would become effective immediately. Ms. Sadler expressed her concern with the 2% contingency as the County had its own staffing issues. She recommended waiting until the General Assembly determined the final figure and then the County could amend the budget accordingly. Ms. Sadler agreed the WJCC teachers needed raises; however, the County already provided over double the contributions required on an annual basis to the School Division. She remarked that the School Division should take some accountability regarding its budget to ensure teachers were being properly compensated. Ms. Sadler reiterated her earlier point of waiting until the General Assembly made its determination and then the County could act accordingly based on that data.

Ms. Larson mentioned the unprecedented education challenges nationwide coming back from the COVID-19 pandemic. She asked if there was a way to move the teacher contracts forward with the certainty of knowing that the funds would be made available as the County was committed to the funding if the General Assembly did not.

Mr. Stevens noted that verbiage was incorporated into the Proposed FY24 Budget as that was the County's recommended approach on the situation. He expressed that should be able to move things forward; however, he would need additional insight from a legal standpoint. He expressed his support to help the School Division if alternative funding sources were not available. Mr. Stevens anticipated the Board must be in support of the committed funds but was unsure if the funds had to be appropriated for it to move forward.

Discussion ensued.

Mr. McGlennon remarked at the Board's Retreat to his knowledge he believed there was some sort of indication that the School Administration had made some shifts regarding its budget, adding savings from position vacancies and some other actions it took to reduce its expenditures to accommodate the teachers wage increase. He asked Ms. McCarthy what the County's current composite index number was, adding he thought it was 53 or 54.

Ms. McCarthy confirmed it was within that range, adding it was in the budget document.

Mr. McGlennon asked if the State took the cap off support positions how would that impact the County from a contribution standpoint.

Ms. McCarthy remarked based on SOQ the State funded certain positions at the State's salary scale. She added the County provided a subsidy for those positions, in addition to fully funding other positions as well.

Mr. McGlennon asked if it was an SOQ-funded position but not currently a covered position with relation to support positions the County paid 100% of the costs.

Ms. McCarthy confirmed yes.

Mr. McGlennon asked if the State would then fund slightly less than half the cost of that support position.

Ms. McCarthy replied yes from her understanding.

Mr. Stevens confirmed the County's composite index number was .5331.

Mr. McGlennon remarked in any case it should result in a significant shift regarding responsibility from the County to the State.

Ms. McCarthy confirmed, adding the reset was conducted every two years. She mentioned the next reset would be in 2025.

Mr. McGlennon asked if the trend was going down.

Ms. McCarthy confirmed slightly.

Mr. McGlennon inquired on steps moving forward in terms of School Division contributions and the impacts associated. He expressed his belief that this should be the main priority regarding the State Legislature and requesting the cap be eliminated as it allowed recognition of the County's efforts and puts the responsibility back on the State. Mr. McGlennon touched on the low increase to County insurance premiums and asked if the School Division had the same opportunity.

Ms. McCarthy replied she was aware of past discussions on that subject, adding the discussion was brought up every time the County renewed services. She noted the School Division desired to remain with Local Choice Program which was a fully-insured health program. Ms. McCarthy further noted the County's insurance was a self-insured health program which offered more flexibility in terms of the local control aspect of things.

Mr. McGlennon suggested a potential work group session with the School Division to discuss consideration on that point. He remarked there could potentially be significant cost savings there. Mr. McGlennon asked for clarification purposes if County staff wage increases would be incorporated in the Proposed FY24 Budget.

Mr. Stevens confirmed yes. He noted County staff received a \$1,500 bonus in April. Mr. Stevens further noted County staff would receive an additional 5% wage increase effective July 1, 2023.

Mr. McGlennon thanked Mr. Stevens.

Ms. Larson remarked the County Wellness programs implemented made a significant difference. She recognized Ms. Stephanie Burton, Training and Development Coordinator, with the Human Resources (HR) Department for all her efforts.

Ms. McCarthy agreed the efforts were significant. She mentioned concerns regarding high-cost claims coming out of the COVID-19 pandemic due to surgeries and things of that nature being postponed; however, there were some modifications to the County stop-loss coverage and various initiatives to alleviate those concerns. Ms. McCarthy commended HR for its efforts.

Ms. Larson replied absolutely. She noted the importance and value of education, adding it was a significant part of the County's Economic Development component. Ms. Larson agreed it was a substantial part of the County's budget to accommodate the School Division's request. Ms. Larson remarked the County had no say regarding the percentage amount for the WJCC teachers' wage increase, adding if the request was not fully met there was a misconception that the County was unsupportive. She expressed her frustration with the lack of budget discussion with relation to the WJCC Schools Budget.



Mr. Icenhour stated the County had \$4 million set aside which equated to a 5% raise which was incorporated into the budget and would remain in the budget. He asked if this would be a recurring trend as in his opinion this would be an ongoing consideration for future years to come.

Mr. Stevens replied to his point that yes once that expense was there it was permanent. He mentioned the State's revenues increased significantly last year and suggested the County potentially give less contribution next year.

Mr. Icenhour expressed his lack of confidence in State contributions. He asked if there was a flexibility aspect regarding the additional \$2 million if the General Assembly did not provide support to try and offset costs with State revenue later.

Mr. Stevens replied yes, adding if State revenues significantly increased in FY25 then the State should need less local funding to maintain current operations. He mentioned SOQ-funded support positions should reduce County costs.

Mr. Icenhour stated he wanted to make sure as this was a major commitment moving forward. He asked what the County's current level of debt was.

Ms. McCarthy replied it was shy of approximately \$100 million.

Mr. Icenhour expressed his concern with additional borrowing as there was already borrowing commitments to CIP projects forthcoming in 2024 and 2027. He asked Ms. McCarthy what she had anticipated the County's total debt would be in 2028.

Ms. McCarthy mentioned that aspect was discussed in the Debt Service section of the budget document. She indicated the County had three fiscal measures for Debt Service, adding two of which the County would continue to be in compliance with and were mandated by the Credit Rating Agencies. Ms. McCarthy stated the Board of Supervisors also set a policy that the pay down of debt would be at least 60% of the outstanding balance in 10 years. She remarked that would not be a threshold that would be met and explained that point in more detail. Ms. McCarthy highlighted various opportunities to address that point such as year-end surplus funds, pay-as-you-go opportunities, future revenue sources, delay projects, etc.

Mr. Icenhour asked if the County had the ability to delay projects for a year or two.

Ms. McCarthy confirmed, adding it was based on estimates.

Mr. Icenhour recommended that the Board have further discussion prior to adopting the FY24 budget based on that point.

Discussion ensued.

Mr. Stevens clarified the CIP projects for years 2024 and 2027. He expressed his belief that the Social Services Building Renovations Project was also included in the CIP projects.

Ms. McCarthy replied the Social Services Building Renovations Project was removed from the CIP.

Mr. Stevens noted he and Ms. McCarthy could come back before the Board with some scenarios which would help provide options to keep that debt percentage within the County's policy. He asked Ms. McCarthy if there were any impact to credit ratings or things of that nature.

Ms. McCarthy replied no.

Mr. Stevens reiterated his next steps to provide the Board some alternative options to consider prior to the adoption of the budget. He clarified the CIP was a five-year plan and items in the CIP could be subject to change.

Mr. Icenhour asked about the New Library Project and if the County decided to partner with the City of Williamsburg to build a new library in the City there may be funding sources available. He asked if there needed to be committed funds in 2024 to commence that project if it was decided to take that approach.

Mr. Stevens replied he did not believe it would be required in 2024 as the City of Williamsburg would have a year of design costs. He explained by year 2025 the funds would need to be committed in order to award the contract.

Mr. Icenhour replied okay.

Mr. Hipple thanked Ms. McCarthy.

## **F. BOARD CONSIDERATION(S)**

### **1. Joint Exercise of Powers Agreement**

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Brad Rinehimer, Assistant County Administrator, addressed the Board noting included in the Board's Agenda Packet was an Ordinance which would authorize the County Administrator to enter into an agreement with York County to consolidate the County's Emergency Communications Center (ECC) with the York-Poquoson-Williamsburg Regional 911 Emergency Communications Center. He noted staffing was the main factor in this consideration. Mr. Rinehimer further noted the County's ECC personnel had been operating out of the York-Poquoson-Williamsburg Regional 911 Emergency Communications Center since February 22, 2023, due to the electrical issues at the County's ECC Building. He stated the County was committed to keeping its employees whole and offering other employment opportunities within the County if desired. He mentioned York County was committed to accepting all James City County full-time ECC employees and placing them in comparable roles. Mr. Rinehimer noted the intent was to utilize the County's ECC building as a backup facility. He highlighted the pros of consolidation which included increased efficiency and staff, technology upgrades, and shared costs. Mr. Rinehimer recognized County ECC staff in attendance and commended them for their dedication and support to the citizens and first responders. He added this merge did not signify any deficiency as the County operated its own ECC successfully for several years. He reiterated the staffing concerns and questioned the ability to maintain the level of service to the community based on these factors. Mr. Rinehimer recommended the Board adopt the Ordinance. He mentioned each Board member had an opportunity to tour the York-Poquoson-Williamsburg Regional 911 Emergency Communications Center and to address various concerns regarding the merge. Mr. Rinehimer welcomed any questions the Board might have, adding Fire Chief Ryan Ashe and Interim Police Chief Dallman, and Mr. Patrick Page, Director of Information Resources Management, were in attendance as well.

Mr. Hipple asked if any Board member had questions.

Ms. Larson mentioned the abundance of questions regarding the subject and thanked Mr. Rinehimer for his diligence. She noted the sensitivity on this matter and expressed her empathy to those involved. She extended additional thanks to Ms. Kitty Hall, Director of Purchasing, Mr. Stevens, Chief Ashe, Interim Police Chief Dallman for their efforts on this subject as well as York County allowing the Board members to tour its facility.

Ms. Sadler asked if the County ECC staff would have a position at the York-Poquoson-Williamsburg Regional 911 Emergency Communications Center.

Mr. Rinehimer replied yes.

Ms. Larson recommended verbiage to reflect that the Board's vote today would allow the County Administrator to enter into negotiations. She asked Mr. Stevens if there would be other steps taken prior to an agreement.

Mr. Stevens confirmed.

Ms. Larson thanked Mr. Stevens.

Mr. Icenhour thanked Mr. Rinehimer and Mr. Stevens for coordinating the visit of the York-Poquoson-Williamsburg Regional 911 Emergency Communications Center. He mentioned his appreciation for the opportunity and the discussions he had with the on-duty County Dispatchers during his visit. He mentioned as a Board this matter was a very difficult decision to make as it impacted the livelihood of individuals. Mr. Icenhour noted as a Board it was imperative to ensure that public safety was not jeopardized. He further noted as the merge finalized, he wanted to ensure that the County ECC staff received the utmost support during this transition. Mr. Icenhour reiterated Ms. Larson's point of next steps and thanked everyone involved for their efforts.

Mr. McGlennon remarked he appreciated all questions and obtained answers to address the concerns raised. He expressed his belief that every effort would be made to ensure that the County's current ECC staff were not financially disadvantaged and considerations regarding alternative position opportunities were available within the County if desired. Mr. McGlennon noted as challenging as it was to make this kind of change there were reassurances knowing this sort of merge had been conducted twice previously and was successful.

Ms. Sadler thanked all involved for coordinating efforts to tour York-Poquoson-Williamsburg Regional 911 Emergency Communications Center. She mentioned her appreciation for discussions with on-duty County ECC staff, adding the opportunity was very informative and provided clarification on raised concerns. Ms. Sadler thanked all involved for the open communication regarding this matter. She commended the County's ECC staff and their dedication to serving the community.

Mr. Hipple recognized and thanked the County's ECC staff for their hard work and dedication to the community. He mentioned the same subject discussion was had in 2019 noting at that time Mr. Rinehimer was not in favor and he asked what was different now.

Mr. Rinehimer replied to his knowledge the discussion in 2019 was based on a different reason, adding at that time there were several unanswered questions. He mentioned the staffing concerns were the primary reason this was being discussed currently, adding he felt comfortable moving forward as there was adequate information to support the transition.

Mr. Hipple noted he toured the York-Poquoson-Williamsburg Regional 911 Emergency

Communications Center as well. He touched on the close-knit relationship aspect of the ECC and its staff. Mr. Hipple mentioned he had discussions with various County departments and individuals to better understand some of the raised concerns, adding every question was answered. He noted it alleviated much concern and worry. He asked Mr. Stevens if questionable circumstances arose would it be possible for the County to potentially change course and return to its ECC Building.

Mr. Stevens replied yes. He noted as a locality there were a lot of joint opportunities and agreements, adding there was almost always a way out. He further noted if consolidation were to occur, he anticipated a good faith effort to try and make the operation work for a few years but if it did not best serve the community then there may be an opportunity to go back to previous operations. He expressed challenges to that point, but it could feasibly be done.

Mr. Hipple thanked everyone who reached out to the Board regarding this matter, adding he hoped all concerns and questions raised were answered. He mentioned as a Board it had an obligation to do what was best to serve the community.

## **G. BOARD REQUESTS AND DIRECTIVES**

Ms. Sadler mentioned she was pleased to announce her grandson Connor volunteered to pick up trash with Ms. Peg Boarman, Chair of the Clean County Commission, at Anderson's Corner. She expressed her desire to share as she was proud of his effort.

Mr. Icenhour noted he attended the opening of the Virginia Peninsula Community College Trades Center. He added he was impressed with the facility, and it would serve a beneficial purpose to the community. Mr. Icenhour mentioned the Board attended the County Service Awards Ceremony. He stated he attended Legacy Hall to be the Board representative for a program recognizing community volunteers.

Mr. McGlennon stated he had the opportunity to watch Mr. Icenhour make the presentation at Legacy Hall, adding it was a wonderful ceremony and lots of awards were given. He recognized Ms. Boarman as one of the awardees at the event for her volunteer efforts. Mr. McGlennon remarked he and Ms. Sadler attended Arbor/Earth Day at Freedom Park on Saturday, April 22, 2023. He mentioned he attended a meeting on Thursday, April 20, 2023, with over 200 Kingsmill residents regarding the proposed Escalante development. He explained the process in which the County would be involved in in consideration of those plans. Mr. McGlennon congratulated Ms. Teresa Saeed, Deputy Clerk to the Board, for being elected as President of the Virginia Municipal Clerks Association.

Ms. Larson stated she spent 22 hours in New York City last week on behalf of Visit Williamsburg regarding golf. She expressed her hope that function would create additional tourism opportunities for the community, adding the objective was to widen the appeal of the area to tourists. Ms. Larson mentioned a Berkeley Community meeting would be held on May 10, 2023, at the Billsburg Brewery shelter at 6 p.m. She encouraged the public to attend.

Mr. Hipple mentioned his attendance at the County Service Awards Ceremony and thanked Busch Gardens for the use of its facility. He noted he attended the Hampton Roads Transportation Planning Organization and Hampton Roads Planning District Commission meetings and had discussion regarding the SYIP and the Project Pipeline.

## **H. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Stevens extended his thanks to the Board as he recognized its activeness within the community. He commended the Board for participation in County employee functions, such as the County Service Awards Ceremony. He expressed his sincere appreciation for its efforts.

Ms. Larson thanked Mr. Stevens, adding she appreciated his emphasis on employee recognition and allowing the Board to be involved.

## **I. CLOSED SESSION**

At approximately 3:16 p.m., the Board entered Closed Session.

At approximately 3:35 p.m., the Board re-entered Open Session.

A motion to Certify the Board only spoke about those items indicated that it would speak about in Closed Session was made by John McGlennon, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

1. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions, pursuant to Section 2.23711 (A)(1) of Virginia and pertaining to the Board of Adjustments and Appeals

A motion to Appoint Mr. Jeffrey Barra to a term on the Board of Adjustments and Appeals for a term that would expire May 9, 2028, was made by James Icenhour, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

## **J. ADJOURNMENT**

1. Adjourn until 5 pm on May 9, 2023 for the Regular Meeting

A motion to Adjourn was made by John McGlennon, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

At approximately 3:36 p.m., Mr. Hipple adjourned the Board of Supervisors.

**ITEM SUMMARY**

**DATE:** 5/23/2023

**TO:** The Board of Supervisors

**FROM:** Jason Purse, Assistant County Administrator

**SUBJECT:** Office of Elections Renovations and Supplemental Appropriation - \$207,500

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	5/12/2023 - 3:39 PM
Board Secretary	Rinehimer, Bradley	Approved	5/15/2023 - 6:33 AM
Board Secretary	Saeed, Teresa	Approved	5/16/2023 - 11:32 AM
Publication Management	Pobiak, Amanda	Approved	5/16/2023 - 3:27 PM
Legal Review	Kinsman, Adam	Approved	5/16/2023 - 4:47 PM
Board Secretary	Saeed, Teresa	Approved	5/16/2023 - 4:48 PM
Board Secretary	Purse, Jason	Approved	5/16/2023 - 4:56 PM
Board Secretary	Saeed, Teresa	Approved	5/16/2023 - 4:57 PM

## MEMORANDUM

DATE: May 23, 2023  
TO: The Board of Supervisors  
FROM: Jason Purse, Assistant County Administrator  
SUBJECT: Office of Elections Renovations and Supplemental Appropriation - \$207,500

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The County purchased property at 4095 Ironbound Road during Fiscal Year (FY) 2022 and established funding in the Capital Projects Fund for both the acquisition and renovations of this property. Currently, the Office of Elections occupies this property, and additional improvements have been determined as necessary to carry out that department's operations in the space.

These renovations include construction within the building, work to the network and security systems, electrical and HVAC improvements, lighting replacements, and work on a sidewalk at the property. Funding of \$95,000 has been encumbered for renovations to the second floor of the building using funds remaining from the original purchase of this property.

The remaining cost of the other necessary renovations is estimated to be \$207,500. The attached resolution authorizes the use of the General Fund's Unassigned Fund Balance for this purpose and authorizes an appropriation in the Capital Projects Fund for these costs.

Staff recommends adoption of the attached resolution.

JP/ap  
OfcElectRenoSuppAppn-mem

Attachment

**RESOLUTION**

**OFFICE OF ELECTIONS RENOVATIONS**

**AND SUPPLEMENTAL APPROPRIATION - \$207,500**

WHEREAS, certain renovations are necessary at the Office of Elections, located at 4095 Ironbound Road; and

WHEREAS, these renovations include construction within the building, work to the network and security systems, electrical and HVAC improvements, lighting replacements, and work on a sidewalk at the property; and

WHEREAS, funding of \$95,000 has been encumbered for renovations to the second floor of the building using funds remaining from the original purchase of this property; and

WHEREAS, the remaining cost of other necessary renovations at this property is estimated to be \$207,500.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the use of General Fund’s Unassigned Fund Balance and the appropriations shown below for the purpose of funding these renovations.

<u>General Fund - Funding Source:</u>	
Fund Balance	<u>\$207,500</u>
<u>General Fund - Funding Use:</u>	
Transfer to Capital Projects Fund	<u>\$207,500</u>
<u>Capital Projects Fund - Funding Source:</u>	
Transfer from the General Fund	<u>\$207,500</u>
<u>Capital Projects Fund - Expenditure:</u>	
Property Renovations - 4095 Ironbound Road	<u>\$207,500</u>

\_\_\_\_\_  
Michael J. Hipple  
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>
SADLER	___	___	___	___
ICENHOUR	___	___	___	___
MCGLENNON	___	___	___	___
LARSON	___	___	___	___
HIPPLE	___	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of May, 2023.



**ITEM SUMMARY**

**DATE:** 5/23/2023

**TO:** The Board of Supervisors

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

**SUBJECT:** Joint Work Session with the Planning Commission: ORD-22-0001. Amendments for Scenic Roadway Protection

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	1. Initiating Resolution	Backup Material
☐	2. Forge Road Map	Exhibit
☐	3. Old Stage Road Map	Exhibit
☐	4. April Policy Meeting Visual Simulations Document	Backup Material
☐	5. January Board Meeting Visual Simulations Document	Backup Material
☐	6. April Policy Packet	Backup Material
☐	Unapproved Minutes of the April 13, 2023, Policy Committee meeting	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/8/2023 - 12:08 PM
Development Management	Holt, Paul	Approved	5/8/2023 - 12:08 PM
Publication Management	Daniel, Martha	Approved	5/8/2023 - 12:22 PM
Legal Review	Kinsman, Adam	Approved	5/8/2023 - 1:13 PM
Board Secretary	Saeed, Teresa	Approved	5/12/2023 - 11:20 AM
Board Secretary	Rinehimer, Bradley	Approved	5/12/2023 - 1:23 PM
Board Secretary	Saeed, Teresa	Approved	5/16/2023 - 11:31 AM

## MEMORANDUM

DATE: May 23, 2023

TO: The Board of Supervisors  
The Planning Commission

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

SUBJECT: ORD-22-0001. Amendments for Scenic Roadway Protection

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### Introduction

At its January 24, 2023, meeting, the Board of Supervisors provided the following guidance to Planning staff and the Policy Committee:

1. Prepare an analysis of the 400-foot setback proposed for Old Stage Road and Forge Road with a proposed setback of 200 feet for the parcels 500 feet deep or less (shallow parcels) to examine the number of non-structures that would become nonconforming.
2. Examine whether a family subdivision could be exempt from the 400-foot or 200-foot proposed setback.
3. Consider the possibility of an overlay district (a County initiated rezoning) instead of or in addition to a zoning text amendment.
4. Proceed with the Policy Committee's recommended approach for buffering requirements along Wooded Community Character Corridors (CCCs).

Staff provided and presented this analysis to the Policy Committee at its April 13, 2023, Regular Meeting.

### Setback Analysis

#### *Setback Analysis for Shallower Lots*

Under the current A-1 Zoning District, the setback requirement for Forge Road is 75 feet from the right-of-way for most structures. Using the County's Geographic Information System (GIS), staff analyzed two scenarios to examine the number of structures that would become nonconforming:

1. a proposed 400-foot setback for parcels that are more than 500 feet deep, with parcels having a lot depth of 500 feet or less adhering to a 75-foot setback; and,
2. a proposed 400-foot setback for parcels that are more than 500 feet deep, with parcels having a lot depth of 500 feet or less adhering to a 200-foot setback and with parcels having a lot depth of 200 feet or less adhering to a 75-foot setback.

Staff finds that both options fulfill the intent of the Board's Initiating Resolution to protect the character of rural roadways, with the second option resulting in additional structures becoming nonconforming. For either option, the same setback is required to be applied equally to both Old Stage Road and Forge Road.

Maps showing these parcels are included as Attachment Nos. 2 and 3. Visual simulations showing houses at setbacks of 75, 200, and 400 feet are included as Attachment No. 4. In its discussions, the Policy Committee discussed the benefits and drawbacks to the County of pursuing the setback option and has not yet come to a consensus on a recommended path forward (Attachment No. 7).

Forge Road Analysis

*Option No. 1: 400-foot Setback, 75-foot Setback for lot depth of 500 feet or less*

	Structures Within 400 Feet	Exempt Parcel Structures	Final
Residences	16	-6	10
Accessory Structures	24	-3	21
Total	40	-9	31

*Option No. 2: 400-foot Setback, 200-foot Setback for lot depth of between 201 and 500 feet, 75-foot Setback lot depth of 200 feet or less)*

	Structures Within 400 Feet	Exempt Parcel Structures	Final
Residences	16	-2	14
Accessory Structures	24	-2	22
Total	40	-4	36

Old Stage Road Analysis

*Option No. 1: 400-foot Setback, 75-foot Setback for lot depth of 500 feet or less*

	Structures Within 400 Feet	Exempt Parcel Structures	Final
Residences	33	-15	18
Accessory Structures	39	-14	25
Total	72	-29	43

*Option No. 2: 400-foot Setback, 200-foot Setback for lot depth of between 201 and 500 feet, 75-foot Setback for lot depth of 200 feet or less*

	Structures Within 400 Feet	Exempt Parcel Structures	Final
Residences	33	-3	30
Accessory Structures	39	-3	36
Total	72	-6	66

*Family Subdivision*

The County Attorney’s Office has recommended against exempting lots created via the family subdivision provisions of the Subdivision Ordinance. This is due to the requirement that zoning regulations should be uniform for each class or kind of buildings and uses throughout each district; and must treat similarly situated property similarly. If the County were to require a 400-foot setback for only some but not all residential lots within a zoning district, the County would be potentially infringing upon this requirement. The Policy Committee concurs and has recommended against this approach.

*Overlay District*

An Overlay District is a potential tool that could be utilized to establish unique development standards for a specific corridor within the County. Unlike the proposed setback idea, which requires the same standards be applied to classes of roadway, such as Open/Agricultural or Wooded CCCs, the Overlay District concept could be applied on a corridor-by-corridor basis. An Overlay District created on a corridor basis would allow standards to be created only for Forge Road, or for Old Stage Road, or any other road selected by the Board. Planning staff reviewed peer localities to determine if there are similar examples of Overlay Districts being established solely for rural preservation on a corridor-by-corridor basis.

This research shows that counties with Large-Lot and Rural Preservation Standards in their Zoning Ordinances tend not to have comparable standards for protecting the viewsheds from rural roads, other than

basic front setback requirements. The most pertinent examples from staff's research for rural preservation are the method employed by Albemarle County and Clarke County. Both use the State Code provision (Section 15.2-2306 of the Code of Virginia) that allows for localities to establish an Overlay District(s) with design standards and regulations through a review board for corridors that are included in, or lead to, any historic areas as defined by State Code (within the County or a contiguous locality) or roadways found to be significant routes of tourist access to the County.

The establishment of an Overlay District would require the County to initiate the rezoning of every parcel located within the proposed district, which could be hundreds of parcels, depending on the size of the proposed district. This would require the typical rezoning process with public hearings.

Staff finds that a tiered approach to the overlay district, in which each road is considered based on its own character and citizen input, could be an effective tool for preserving certain roads deemed scenic within the County. However, an overlay district may be a more appropriate tool for a Goals, Strategies and Action (GSA) that focuses on one area or corridor for a specific purpose, and staff recommends continuing the setback approach in order to protect a broader set of scenic roads, which is the intent of the GSA in the 2045 Comprehensive Plan. The Policy Committee discussed the possibility of an overlay district as a potential tool for accomplishing this strategy but does not recommend this approach at this time.

#### *Other Considerations Discussed by the Policy Committee*

A. In addition to the considerations above, the Policy Committee discussed the possibility of removing Old Stage Road as a Community Character Corridor (CCC). CCCs are elements of the Comprehensive Plan. The Community Character Chapter lists these roadways and provides guidance on the different categories, with the Future Land Use Map depicting their locations.

Removing a CCC designation would require an amendment of the Comprehensive Plan, which while legally possible, has not been the practice in James City County between scheduled updates (the exception is two discrete Land Use Designation Change Applications that began as applications during the update cycle and were continued out of cycle to resolve them).

For topics or issues that have been identified between plan updates, it has been typical practice for staff to track these items for further work and potential incorporation in the next Plan update. If there is a desire to revisit CCCs, one option is for staff to look at re-evaluating the CCCs as part of the next Comprehensive Plan update. For historic context, the last detailed re-evaluation of the CCCs occurred during the 2009 Comprehensive Plan update (re-review of the CCCs was not a focus during the 2035 Comprehensive Plan or 2045 Comprehensive Plan updates). After evaluation, two roadway segments were removed as CCCs at that time.

B. The Policy Committee also discussed the concept of having setback standards that vary based on consideration of building square footage, height, and other features, the County Attorney's Office has recommended against implementing this approach. The County Attorney's Office has advised that zoning regulations should be uniform for each class or kind of building and use throughout each district and must treat similarly situated property similarly. A variable requirement based on structure features may not achieve this principle. Furthermore, staff finds that the administration of such an approach would be overly cumbersome with current resources.

#### **Options Moving Forward - for Setbacks**

Planning staff and the Policy Committee request additional Board guidance on which option to proceed with. With the analysis and discussions to date on this item, a list of possible options includes:

*Option No. 1: Setbacks along Open/Agricultural Community Character Corridors.* A proposed setback of 400-foot for A-1 parcels abutting Open/Agricultural Community Character Corridors (Forge Road and Old Stage Road) outside of the Primary Service Area (PSA) that have an average lot depth greater than 500 feet. A 75-foot setback for parcels that have an average lot depth 500 feet or less.

*Option No. 2: Setbacks along Open/Agricultural Community Character Corridors.* A proposed setback of 400-foot for A-1 parcels abutting Open/Agricultural Community Character Corridors (Forge Road and Old Stage Road) outside of the Primary Service Area (PSA) that have an average lot depth greater than 500 feet. A 200-foot setback for parcels that have an average lot depth 500 feet or less except that parcels with an average lot depth of 200 feet or less shall have a 75-foot setback.

*Option No. 3: Overlay District.* A proposed creation of zoning overlay district to which one or more scenic corridors within the County would be rezoned.

*Option No. 4. CCC Designation Change.* A proposed re-evaluation of the CCCs during the next scheduled Comprehensive Plan update cycle, followed by revisiting setback standards.

*Option 5: No Change.* The option to not make any changes could always be an option available to the Board as well. This would leave setbacks as currently established in the Ordinance (i.e., Structures, except those associated with intensive agricultural uses, shall be located a minimum of 50 feet from any street right-of-way which is 50 feet or greater in width. If the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 75 feet from the centerline of the street; except that where the minimum lot area is three acres or more, the minimum setback shall be 75 feet from any street right-of-way which is 50 feet or greater in width and 100 feet from the centerline of any street right-of-way less than 50 feet in width).

### **Buffer Requirements**

For Wooded CCCs, at its April 13, 2023, meeting, the Policy Committee unanimously recommended approval of draft language providing increased protections for the Wooded CCCs within the County. This draft language includes landscape buffer requirements along Wooded CCCs including a 100-foot-wide buffer average for commercial projects and 200-foot-wide buffer average for major residential developments; and a timbering setback buffer of at least 50 feet on properties along Wooded CCCs outside the PSA. Unless otherwise directed, the next step would be to proceed with bringing this draft language forward to the Planning Commission and Board of Supervisors.

PDH/md

ORD22-1AmdScRdPro-mem

#### Attachments:

1. Initiating Resolution
2. Forge Road Exempt Parcels Map
3. Old Stage Road Exempt Parcels Map
4. April Policy Meeting Visual Simulations Document
5. January Board Meeting Visual Simulations Document
6. April 13, 2023, Policy Packet
7. April 13, 2023, Policy Minutes

## RESOLUTION

### INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE AND

### SUBDIVISION ORDINANCE TO PROVIDE ADDITIONAL REQUIREMENTS TO PROTECT

### AND PRESERVE SCENIC ROADWAYS SUCH AS FORGE ROAD


WHEREAS, section 15.2-2286(A)(7) of the Code of Virginia, 1950, as amended (the "Virginia Code"), and County Code Section 24-13 authorize the Board of Supervisors of James City County, Virginia (the "Board"), to, by resolution, initiate amendments to the regulations of the Zoning Ordinance that the Board finds to be prudent and required by public necessity, convenience, general welfare, or good zoning practice; and

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

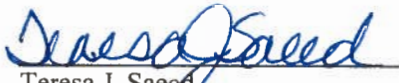
WHEREAS, the Board is of the opinion that the public necessity, general welfare, and good zoning practice warrant the consideration of amendments to the Zoning Ordinance and Subdivision Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate amendment of the James City County Code, Chapter 24, Zoning in order to consider additional requirements to protect and preserve scenic roadways such as Forge Road. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Zoning Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request the Planning Commission to prepare and recommend amendments to Chapter 19, Subdivisions, in order to consider additional requirements to protect and preserve scenic roadways such as Forge Road. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Subdivision Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.

  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

  
Teresa J. Saeed  
Deputy Clerk to the Board

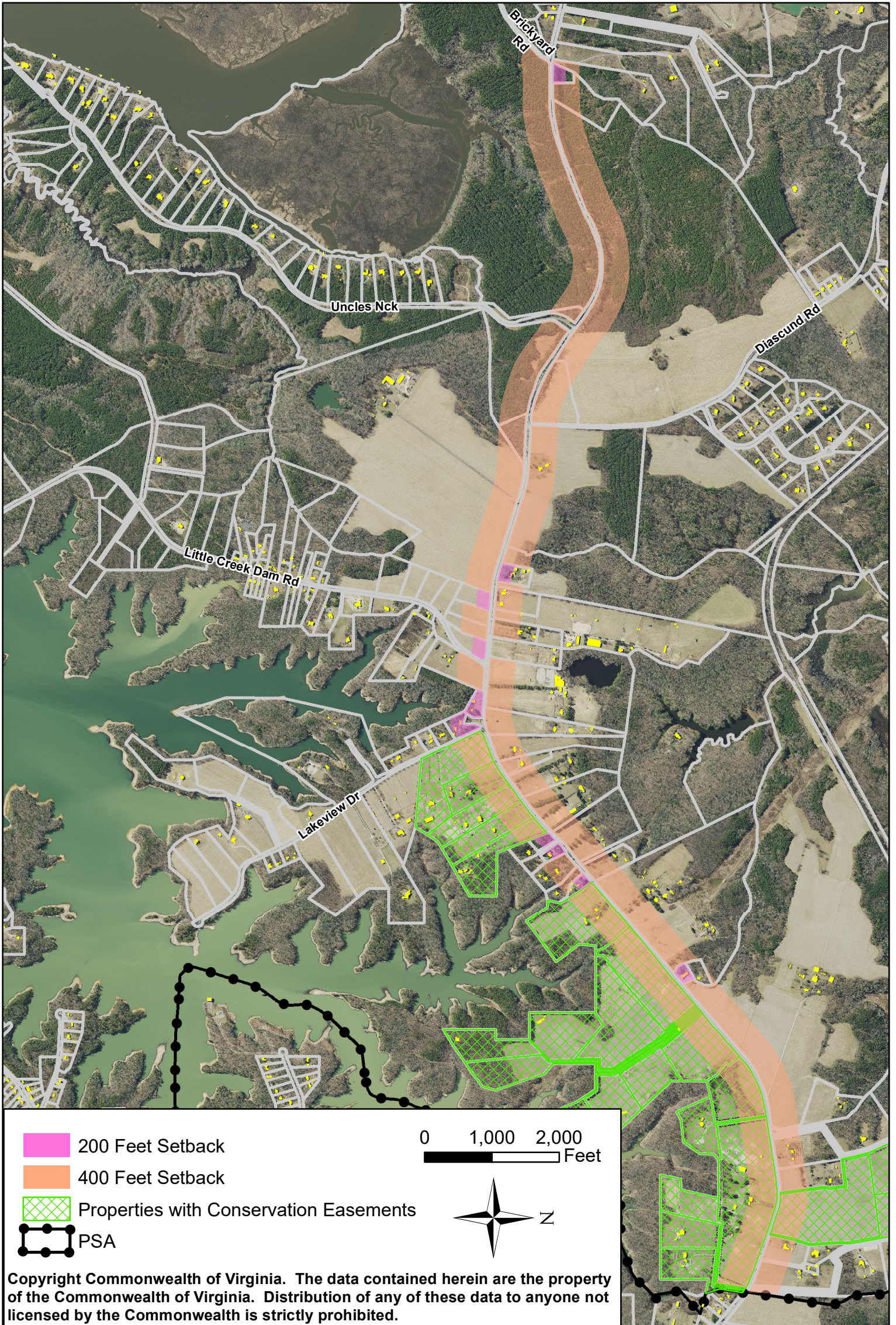
	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON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

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of November, 2021.

InitConsdForgeRd-res



# JCC ORD-22-0001, Amendments for Scenic Roadway Protection. Forge Road Corridor

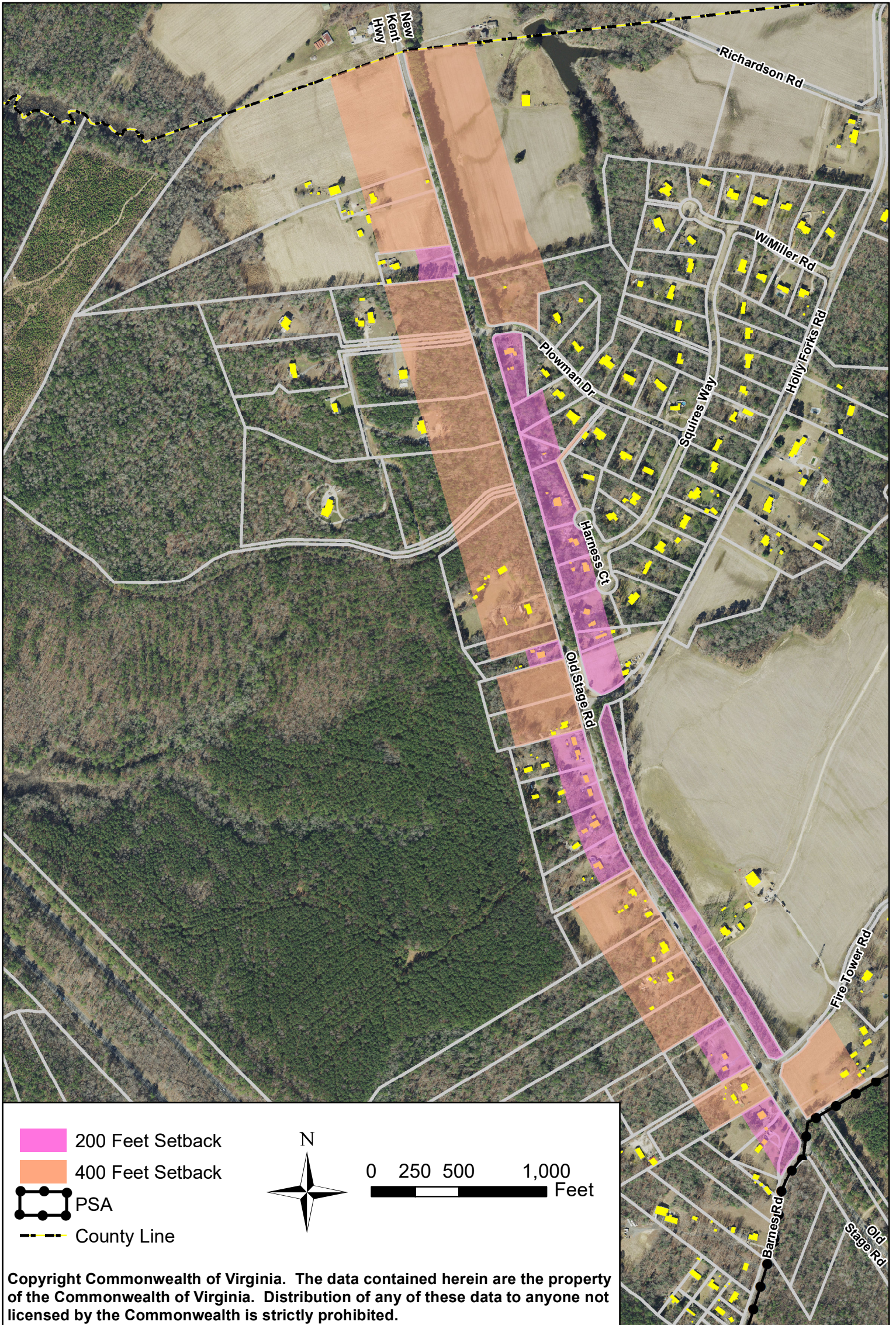


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# JCC ORD-22-0001, Amendments for Scenic Roadway Protection. Old Stage Road Corridor



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# Rural Roadway Setback Analysis: Forge Road and Old Stage Road



James City County Zoning Update

**DRAFT April 12, 2023**

*Prepared by EPR,PC*

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# Rural Roadway Setback Analysis: Forge Road and Old Stage Road

## Summary

In 2021, the James City County Board of Supervisors approved a Resolution to initiate the amendment of the James City Zoning and Subdivision ordinances in order to consider additional requirements to protect and preserve scenic roadways such as Forge Road and Old Stage Road. As part of an analysis to consider new standards for protection of these scenic roadways, EPR, PC was asked to develop analytic visualizations of the visual impacts of the viewshed on Forge Road and Old Stage Road.

The results of this analysis are presented here in two parts:

1. **Ground Level Visualizations** - The first part is a series of photomontages depicting renderings of homes within 75 feet, 200 and 400 feet of each roadway's edge.
2. **Aerial Visualizations** - The second part is a series of aerial photographs of the Forge Road and Old Stage Road corridors depicting existing property lines, proposed easements, and setbacks of 75, 200 and 400 feet.

It is important to note that, even though these are illustrative visualizations, they are based on actual measured dimensions using computer mapping for the distances, so they represent a reasonably accurate representation of what potential distance standards could look like in reality.

## Ground Level Visualizations

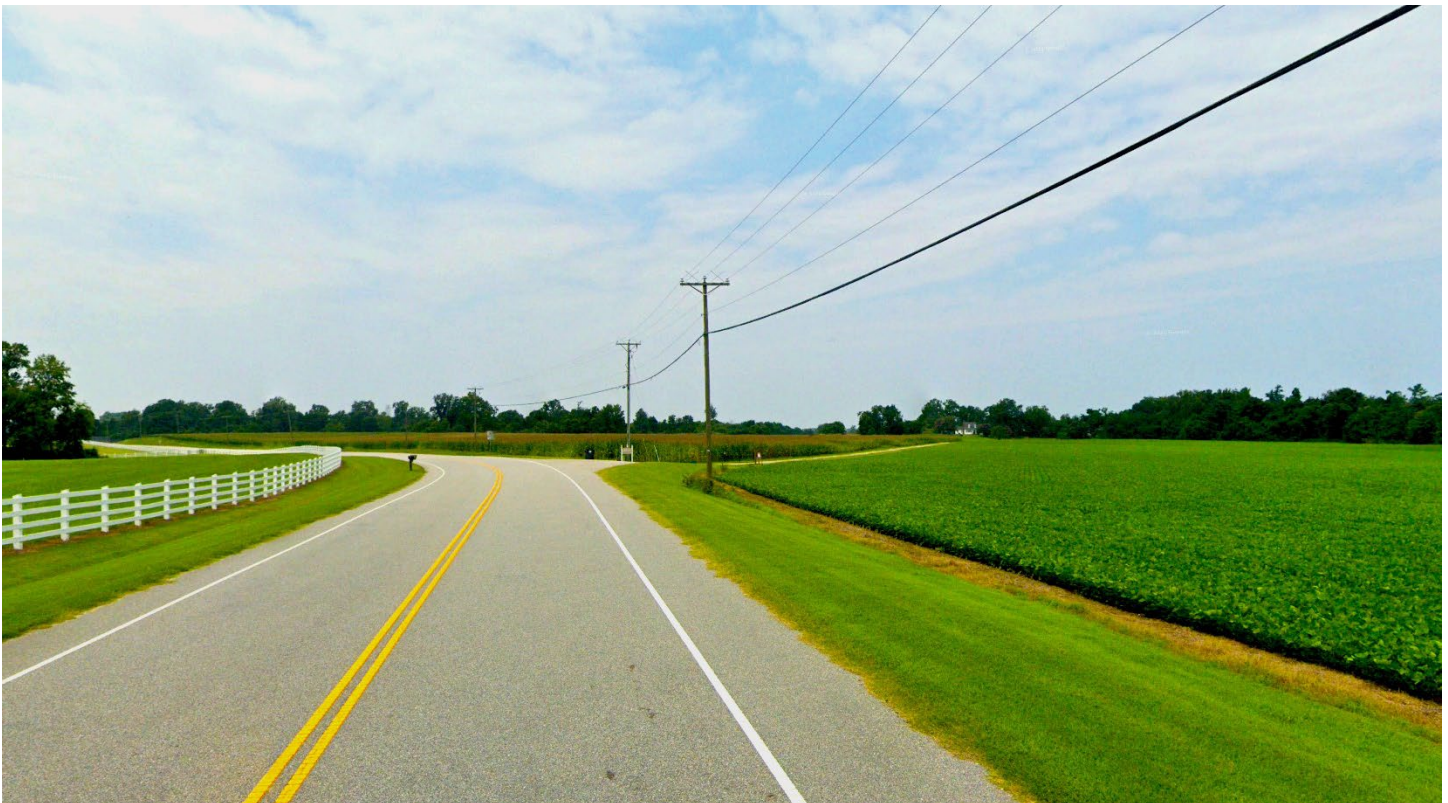


Figure 1. Existing photo of Forge Road



Figure 2. Existing photo of Forge Road with photo visualization of homes set 75' back from edge of right of way



Figure 3. Existing photo of Forge Road with photo visualization of homes set 200' back from edge of right of way



Figure 4. Existing photo of Forge Road with photo visualization of homes set 400' back from edge of right of way



Figure 5. Existing photo of Old Stage Road

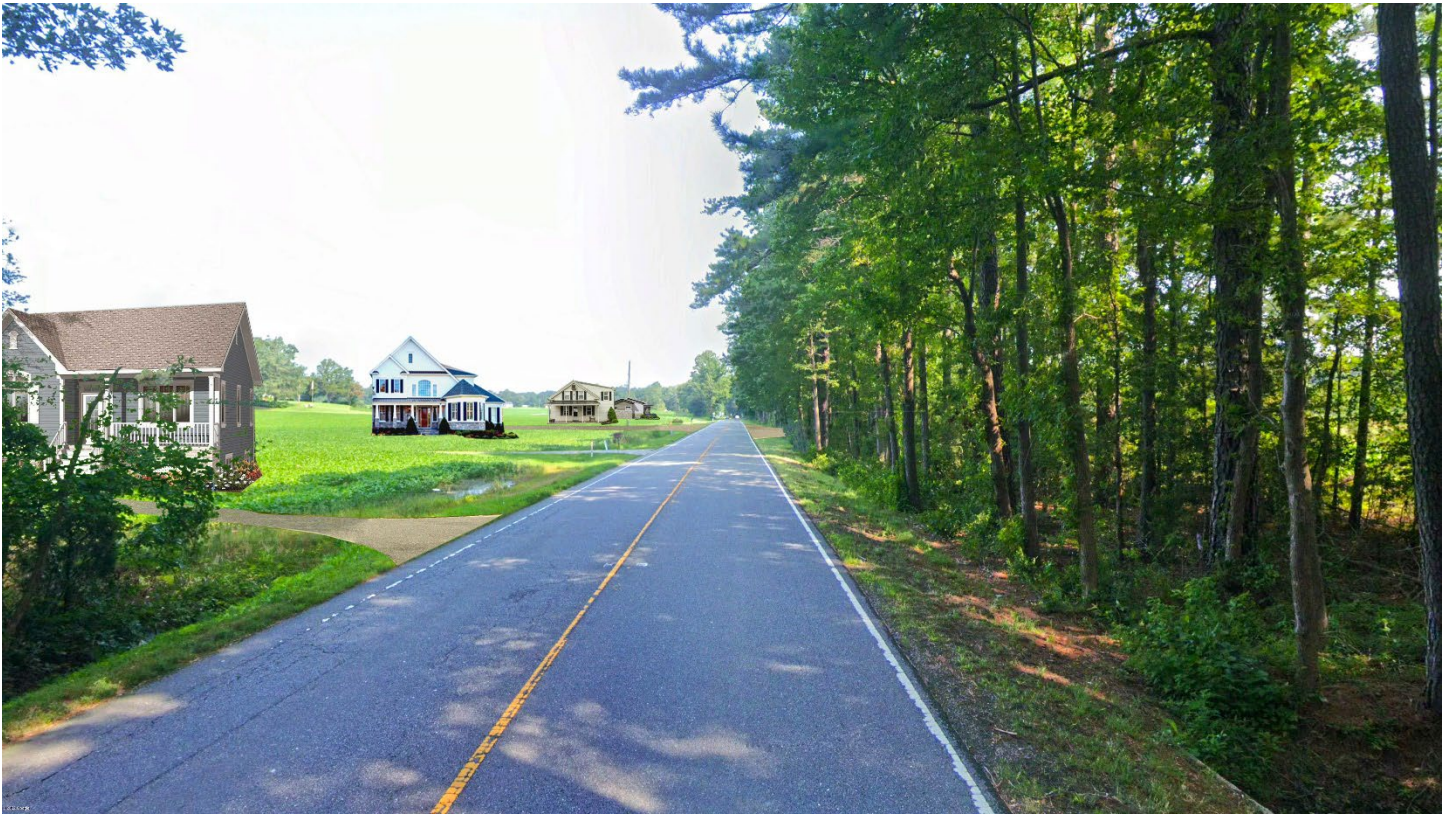


Figure 6. Existing photo of Old Stage Road with photo visualization of homes set 75' back from edge of right of way



Figure 7. Existing photo of Old Stage Road with photo visualization of homes set 200' back from edge of right of way

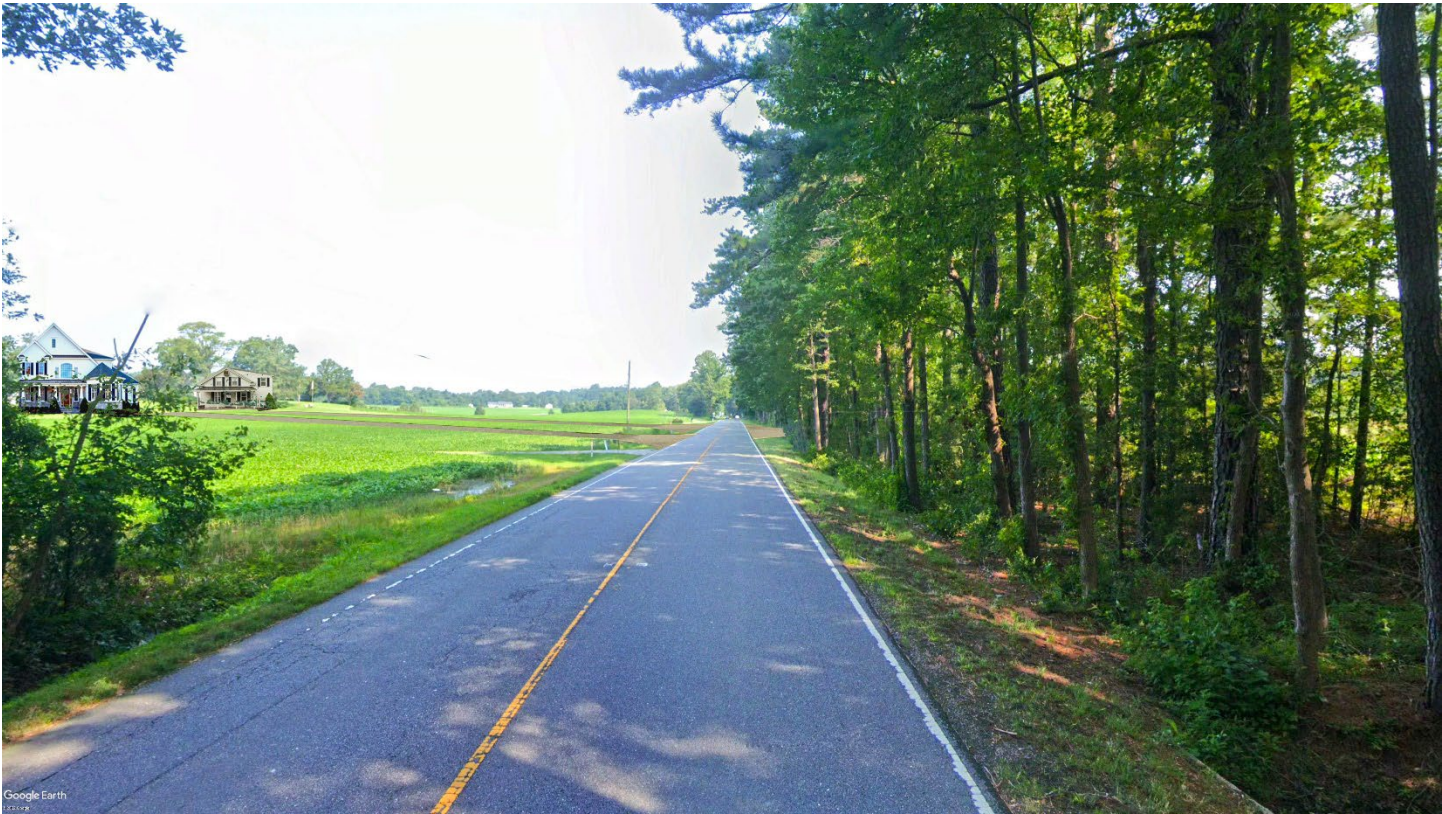
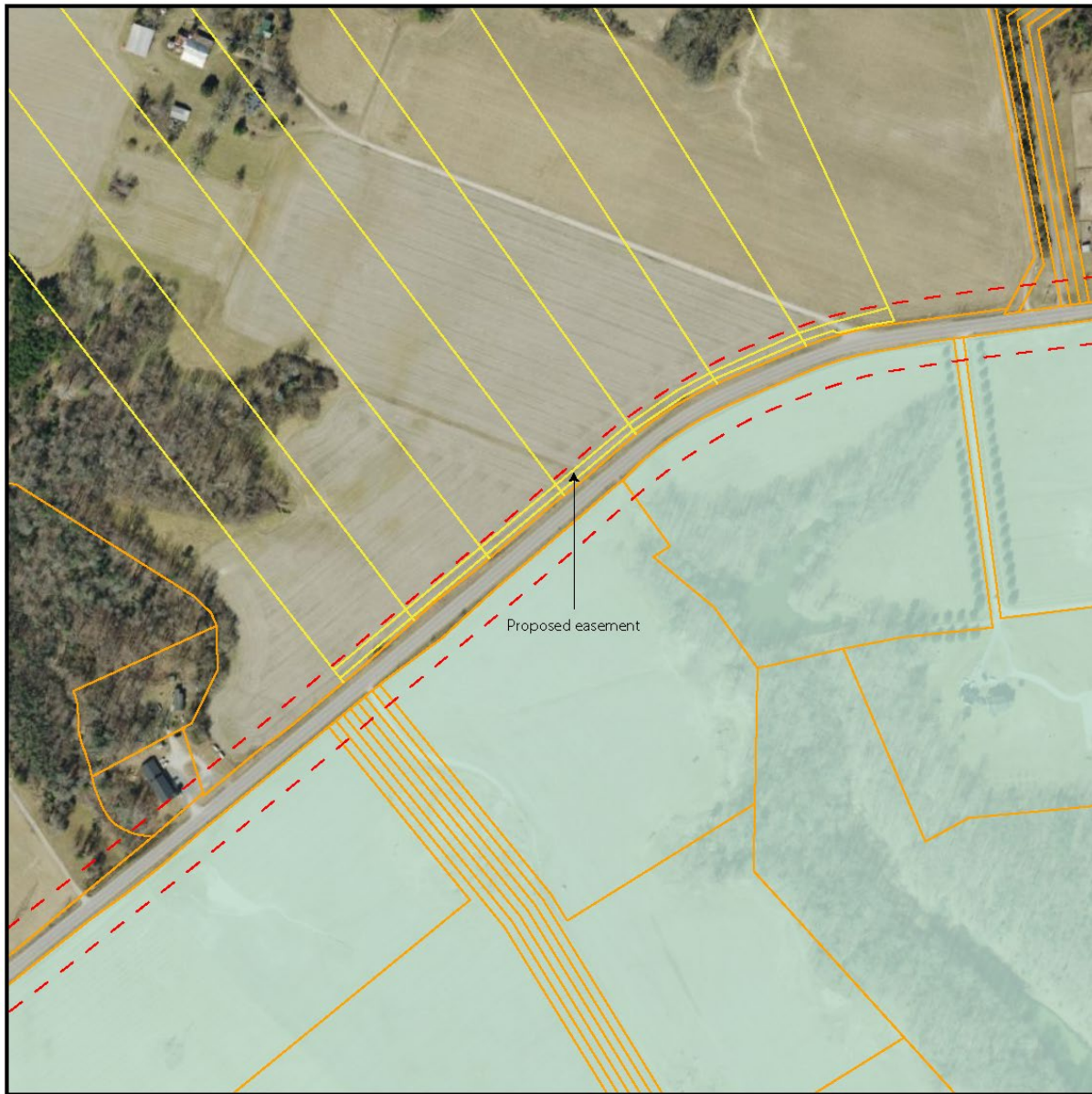


Figure 8. Existing photo of Old Stage Road with photo visualization of homes set 400' back from edge of right of way



## Aerial Visualizations



- Conservation Easement
- Existing Property Lines
- New Property Lines
- Setback

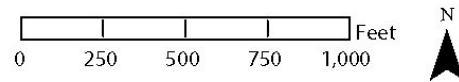


Figure 9. Map of Forge Road showing existing property lines, conservation easements, new property lines, and potential development with common access easement and 75 ft. setback from right of way



- Conservation Easement
- Existing Property Lines
- New Property Lines
- Setback

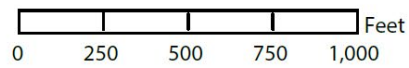


Figure 10. Map of Forge Road showing existing property lines, conservation easements, new property lines, and potential development with common access easement and 200 ft. setback from right of way

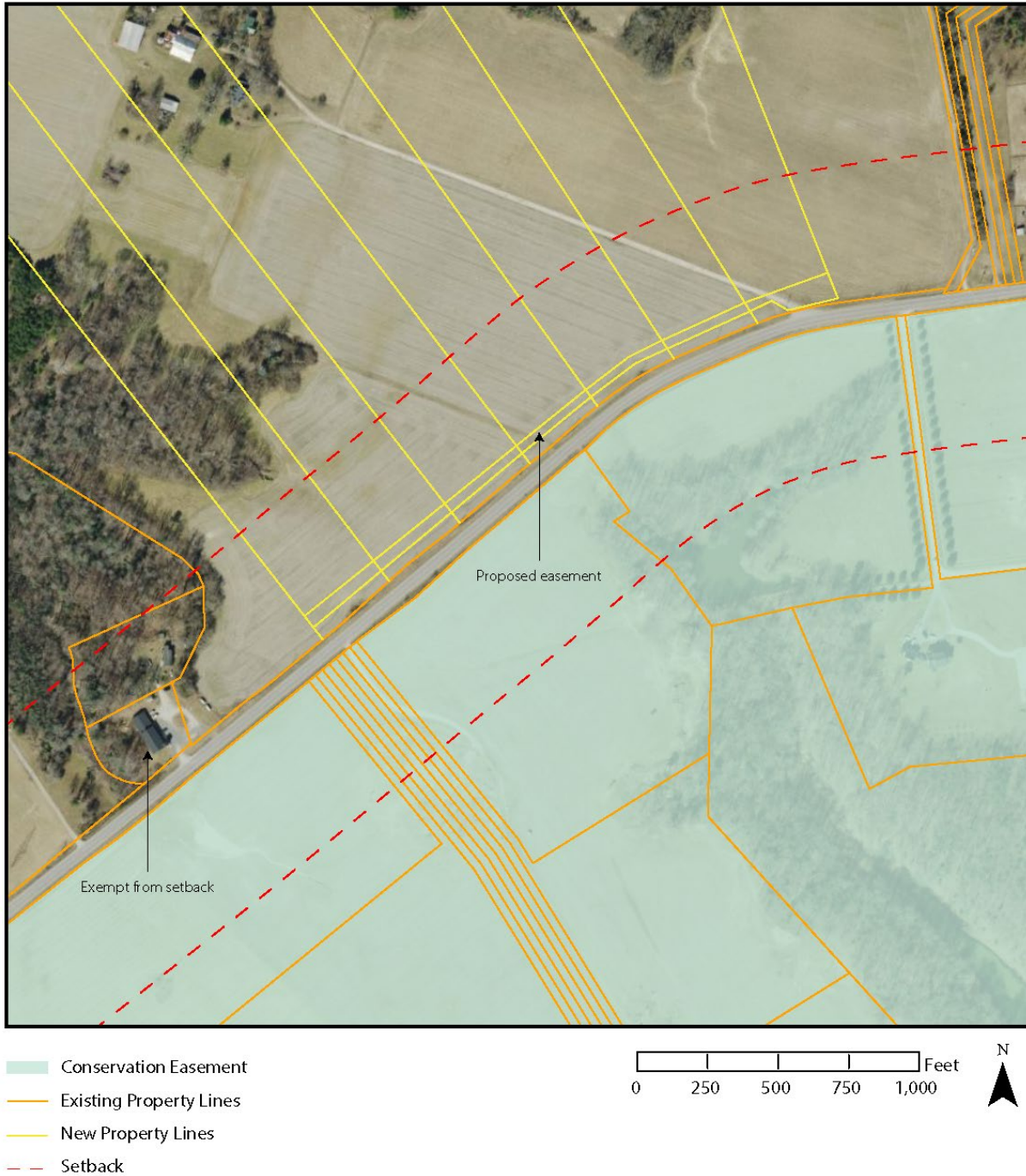


Figure 11. Map of Forge Road showing existing property lines, conservation easements, new property lines, and potential development with common access easement and 400 ft. setback from right of way



- Existing Property Lines
- New Property Lines
- - Setback

0 250 500 750 1,000 Feet



Figure 12. Map of Old Stage Road showing existing property lines and potential new subdivision and homes with 75' setback from right of way



- Existing Property Lines
- New Property Lines
- - - Setback

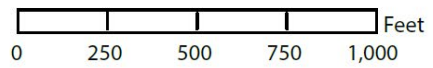


Figure 13. Map of Old Stage Road showing existing property lines and potential new subdivision and homes with 200' setback from right of way



- Existing Property Lines
- New Property Lines
- - - Setback

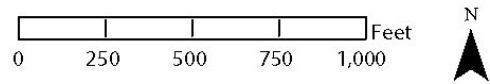


Figure 14. Map of Old Stage Road showing existing property lines and potential new subdivision and homes with 400' setback from right of way



# Rural Roadway Preservation



James City County Zoning Update  
**DRAFT August 2, 2022**

*Prepared by EPR,PC*

# Contents

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# Rural Roadway Preservation

## Part 1. Visual Analysis of Viewsheds

### Introduction

In 2021, the James City County Board of Supervisors approved a Resolution to initiate the amendment of the James City Zoning and Subdivision ordinances in order to consider additional requirements to protect and preserve scenic roadways such as Forge Road. As part of an analysis to consider new standards for protection of these scenic roadways, EPR, PC was asked to develop analytic visualizations of the visual impacts of the viewshed on Forge Road.

The results of this analysis are presented here in two parts:

1. **Ground Level Visualizations** - The first part is a series of photomontages that were developed based on alternative measured distances from the road.
2. **Aerial Visualizations** - The second part is a series of aerial photographs of the Forge Road corridor showing different distances from the road as colored buffers along the roadway, with existing structures highlighted to show where they fall within the distance buffers.

It is important to note that, even though these are illustrative visualizations, they are based on actual measured dimensions using computer mapping for the distances so they represent a reasonably accurate representation of what potential distance standards could look like in reality.

### Ground Level Visualizations

#### *Methodology*

For the purposes of the visualizations, a photograph of a segment of Forge Road was used that represents a typical “view from the road” on a relatively level portion of the road without any existing screening or buffering along the roadway. Using computer mapping, house sites were located at the following distances from the edge of the roadway (which is also the edge of the Right of Way):

- 100 feet
- 200 feet
- 300 feet
- 400 feet



Figure 1. Existing photo of Forge Road with computer mapping of different setback distances

Secondly, photographs of two typical houses were selected at the same view angle as the “view from the road” photograph to be used in composing the photomontages. House A was a simple one story brick home with attached garage and minimal landscaping and House B was a more elaborate house with detached garage and extensive landscaping in the front yard.

These houses were then photo montaged into the existing Forge Road photograph precisely at each of the distance points to show a reasonably realistic view of the visual impact of the houses at each distance parameter.

### **Results**

The images below show the final photomontages with each house at each of the distances from the road.

**House A:**



Figure 2. House A. 100 ft. distance



Figure 4. House A. 200 ft. distance



Figure 3. House A. 300 ft. distance



Figure 5. House A. 400 ft. distance

**House B.**



Figure 6. House B. 100 ft. distance



Figure 7. House B. 200 ft. distance



Figure 8. House B. 300 ft. distance



Figure 9. House B. 400 ft. distance

### Conclusions

The use of computer aided photomontage visualizations is a practical way to assess the potential visual impacts of alternative provisions for distances from the road. However, it is important to recognize that many other factors can influence the perception of different distances to houses when viewed from the road. These include topography, the presence of existing vegetation, and the general architectural character of structures. The above visualizations are of course open to different interpretations regarding what distance standards should be developed. From the consultant's perspective, a few observations are offered for consideration from a professional planning perspective:

- The visual impact of both houses at the 100 foot distance is considerable. This scale of this distance is more reminiscent of a suburban development pattern than what is typically seen in a rural, farming based landscape.
- 300 to 400 foot distances are more similar to a typically rural context and view from the road, although houses on large lots are frequently set back even more than that. Often, homeowners who purchased large lots prefer a wide set back from the road to maintain their sense of private space and rural character.
- Particularly at the 400 foot distance line, there is an opportunity to create buffering and screening around the houses with vegetation that would be more reminiscent of a rural farm scape rather than a suburban landscape pattern.
- The architecture and landscaping around the house also influence the character of the view from the road. Large suburban houses with tall roofs and suburban style landscaping create more of a discontinuity with the rural landscape than a low ranch house with an attached garage.

## Aerial Visualizations

### Methodology

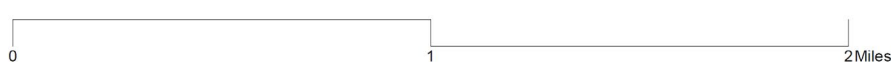
Based on County staff request, EPR developed an aerial mapping analysis of different distance widths applied to a section of Forge Road located outside of the PSA. The maps were presented as aerial photos with the distances shown as colored buffers on the photos and as oblique aerial views of segments of Forge Road showing existing structures.

The following maps were developed:

- **Baseline Setback Map.** This map shows the setback that currently applies under the existing zoning requirements for A-1.
- **Potential Alternate Distance Analysis Map:** This maps shows potential distances of 100', 200', 300' and 400'.
- **Oblique Aerials of Segments of Forge Road.** These maps show detailed oblique views of five segments of Forge Road with the potential distance ranges from 100' to 400' and highlight existing structures.

### Results:

#### JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Existing Setback)



Gray: Forge Rd.  
 Purple: Existing 75' Setback



Figure 10. Base Map showing Existing Setback for A1 Zone



**JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Proposed Setbacks)**

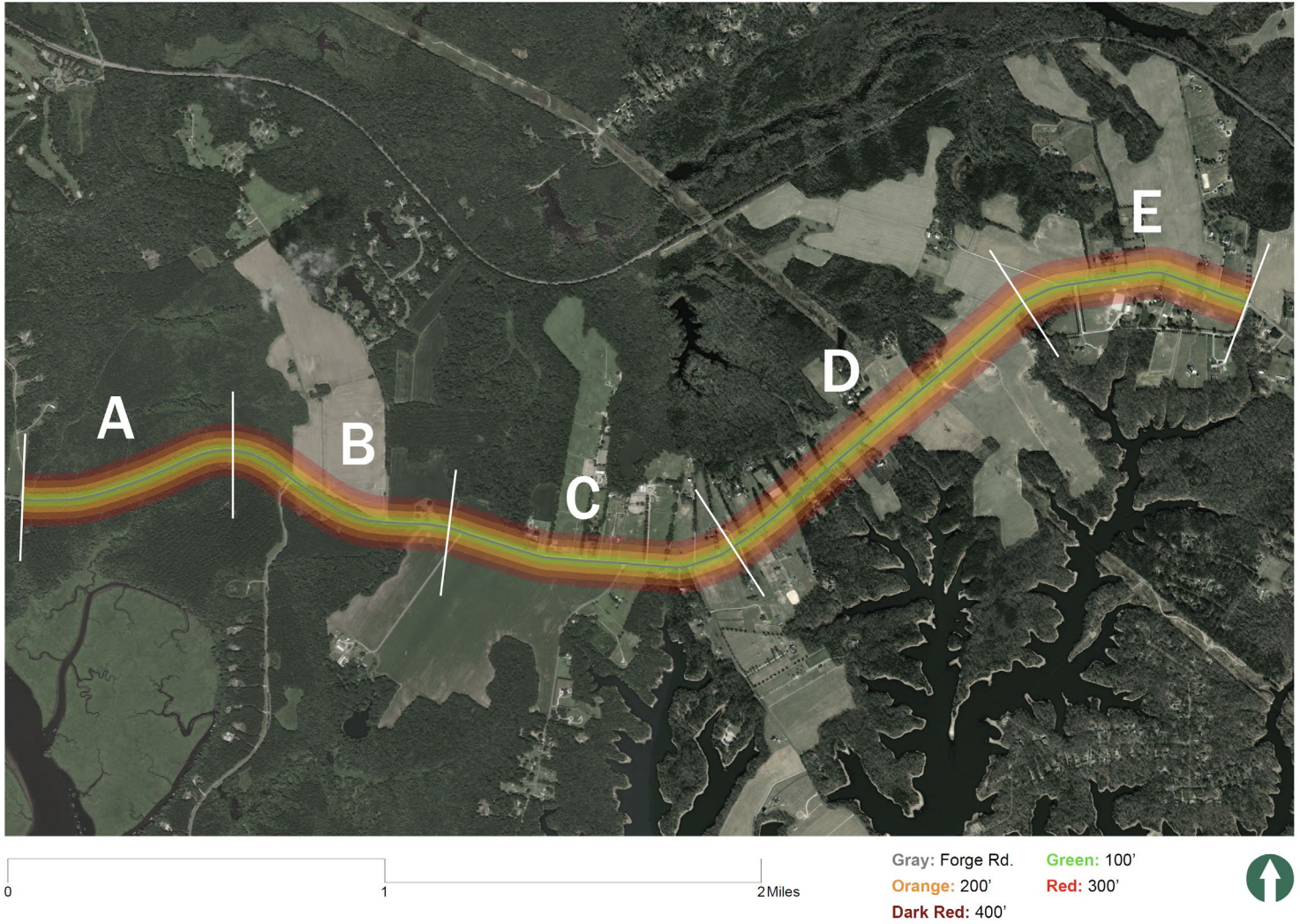


Figure 11. Base map showing alternate distances from the roadway

**JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Proposed Setbacks) - Segment A**

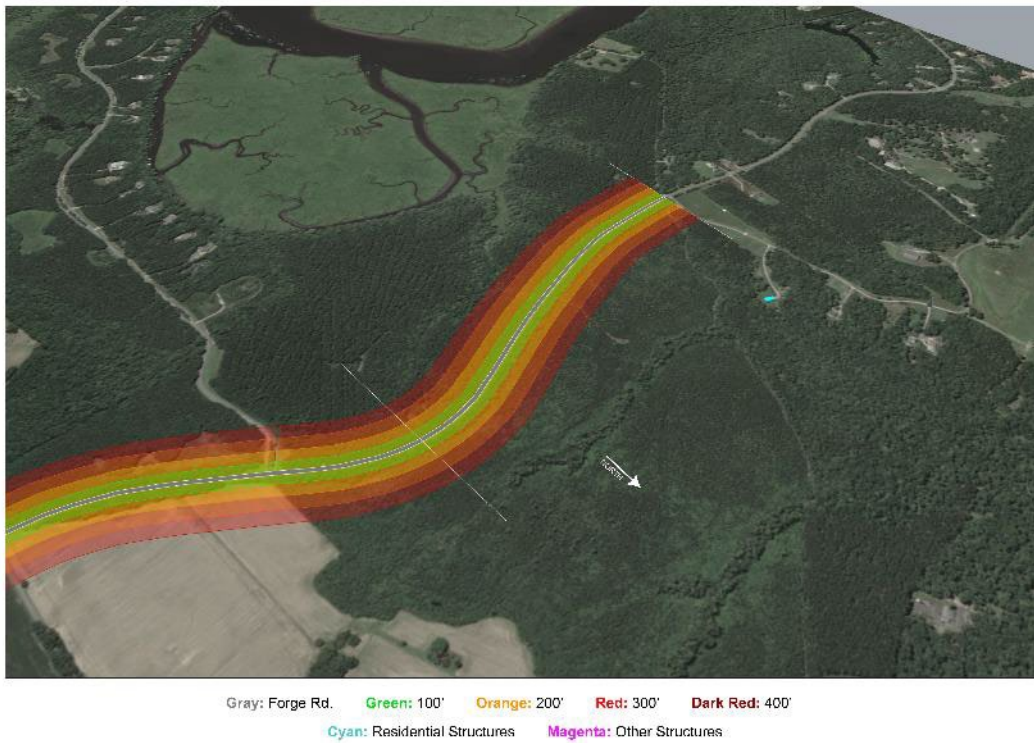


Figure 13. Potential distances - Segment A.

**JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Proposed Setbacks) - Segment B**



Figure 12. Potential distances - Segment B.

JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Proposed Setbacks) - Segment C

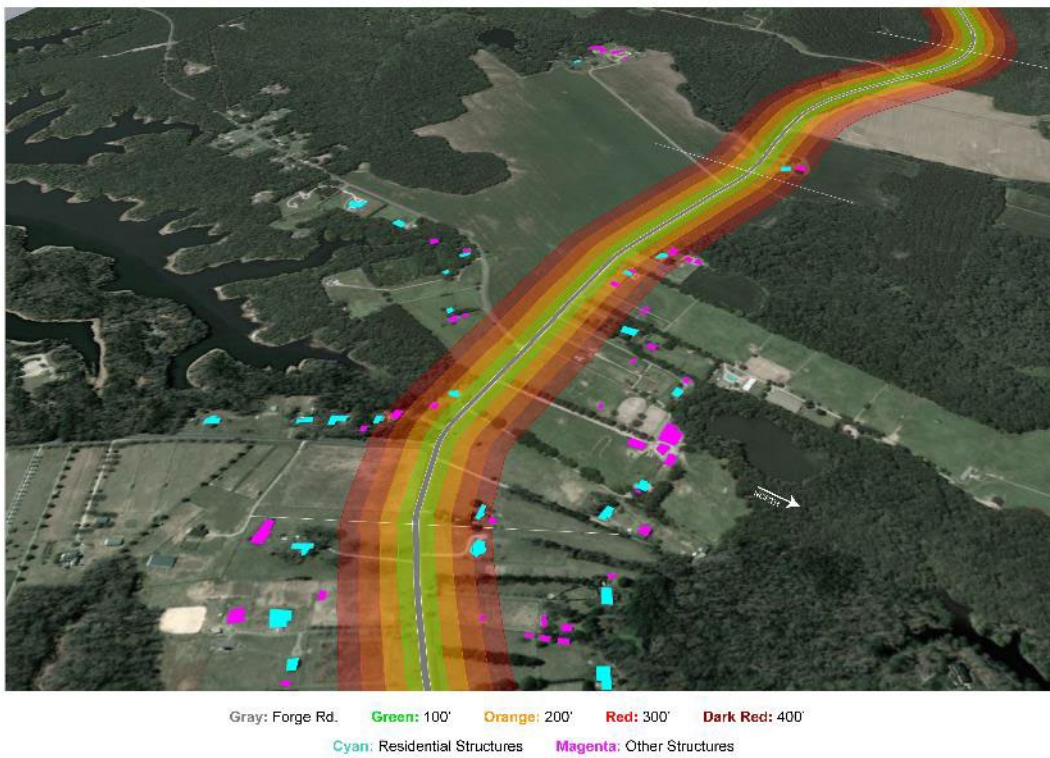


Figure 15. Potential distances - Segment C.

JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Proposed Setbacks) - Segment D

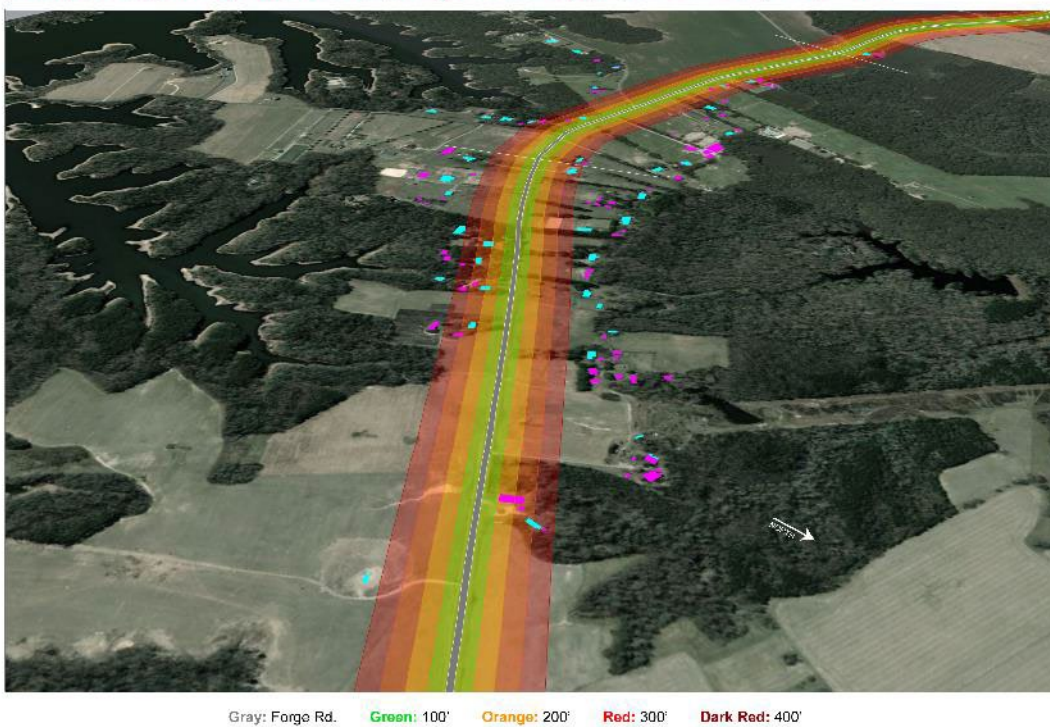


Figure 14. Potential distances - Segment D.

JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Proposed Setbacks) - Section E

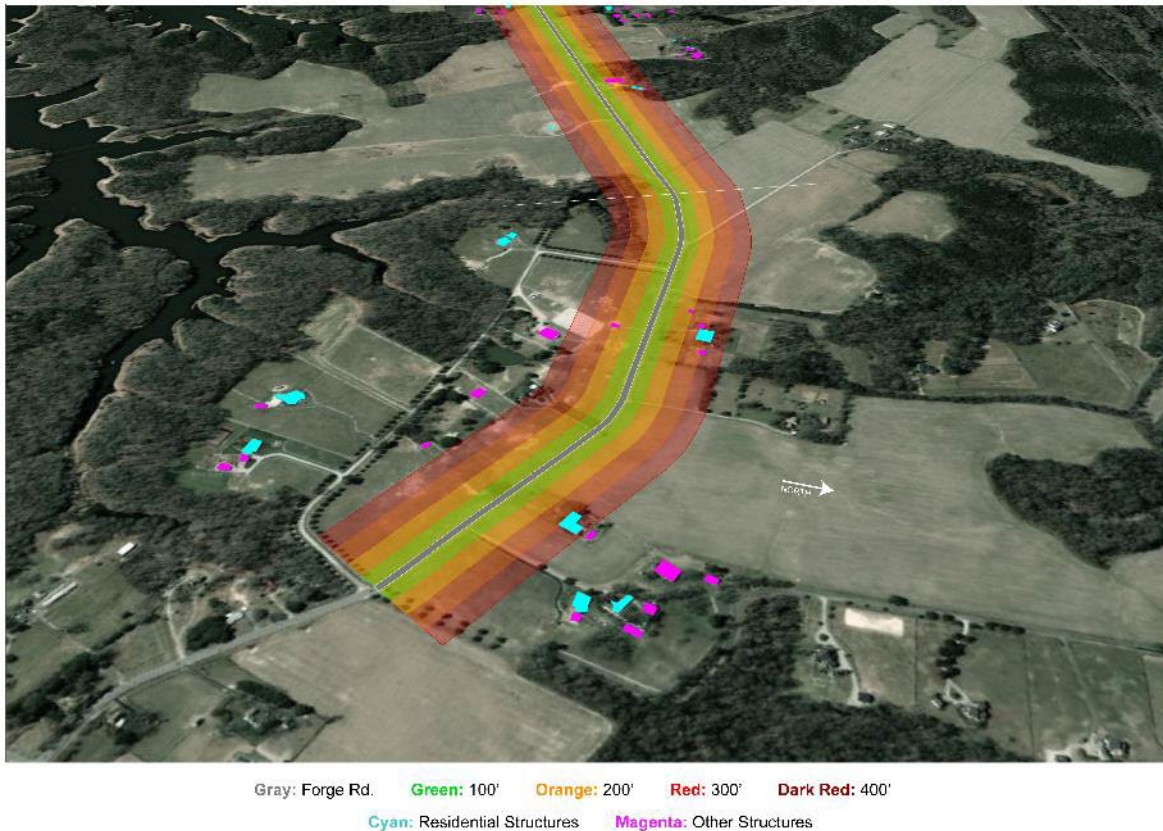


Figure 16. Potential distances - Segment E.

### Conclusions

The analysis of existing and potential distances through aerial photography provides a useful assessment of the existing conditions along Forge Rd and the existing setbacks of existing structures. A few summary findings from this analysis include:

- Very few existing structures are built right up to the existing setback line of 75 feet for the A1 zoning district.
- Only one residential structure in segment C and one residential structure in segment D approach the 100 foot distance line. Also, one nonresidential structure in segment D is also built at the 100 foot distance line.
- The majority of structures that fall within the potential distance buffers range from 200 to 400 foot distances.
- a great number of structures are set back well beyond the 400 foot distance line. Segments C and D show a wide variety of structures set well back from the road up to 1000 feet or more.
- In general, both the diversity of setbacks of existing structures and the extensive average distance from the road contribute to the scenic character of Forge Rd and ensure that view sheds are not dominated by views of houses or other structures.
- In addition, the rolling terrain and pattern of existing trees and vegetation break up the views of the structures and contribute to the overall pastoral viewsheds from the road.

**A G E N D A**  
**JAMES CITY COUNTY POLICY COMMITTEE**  
**REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**April 13, 2023**  
**3:00 PM**

---

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

**D. OLD BUSINESS**

1. ORD-22-0001. Amendments for Scenic Roadway Protection

**E. NEW BUSINESS**

**F. ADJOURNMENT**

**ITEM SUMMARY**

**DATE:** 4/13/2023

**TO:** The Policy Committee

**FROM:** Thomas Wysong, Senior Planner II; Jose Ribeiro, Senior Landscape Planner II; John Risinger, Planner

**SUBJECT:** ORD-22-0001. Amendments for Scenic Roadway Protection

---

**ATTACHMENTS:**

	<b>Description</b>	<b>Type</b>
☐	0. Memo	Cover Memo
☐	1. Resolution	Resolution
☐	2. Proposed Draft Language: Option 1 Setback Requirement: 400'	Resolution
☐	3. Proposed Draft Language: Option 2 Setback Requirement: 400', 200' for Shallow Lots	Backup Material
☐	4. Proposed Draft Language: Nonconformities Addition	Backup Material
☐	5. Proposed Draft Language: A-1 Major Subdivision Buffer	Backup Material
☐	6. Proposed Draft Language: Landscape Along ROW Revisions	Backup Material
☐	7. Proposed Draft Language: Timber Buffering and Setback Revisions	Backup Material
☐	8. Forge Road Exempt Parcels Map	Exhibit
☐	9. Old Stage Road Exempt Parcels Map	Exhibit

**REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>	<b>Action</b>	<b>Date</b>
Policy	Cook, Ellen	Approved	4/6/2023 - 2:36 PM
Policy	Holt, Paul	Approved	4/6/2023 - 2:47 PM
Publication Management	Pobiak, Amanda	Approved	4/6/2023 - 3:07 PM
Policy Secretary	Secretary, Policy	Approved	4/6/2023 - 4:10 PM

## MEMORANDUM

DATE: April 13, 2023

TO: The Policy Committee

FROM: Thomas Wysong, Senior Planner II  
Jose L. Ribeiro, Senior Landscape Planner II  
John Risinger, Senior Planner

SUBJECT: ORD-22-0001. Amendments for Scenic Roadway Protection

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### Introduction

At its January 24, 2023, meeting, the Board of Supervisors provided the following guidance to Planning staff and the Policy Committee:

1. Prepare an analysis of the 400-foot setback proposed for Old Stage Road and Forge Road with a proposed setback of 200-foot for the parcels 500 feet deep or less (shallow parcels) to examine the number of non-structures that would become nonconforming.
2. Examine whether a family subdivision could be exempt from the 400-foot or 200-foot proposed setback.
3. Consider the possibility of an overlay district (a County initiated rezoning) instead of or in addition to a zoning text amendment.
4. Proceed with the Policy Committee's recommended approach for buffering requirements along Wooded CCCs.

Staff has provided an analysis of Item Nos. 1-3 detailed above. Following this analysis, the memorandum provides information introducing the attached draft language for the proposed setbacks and buffers for Open/Agricultural CCCs and Wooded CCCs, respectively.

### 1. Analysis of setbacks for Shallow Parcels

Under the current A-1 Zoning District, the setback requirement for Forge Road is 75 feet from the right-of-way for most structures. Using the County's Geographic Information System (GIS), staff has conducted an analysis for two scenarios to examine the number of structures that would become nonconforming. In Option No. 1, there is a proposed 400-foot setback, with parcels having a lot depth of 500 feet or less adhering to the existing 75-foot setback. In Option No. 2, there is a proposed 400-foot setback, with parcels having a lot depth of 500 feet or less adhering to a 200-foot setback, unless that parcel has a lot depth of 200 feet or less, in which case it would adhere to the existing 75-foot setback. Staff finds that both options fulfill the intent of the Board's Initiating Resolution to protect the character of rural roadways, with Option No. 2 resulting in a small number of additional structures that would be nonconforming. For either option, the same setback is required to be applied for both roadways. Maps showing these parcels are included as Attachment Nos. 8 and 9.

Forge Road Analysis

*Option No. 1: 400-foot Setback, 75-foot Setback for Shallow Lots*

	Structures Within 400 Feet	Exempt Parcel Structures	Final
Residences	16	-6	10
Accessory Structures	24	-3	21
Total	40	-9	31

*Option No. 2: 400-foot Setback, 200-foot Setback for Non-Exempt Shallow Lots*

	Structures Within 400 Feet	Exempt Parcel Structures	Final
Residences	16	-2	14
Accessory Structures	24	-2	22
Total	40	-4	36

Old Stage Road Analysis

*Option No. 1: 400-foot Setback, 75-foot Setback for Shallow Lots*

	Structures Within 400 Feet	Exempt Parcel Structures	Final
Residences	33	-15	18
Accessory Structures	39	-14	25
Total	72	-29	43

*Option No. 2: 400-foot Setback, 200-foot Setback for Non-Exempt Shallow Lots*

	Structures Within 400 Feet	Exempt Parcel Structures	Final
Residences	33	-3	30
Accessory Structures	39	-3	36
Total	72	-6	66

**2. Family Subdivision**

Based on legal concerns, the County Attorney’s Office has recommended against exempting lots created via the family subdivision. This is due to the requirement that zoning regulations should be uniform for each class or kind of buildings and uses throughout each district; and must treat similarly situated property similarly. If the County were to require a 400-foot setback for only some but not all residential lots within a zoning district, the County would be potentially infringing upon this requirement. As such, the proposed draft language does not include an exemption for family subdivisions.

**3. Overlay District**

An Overlay District is a potential tool that could be utilized to establish unique development standards for a specific corridor within the County. Unlike the proposed setback idea, which requires the same standards be applied to classes of roadway, such as Open/Agricultural or Wooded CCCs, the Overlay District concept could be applied on a corridor-by-corridor basis. An Overlay District created on a corridor basis would allow standards to be created only for Forge Road or for Old Stage Road or any other road selected by the Board. Planning staff reviewed peer localities to determine if there are similar examples of Overlay Districts being established solely for rural preservation on a corridor-by-corridor basis.

This research shows that counties with Large-Lot and Rural Preservation Standards in their Zoning Ordinances tend not to have comparable standards for protecting the viewsheds from rural roads, other than basic front setback requirements. The most pertinent examples from staff’s research for rural preservation are the method employed by Albemarle County and Clarke County. Both use the State Code provision (Section 15.2-2306 of the Code of Virginia) that allows for localities to establish an Overlay District(s) with design standards and regulations through a review board for corridors that are included in, or lead to, any historic areas as defined by State Code (within the County or a contiguous locality) or roadways found to be significant routes of tourist access to the County.



In terms of process, the establishment of an Overlay District would require the County to initiate the rezoning of every parcel located within the proposed district, which could be hundreds of parcels, depending on the size of the proposed district. This process would require the typical rezoning process with public hearings. Staff finds that an Overlay District could be a useful tool for a Goals, Strategies and Action (GSA) that focuses on one particular area or corridor for a specific purpose but recommends continuing the setback approach in order to protect a broader set of scenic roads, which is the intent of the GSA.

### **Draft Language**

Staff has proposed draft language that includes the following considerations:

#### *Setbacks along Open/Agricultural Community Character Corridors:*

- A proposed setback of 400-foot for A-1 parcels abutting Open/Agricultural CCCs (Forge Road and Old Stage Road) outside of the Primary Service Area (PSA) that have an average lot depth greater than 500 feet. The draft language for this item is included in Attachment No. 2. This concept was discussed and recommended by the Policy Committee at its previous meeting.
- The two options described earlier in this memorandum for proposed setbacks for A-1 parcels abutting Open/Agricultural CCCs (Forge Road and Old Stage Road) outside of the PSA that have an average lot depth 500 feet or less.
  - Option No. 1: A 75-foot setback for parcels that have an average lot depth 500 feet or less. The draft language for this option is included in Attachment No. 2.
  - Option No. 2: A 200-foot setback for parcels that have an average lot depth 500 feet or less except that parcels with an average lot depth of 200 feet or less shall have a 75-foot setback. The draft language for this option is included in Attachment No. 3.
- An exemption permitting nonconforming structures to be expanded, provided the expansion does not further encroach on the setback. The draft language for this item is included in Attachment No. 4. This concept was discussed and recommended by the Policy Committee at its previous meeting.

#### *Buffers along Wooded Community Character Corridors:*

- Proposed landscape buffer requirements along Wooded CCCs including a 100-foot-wide buffer average for commercial projects and 200-foot-wide buffer average for major residential developments. The draft language for this item is included in Attachment Nos. 5 and 6.
- A timbering setback of at least 50-foot on properties along Wooded CCCs outside the PSA. The draft language for this item is included in Attachment No. 7.

### **Staff Recommendation**

Staff recommends that the Policy Committee select Option No. 1 or Option No. 2 detailed above, and proceed with the nonconforming structures exemption language. Staff also recommends the Policy Committee proceed with the proposed draft buffer and timbering setback language revisions. Should the Policy Committee wish to proceed with the Overlay District option, staff recommends first requesting further direction from the Board and treating the Overlay District option as a separate potential Ordinance amendment.

TW/JLR/JR/ap

ORD22-1ScRdPrAmd-mem

Attachments:

1. Initiating Resolution
2. Proposed Draft Language: Option 1 Setback Requirement: 400'
3. Proposed Draft Language: Option 2 Setback Requirement: 400', 200' for Shallow Lots

4. Proposed Draft Language: Nonconformities Addition
5. Proposed Draft Language: A-1 Major Subdivision Buffer
6. Proposed Draft Language: Landscape Along ROW Revisions
7. Proposed Draft Language: Timber Buffering and Setback Revisions
8. Forge Road Exempt Parcels Map
9. Old Stage Road Exempt Parcels Map

## RESOLUTION

### INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE AND

### SUBDIVISION ORDINANCE TO PROVIDE ADDITIONAL REQUIREMENTS TO PROTECT

### AND PRESERVE SCENIC ROADWAYS SUCH AS FORGE ROAD


WHEREAS, section 15.2-2286(A)(7) of the Code of Virginia, 1950, as amended (the "Virginia Code"), and County Code Section 24-13 authorize the Board of Supervisors of James City County, Virginia (the "Board"), to, by resolution, initiate amendments to the regulations of the Zoning Ordinance that the Board finds to be prudent and required by public necessity, convenience, general welfare, or good zoning practice; and

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

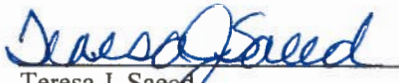
WHEREAS, the Board is of the opinion that the public necessity, general welfare, and good zoning practice warrant the consideration of amendments to the Zoning Ordinance and Subdivision Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate amendment of the James City County Code, Chapter 24, Zoning in order to consider additional requirements to protect and preserve scenic roadways such as Forge Road. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Zoning Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request the Planning Commission to prepare and recommend amendments to Chapter 19, Subdivisions, in order to consider additional requirements to protect and preserve scenic roadways such as Forge Road. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Subdivision Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.

  
Michael J. Hipple  
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>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of November, 2021.

InitConsdForgeRd-res

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## Sec. 24-215. Setback requirements.

- (a) *Except for those roadways identified in Sec. 24-215 (c),* structures, except those associated with intensive agricultural uses, shall be located a minimum of 50 feet from any street right-of-way which is 50 feet or greater in width. If the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 75 feet from the centerline of the street; except that where the minimum lot area is three acres or more, the minimum setback shall be 75 feet from any street right-of-way which is 50 feet or greater in width and 100 feet from the centerline of any street right-of-way less than 50 feet in width. Devices for nutrient management plans, pens, and structures associated with intensive agricultural uses shall be 250 feet from any dwelling not owned by the operator of the use, all property lines not associated with the use, all public roads, and 1,000 feet from platted residential subdivisions, residentially zoned districts, areas designated for residential use on the comprehensive plan, schools, parks and playgrounds, recreation areas, public wells, water tanks and reservoirs.
- (b) All subdivisions platted and recorded prior to March 1, 1969, with building setback lines shown on their recorded plat will be allowed to adhere to these established setback lines.
- (c) *For parcels abutting a portion of a road right-of-way designated an Open/Agricultural Community Character Corridor and located outside of the Primary Service Area on the Comprehensive Plan Future Land Use Map, structures shall be located a minimum of 400 feet from the right-of-way. For those parcels containing a lot depth of 500 feet or less or those parcels approved as a flag lot as of January 1, 2023, the applicable setback shall be pursuant to Sec. 24-215 (a).*

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

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## Sec. 24-215. Setback requirements.

- (a) *Except for those roadways identified in Sec. 24-215 (c), structures, except those associated with intensive agricultural uses, shall be located a minimum of 50 feet from any street right-of-way which is 50 feet or greater in width. If the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 75 feet from the centerline of the street; except that where the minimum lot area is three acres or more, the minimum setback shall be 75 feet from any street right-of-way which is 50 feet or greater in width and 100 feet from the centerline of any street right-of-way less than 50 feet in width. Devices for nutrient management plans, pens, and structures associated with intensive agricultural uses shall be 250 feet from any dwelling not owned by the operator of the use, all property lines not associated with the use, all public roads, and 1,000 feet from platted residential subdivisions, residentially zoned districts, areas designated for residential use on the comprehensive plan, schools, parks and playgrounds, recreation areas, public wells, water tanks and reservoirs.*
- (b) All subdivisions platted and recorded prior to March 1, 1969, with building setback lines shown on their recorded plat will be allowed to adhere to these established setback lines.
- (c) *For parcels abutting a portion of a road right-of-way designated an Open/Agricultural Community Character Corridor and located outside of the Primary Service Area on the Comprehensive Plan Future Land Use Map, structures shall be located a minimum of 400 feet from the right-of-way. For those parcels containing a lot depth between 500 feet and 200 feet as of January 1, 2023, structures shall be located a minimum of 200 feet from the right-of-way. For those parcels containing a lot depth of 200 feet or less or those parcels approved as a flag lot as of January 1, 2023, the applicable setback shall be pursuant to Sec. 24-215 (a).*

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

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## Sec. 24-633. Expansion/improvements to nonconforming uses.

- (a) *Restriction for structure.* A nonconforming use may be extended throughout any part of a structure originally arranged or designed for such activity; provided, that current parking requirements shall be adhered to upon such extension.
- (b) *Restriction for area.* Any permitted expansion shall occur only on the lot occupied by the nonconforming use or structure and no area of any lot not originally devoted to the nonconforming use shall be utilized for any aspect of such expansion notwithstanding the combination of lots to bring a nonconforming structure into compliance.
- (c) *One-family dwellings.* For a nonconforming one-family dwelling use, the dwelling may be expanded without limitation, except as provided for in this chapter. In addition, new or expanded residential accessory structures and uses (such as a storage shed, garage, swimming pool, etc.) may be permitted subject to the provisions of this chapter. Expansion of the dwelling and new or expanded accessory structures and uses shall meet all current zoning requirements, including height, yard and setbacks, for the zoning district in which they are located or the R-1 zoning district if such dwelling is not located in a zoning district where a residential use is permitted. In no case shall a nonconforming one-family dwelling be modified to accommodate additional dwelling units.
- (d) *Business or industrial uses.* For uses in any district where the activity is permitted in the zoning district in which the lot is located, but where the current zoning requirements (including, but not limited to, parking, yards, setbacks, landscaping, screening and buffering, height, signs, lot coverage, connection to public sewer and water) are not met, expansion of the building, and expansion of the land area within the lot devoted to activities other than buildings, may be approved, provided all current zoning requirements applicable to the expansion are met.
- (e) *Businesses or industrial uses not connected to public water and sewer.* Expansion of a use meeting all zoning requirements except for connection to public water and public sewer may be permitted upon approval of a special use permit excepting the use from the public water and public sewer requirements.
- (f) *Expansion allowance resulting from right-of-way dedication.* Existing business or industrial uses which are permitted within any district and which have been made nonconforming with respect to open space, perimeter landscape requirements or setback requirements as a result of a right-of-way dedication to the county or the Virginia Department of Transportation without compensation shall be allowed to expand in accordance with the current zoning ordinance under the conditions which existed prior to the dedication.
- (g) *Miscellaneous changes.* Minor alterations, cosmetic modifications, interior renovations and similar changes for nonconforming uses or structures may be permitted, subject to the following standards:
  - (1) Such changes shall not increase the land area occupied by any aspect of the nonconforming use and shall not increase the gross floor area of any nonconforming structure; and,
  - (2) Such construction shall meet all current zoning ordinance requirements for the zoning district in which the nonconforming use is located or the zoning district assigned by the zoning administrator as a part of the nonconforming use verification process, whichever requirements are more strict.
- (h) *Expansion required by law.* Improvements may be made to the nonconforming use or structure for the sole purpose of accessibility or public safety when such improvements are necessitated by a local, state, or federal law. Such improvements may be approved by the zoning administrator and are not subject to paragraphs (d) and (g) of this section.
- (i) *Expansion allowance for Community Character Corridor-Open/Agricultural.* Existing structures or uses that are permitted within any district and which have been made nonconforming as a result of the establishment

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*of the setback requirements per Sec. 24-215 (c) shall be allowed to expand, provided the expansion does not further encroach within the setback.*

(Ord. No. 31A-188, 4-13-99; Ord. No. 31A-268, 6-12-12)



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**Sec. 24-223. Buffer requirements.**

(a) *Right-of-way buffer. Within any major subdivision approved under this division, there shall be planned and maintained buffers along all external existing and planned road rights-of-way, as follows:*

- (1) *The minimum right-of-way buffer on Wooded Community Character Corridors located outside the Primary Service area as defined in the Comprehensive Plan shall be 200 feet.*
- (2) *The right-of-way buffer shall be planted in accordance with section 24-96, General landscape area standards and shall also adhere to the Community Character Corridor Buffer Treatment Guidelines and Map.*
- (3) *Waiver provisions. The planning director may reduce the buffer depth requirements specified in (1) of this section for residential developments when:*

*(i)The developer demonstrates that due to natural or protected features, or due to adjoining physical features, a reduced buffer will screen the development as effectively as a full buffer; or*

*(ii)The developer demonstrates that the development will be adequately screened and buffered from the road using berms and landscaping. Such a request shall be supplemented with a landscaping plan and/or planting plan with photos of the existing site.*

*In no case shall the right-of-way buffer be reduced by a waiver provision to less than 100 feet. The planning director may also, in the event of granting a waiver, require additional landscaping as determined on a case-by-case basis.*

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

- (1) *The buffer in which the temporary stockpile is to occur is non-wooded, defined as having no mature trees.*
- (2) *The stockpile shall not be visible from a Community Character Corridor or Community Character Area, unless the soil stockpiling is needed for approved berming in that buffer.*
- (3) *Stockpiles shall not exceed 35 feet in height.*
- (4) *Stockpiles shall be temporary, with a time limit of six months.*
- (5) *Once the use of the temporary soil stockpiles is completed, the ground must be adequately prepared for planting and revegetated in a manner that meets or exceeds the amount and quality of vegetation on the site previously.*
- (6) *Stockpiling shall conform with any applicable requirements of the Virginia erosion and sediment control regulations, the Virginia erosion and sediment control handbook and county erosion and sediment control program policies.*

(c) *Limitations on buffers. Structural BMPs such as wet and dry ponds shall not generally be permitted in the buffers, except that the planning director may approve them under the following circumstances:*

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

(d) *Improvements allowable within buffers. An entrance road, community and directional signage, bicycle and/or pedestrian paths, and utility connections and drainage improvements shall be permitted within the buffer with approval of the planning director. Permitted utilities and constructed drainage conveyance systems shall*

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*cross the buffer at or near a perpendicular angle to the property line, with clearing kept to a minimum necessary to accommodate the utilities, except that minor improvements to natural drainage channels may be permitted at a different angle to the property line upon approval of the planning director.*

- (e) Roads within buffers. Entrance roads through these buffers shall be built to the narrowest cross-section possible. Roads and open space shall be located and designed in a manner that minimizes views of structures within the development from the adjoining primary or secondary road as determined by the planning director.*
  - (f) Appeals. In the event the planning director disapproves the items specified in this section or recommends conditions or modifications that are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee which shall forward a recommendation to the planning commission. Any appeal shall be in writing and may be subject to fees as specified in article I of this chapter.*
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**Sec. 24-98. Landscape area(s) along right(s)-of-way.**

- (a) *Width requirements.* A landscape area having an average width as specified in the following chart shall be provided adjacent to any existing or planned road right-of-way.

<b>Width Requirements for Landscape Areas along Right(s)-of-Way.</b>			
<b>(1) Community Character Corridors</b>			
	Standard	Minimum width conditioned upon approval of planning director. Reference section 24-98(e) for the criteria.	Reduction for lots less than 1.5 acres which were recorded or legally in existence prior to July 3, 1990.
Average Width	50-feet	30-feet	20-feet or 10% of the average lot depth, whichever is greater.
Minimum Width	25-feet	20-feet	15-feet
<b>(2) Wooded Community Character Corridors Outside the Primary Service Area</b>			
	<i>Standard</i>		<i>Reduction for lots less than 1.5 acres which were recorded or legally in existence prior to July 3, 1990.</i>
<i>Average Width</i>	<i>100-feet</i>		<i>20-feet or 10% of the average lot depth, whichever is greater.</i>
<i>Minimum Width</i>	<i>50-feet</i>		<i>15-feet</i>
<b>(23) All Other Roads</b>			
	Standard		Reduction for lots less than 1.5 acres which were recorded or legally in existence prior to July 3, 1990.
Average Width	30-feet		20-feet or 10% of the average lot depth, whichever is greater.
Minimum Width	15-feet		15-feet
<b>(34) Further Reductions for Master Planned Communities with Approved Design Guidelines.</b>			
The standards provided above can be further reduced for developments that are part of an approved master-planned community and have a governing set of design guidelines approved by the county. The design guidelines shall specify architectural standards, building placement and massing, parking location, sidewalks, street-lighting, streetscape standards, landscaping, signage, and other important community aesthetic features.			

- (b) *Square footage calculation for landscape areas.* All landscape areas along a right-of-way shall contain a minimum amount of square footage which shall be equal to:

Square Footage Calculation
Square Footage = [Applicable Average Width Requirement] * [Length of Right-of-Way Frontage]

In no case shall any portion of any landscape area located more than 125 feet from the right-of-way of a Wooded Community Character Corridor outside the Primary Service Area, 65 feet from the right-of-way of all other Community Character Corridors or 45 feet from the right-of-way along all other roads be counted toward meeting the requirements of this paragraph. All required square footage shall be contiguous and located in an area that is directly adjacent to the right-of-way except as provided for in section 24-98 (f)(1).

- (c) *Outdoor operations and storage.*

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Any commercial or industrial operation or storage conducted in whole or in part out-of-doors shall:

- (1) Be screened from the right of way and conform to the landscape requirements in section 24-98 and 24-100 (a) of the zoning ordinance. Evergreen tree and shrub mixture requirements of section 24-94 (b) shall be used to screen the outdoor operations from the public right-of-way; and
  - (2) Be well drained with adequate provisions to control storm drainage and erosion; and
  - (3) Where the ground cover would be routinely disturbed because of the nature of the activity to be conducted or because of vehicular traffic, the area shall be maintained in an all-weather surface; and
  - (4) Be screened from adjacent property by landscaping and fencing, except that outdoor displays for sale of vehicles, equipment, machinery and/or plant materials shall be exempt from the screening requirements where such screening would materially interfere with the visibility of the items for sale from a public road; and
  - (5) Be limited to uses and items to be stored which do not create noise, odor, dust or other objectionable effects. The effects of an activity shall be assessed at the nearest property line.
- (d) *"Construction zone" setback for structures.*
- (1) All structures shall be setback a minimum of 15-feet from the perimeter of the landscape area buffer required in section 24-98 (a). For example, if the required landscape area buffer measures 50-feet in width from the right-of-way, then the structure(s) shall be no closer than 65-feet from the right-of-way.
  - (2) The "construction zone" setback shall be clearly delineated on the site plan.
  - (3) This "construction zone" setback shall not apply to parking lots. Parking lots may be constructed up to the edge of the required landscape buffer provided no grading, tree removal, or land disturbance occurs within the required landscape buffer.
- (e) *Waiver criteria for landscape areas along Community Character Corridors.* The average width requirement of the required landscape areas along Community Character Corridors may be reduced by the planning director if subsection(s) (1) and/or (2) provided below is satisfied. In no case shall the total reduction exceed 20 feet. In deciding whether a reduction in the standard landscape area width is warranted, the planning director shall consider the impact of proposed road and/or utility improvements on existing trees and vegetation. Planned road and/or utility improvements that will remove existing trees and vegetation will reduce the likelihood of a reduction in landscape area required. In approving a reduction request, the planning director may require additional plantings beyond the minimum ordinance requirements, alter the mixture of plantings provided, and/or specify the types of plantings to be used.
- (1) The applicant may achieve a maximum reduction of 10 feet by providing superior site design with a combination of elements such as:
    - a. Parking located away from public view behind buildings or screened by other architectural features (i.e. decorative brick walls);
    - b. Innovative use of grading and topography to minimize visual impacts of parking and other unsightly features (i.e. dumpsters, HVAC equipment, loading areas, etc.);
    - c. Provision of pedestrian amenities beyond what the ordinance requires. Examples may include brick pavers to connect existing and planned pedestrian walkways, lighting, and benches; or
    - d. The use of monument style signs that are of a scale and type that complement the positive features of the surrounding architecture and streetscape. The use of wood, brick, or other natural features is recommended.
  - (2) The applicant may achieve a maximum reduction of 15 feet by providing superior architecture and building materials that meet the following standards.

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- a. The building architecture and materials complement the positive features of nearby existing or planned development and/or the character of Colonial Williamsburg and James City County;
  - b. Architecture and materials should be unique and not replicate standard and/or conventional prototypes; and
  - c. The proposed location of the building and parking areas shall not require the removal of specimen trees or large stands of viable mature trees.
- (f) *Right-of-way landscape area performance standards.*
- (1) Permitted breaks in landscape areas.
    - a. All landscape areas along rights-of-way shall be continuous along the road right-of-way frontage, except where driveway, utility or other breaks running perpendicular to the right-of-way are necessary, and shall be designed in a manner that achieves the intent of this division.
    - b. No new utilities, outside of those running parallel to permitted breaks in the required landscape areas, shall be located within the required landscape area(s) unless a waiver is granted by the planning director. The planning director shall grant a waiver only if the applicant can sufficiently demonstrate that there are unavoidable physical or regulatory constraints that warrant an intrusion into the landscape area.
  - (2) Tree preservation and criteria for tree removal.
    - a. All existing viable mature trees (eight inches or greater diameter at breast height (DBH)) and specimen trees (24 inches or greater DBH) shall be preserved within the required right-of-way landscape area. All understory trees of two inches or greater DBH shall be preserved.
    - b. The planning director or his designee may permit the removal of understory and overstory trees exceeding these size thresholds after an on-site inspection. The trees must be tagged to allow for easy identification. The planning director or his designee shall authorize removal of the tagged trees only if they are of poor quality, diseased, not consistent with the existing or planned plant species and design, poorly situated so as to interfere with the growth of other viable trees and/or shrubs, compromise safety, or interfere with other planned site improvements such as sidewalks and/or signs.
  - (3) Buffer grooming and enhancement.
    - a. Trees below the size thresholds stated above in paragraph (2) and underbrush may be hand-removed from the landscape area. No grading shall be permitted; however, hand grooming is permitted.
    - b. Overstory tree limbs may be removed/"limbed-up" to a maximum height of ten feet above the base of the tree. Understory tree limbs may be removed/"limbed-up" to a maximum height of six feet. These height limitations shall not restrict the removal of dead, diseased, or injured tree limbs above the height limits mentioned above.
  - (4) Tree protection required. The required landscape area shall be fully protected by a substantial, temporary fence or barrier with a minimum height of 40-inches. The location, type, and installation standards for this fence shall be clearly shown on the site plan. This fence shall be installed prior to the issuance of a land disturbance permit and shall remain standing until all construction activities on site have been completed.
  - (5) Landscaping required. Required landscape areas shall be supplemented where necessary with planted trees and shrubs to achieve the minimum number of trees and shrubs specified in section 24-96.

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- (6) Landscaping treatments of community character corridor buffers. Right-of-way landscape areas along community character corridors as designated on the Community Character Corridor Buffer Designation and Treatment Map shall be designed to meet the design standards found in the Community Character Corridor Buffer Treatment Guidelines as determined by the planning director.

(Ord. No. 31A-88, § 20-12.2, 4-8-85; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-125, 8-20-90; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-168, 5-14-96; Ord. No. 31A-200, 7-13-99; Ord. No. 31A-253, 11-22-11)

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## Sec. 24-43. Buffer and setback requirements for timbering activities.

The requirements in this section shall apply to timbering activities located in all districts. This section shall not apply to tree removal activities conducted as part of a site plan, subdivision plan, or building permit that is currently under review by the county or has received final approval. Approval of site plans, subdivision plans, or building permits shall be in accordance with other provisions of the zoning ordinance and shall not be governed or guided by the provisions of this section. This section shall also not apply to timbering activities where all timbering is conducted outside of the buffers or setback for timbering listed in paragraph (1), (2) or (3) or for timbering within such buffers or setback for timbering to construct access drives having a maximum width of 30 feet. The following provisions shall apply to all timbering activities subject to this section except as otherwise noted:

- (1) *Buffer along public roads.* This paragraph shall not apply to the General Agricultural District, A-1. An undisturbed buffer at least 75 feet wide shall be maintained along all public roads. No trees or other vegetation shall be removed from this buffer except as permitted under this section.
- (2) *Buffer along community character corridor.* This paragraph shall not apply to the General Agricultural District, A-1. On all other property fronting on roads that are identified as community character corridors on the comprehensive plan, an undisturbed buffer at least 150 feet wide shall be maintained along the community character corridor on properties that are zoned residential. No trees or other vegetation shall be removed from this buffer except as permitted under this section.
- (3) *Setback for timbering.* In the General Agricultural District, A-1, for properties that are in the primary service area, all timbering activities shall be located a minimum of 50 feet from any public road right-of-way unless done in accordance with other provisions in section 24-43. This distance shall be known as the setback for timbering. In the general agricultural district, A-1, for properties outside the primary service area, there shall be no setback for timbering *except that those parcels adjacent to Wooded Community Character Corridors shall have a 50 feet wide setback for timbering.*
- (4) *Buffer and setback for timbering measurement and determinations.* The width of required buffers and setbacks for timbering shall exclude any planned future right-of-way as designated on the Six-Year Primary or Secondary Road Plan.
- (5) *Tree protection.* Required buffer areas and setbacks for timbering shall be marked by painting trees along the interior edge of the buffer. Equipment, timber, or other materials shall not be placed within the buffer or setback for timbering area.
- (6) *Processing requirements.* Prior to commencing any timbering activities within a buffer or setback for timbering except for a 30-foot access drive, the property owner or agent shall complete a timber buffer modification application and submit it along with a James City County Tax Map (with topography) to the planning director that shows the site's property lines, any existing and proposed driveway entrances, required buffer areas, and setbacks for timbering, and tree protection measures. The planning director shall determine whether to permit timbering activities within a buffer or setback for timbering in accordance with paragraphs (7) and (8) below. Upon approval of the application by the planning director, timbering activities within a buffer or setback for timbering may proceed. All timbering activities within a buffer or setback for timbering including location of driveways or any other land disturbing activities, shall take place only in those areas indicated on the approved map and in accordance with the methods approved by the planning director. The planning director shall have no more than ten working days from the filing of such application to approve or disapprove the application. If disapproved, the planning director shall write a letter to the applicant identifying the revisions to be made to gain approval.
- (7) *Modifications.* The planning director may grant modifications to the buffer, setback for timbering, and tree protection requirements when, in the opinion of the planning director, an alternative design

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provides equivalent measures, or retains the rural character of the property, or when buffers, setbacks for timbering, or tree protection are unnecessary due to a site's physical conditions such as topography or presence of streambeds, wetlands or other natural features. The planning director may also permit tree removal within the buffer or setback for timbering when trees are weakened, dying, diseased, or insect damaged, or, in the opinion of the state forester or a certified horticulturalist, unlikely to survive or such removal will enhance the long term effectiveness of the buffer or setback for timbering as a visual barrier.

- (8) *Partial timbering within a buffer or setback for timbering.* The planning director may approve partial timbering of buffer areas and setback for timbering and the use and type of equipment for partial timbering, after considering the following:
- a. The effect of the timbering on the long-term effectiveness of the buffer area, or setback for timbering and on adjacent roads and properties;
  - b. The anticipated development of the property and the surrounding area;
  - c. The condition of any adjacent dwelling or subdivision including whether the structures are abandoned or dilapidated;
  - d. Any recommendations of the state forester or a certified horticulturalist, including recommendations on the use and type of equipment for partial timbering;
  - e. The health and diversity of trees with emphasis on protection of mixed hardwood trees, and the reforestation of the buffer or setback for timbering; and
  - f. The market value of the timber in the buffer or setback for timbering and the timber to be removed, and the market value of the timber on the balance of the property.
- (9) *Development review committee review.* The development review committee shall consider the timber buffer modification application if there are unresolved problems between the applicant and the planning director.
- (10) *Tree Replacement.* If timbering occurs within the buffers or setbacks for timbering described above in paragraphs (1), (2) and (3) and such timbering is not approved in accordance with paragraphs (7) and (8) above, trees shall be replaced at a ratio of one tree for each 800 square feet of area timbered. All replacement trees shall be of a species native to eastern Virginia. Such trees shall meet the standards for trees stated in section 24-2. The number and type of trees and their placement shall be approved by the planning director.

All trees shall be planted within 30 days from the date the trees were removed from the buffer or setback unless such period does not fall within the planting season. In such cases, their replacement in the next planting season (October 1 through March 31) shall be guaranteed by entering into a written agreement with the county and furnishing to the county a certified check, bond with surety satisfactory to the county, or a letter of credit in an amount to cover all costs of the plantings and their installation as estimated by the planning director. Such written agreement shall be entered into and such financial guarantee shall be provided to the county within 30 days from the date the trees were removed. The form of the agreement, financial guarantee, or type of surety shall be to the satisfaction of and approved by the county attorney. If the improvements are not completed in a timely manner, the planning director shall proceed to complete the improvements by calling on the surety or financial guarantee. After the first full growing season (February 1 to November 30) after planting, any trees not in a healthy growing condition or determined to be dead, diseased, or dying, shall be replaced as determined by the planning director. Thereafter, all trees shall be maintained in a healthy growing environment and in a healthy growing condition.



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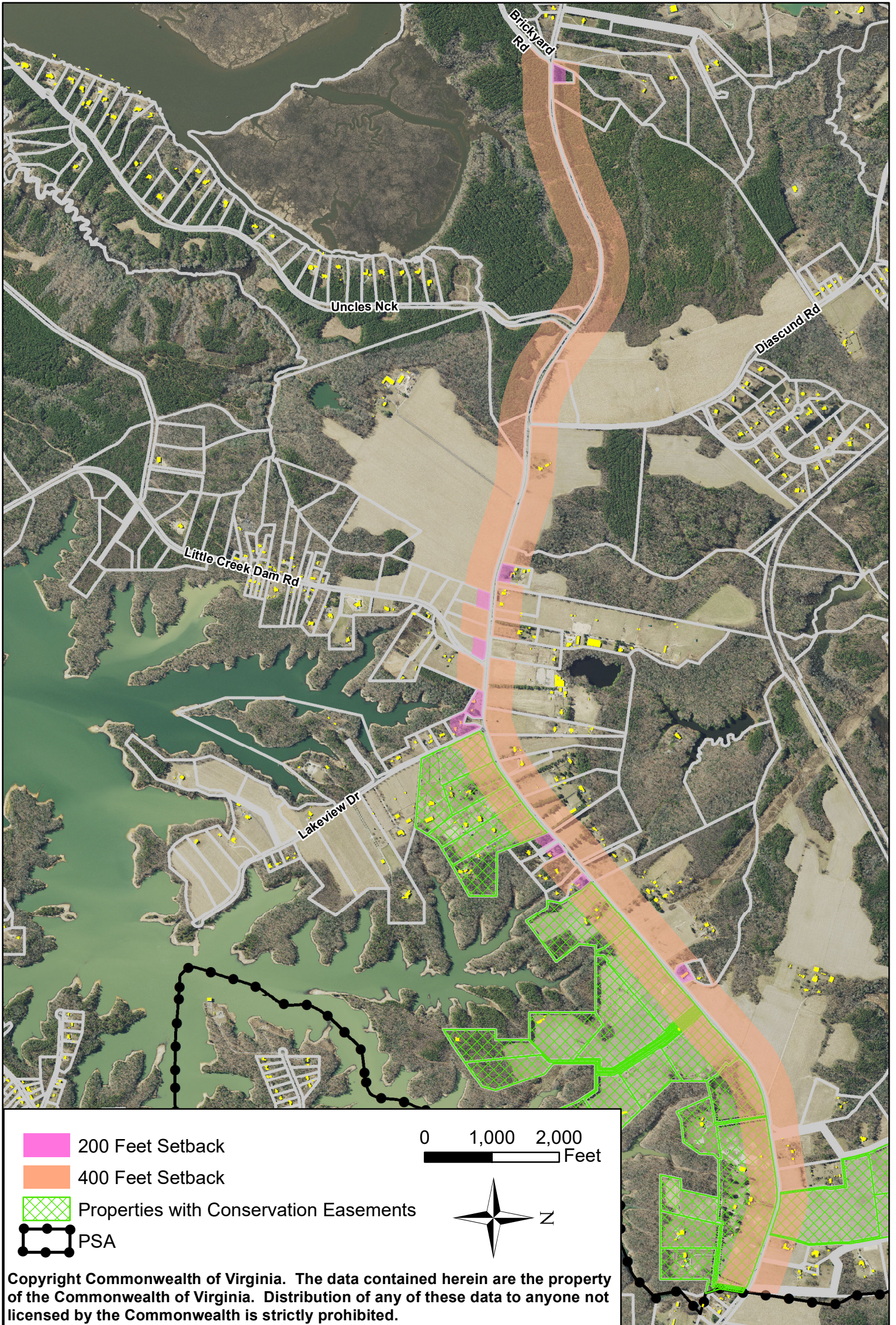
The planning director may allow some or all of the trees required by this paragraph to be planted outside the buffer or off-site when, if in the opinion of the planning director, such an alternative mitigates the environmental, buffering, or wildlife habitat impacts of the tree removal.

- (11) *Violations and penalties.* Prior to any criminal or civil enforcement under this section, the administrator or his designee shall give five days written notice of the violation to the owner of the property prior to commencing enforcement. The violation of any provision of this section concerning tree replacement in paragraph 10 above is subject to a civil fine pursuant to section 24-22. The violation of any other provisions in this section is subject to a criminal sanction under section 24-22.

(Ord. No. 31A-167, 3-26-96; Ord. No. 31A-169, 5-28-96; Ord. No. 31A-204, 5-8-01; Ord. No. 31A-257, 11-22-11)



# JCC ORD-22-0001, Amendments for Scenic Roadway Protection. Forge Road Corridor





# JCC ORD-22-0001, Amendments for Scenic Roadway Protection. Old Stage Road Corridor



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**Unapproved Minutes of the April 13, 2023  
Policy Committee Regular Meeting**

1. ORD-22-0001. Amendments for Scenic Roadway Protection.

Mr. Wysong stated staff prepared several items for review by the Policy Committee at the direction of the Board of Supervisors (BOS). Mr. Wysong summarized the material in the staff report and asked the Committee for guidance.

The Committee discussed the options presented in the staff memo. Items of discussion included whether Old Stage Road could be removed as a Community Character Corridor (CCC) so as to focus regulations on Forge Road as the only Open/Agricultural CCC; whether the draft language would allow for a nonconforming structure to be rebuilt; whether there was a need for an enhanced setback with the recent change in minimum lot sizes; and whether future cluster developments as permitted in the A-1 district would change the character of the Rural Lands if they were permitted to be built at the setback distances currently allowed in the ordinance.

The Committee agreed that preserving rural character was an important goal, and compensation of some nature should be considered for property owners given recent regulation changes and this proposed setback change.

Some Committee members expressed support for the 400-foot setback as the appropriate distance for the enhanced setback.

Other Committee members stated that the enhanced setback was not appropriate given the impact on property owners and the restrictions it would place on the use of their land, particularly given other recent regulation changes.

The Committee discussed using the overlay district tool, with a tiered approach to putting regulations in place for the roads, starting with developing regulations for Forge Road. The Committee decided to defer a recommendation on the setback approach until staff was able to come back with more answers on the legal feasibility of this type of overlay district approach. The Committee also expressed interest in exploring linking setback distances to the height or size of the proposed residential unit.

The Committee discussed with staff whether to vote on the draft buffer and timbering language now or wait until the setback approach is decided and vote on all of the draft language at a future meeting.

Mr. Krapf made a motion to recommend approval of the draft Ordinance language for the draft buffer and timbering language revisions as shown in the Memorandum to the Planning Commission. The motion passed 3-0.

**ITEM SUMMARY**

**DATE:** 5/23/2023

**TO:** The Board of Supervisors

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

**SUBJECT:** Joint Work Session with the Planning Commission: Short Term Rentals

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Exhibit	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Management	Holt, Paul	Approved	5/8/2023 - 12:09 PM
Publication Management	Daniel, Martha	Approved	5/8/2023 - 12:23 PM
Legal Review	Kinsman, Adam	Approved	5/8/2023 - 1:13 PM
Board Secretary	Saeed, Teresa	Approved	5/12/2023 - 11:20 AM
Board Secretary	Rinehimer, Bradley	Approved	5/12/2023 - 1:24 PM
Board Secretary	Saeed, Teresa	Approved	5/16/2023 - 11:32 AM

## MEMORANDUM

DATE: May 23, 2023

TO: The Board of Supervisors  
The Planning Commission

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

SUBJECT: Short-Term Rentals

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As part of the 2045 Comprehensive Plan, adopted on October 26, 2021, the Land Use chapter was updated to include a discussion on short-term rentals.

As noted in the Plan, many, but not all, residential districts require a Special Use Permit (SUP) for either tourist homes or rental of rooms, which allows for a legislative review process and conditions to be stipulated which protect the character of the surrounding area. Certain commercial districts allow tourist homes by-right, but rental of rooms is not permitted at all. It is important to note that even if a tourist home or rental of rooms is permitted by-right in a particular location through the Zoning Ordinance, business licensure and an updated Certificate of Occupancy to ensure compliance with Commercial Fire and Building Codes would still be required.

Also as noted in the Plan, due to the unique impacts that can arise from transient residents in short-term rentals, the County should continue to carefully consider the impacts these uses can have on a community's quality of life. The thriving rural character of James City County continues to offer a variety of agritourism opportunities, for which short-term rentals may provide a truly unique opportunity and experience; one that provides economic benefits to rural property owners but does not directly compete with more conventional tourism-based opportunities inside the Primary Service Area. If located within a residential context, short-term rentals should serve to complement the residential character of the area rather than altering its nature. Therefore, while every location can be considered uniquely, short-term rentals are most appropriately located subject to the following development standards:

- Be located on lands designated Rural Lands, Neighborhood Commercial, Community Commercial, Mixed Use, or Economic Opportunity;
- Be located on the edge or corner of an existing platted subdivision, rather than internal to it;
- Be located on a major road; and
- Be operated in a manner such that the property owner will continue to live and reside on the property during the rental.

Since the adoption of the Comprehensive Plan, the Planning Commission and Board of Supervisors have considered several short-term rental applications. Each application was considered, in part, based on the policy criteria listed above. As part of the discussions on these cases, discussion has also occurred on the policy criteria itself, including but not limited to, the need to have such land uses be located only on a major road and whether the availability of a caretaker or designated representative who is available nearby is a factor favorable in lieu of a property owner living and residing on the property during the rental.

The purpose of this item on the Agenda today is to allow the Commission members to have additional discussions with the Board on these criteria and to develop, as desired, additional consensus on items of importance to consider when reviewing future applications.

## Short-Term Rentals

May 23, 2023

Page 2

The current Comprehensive Plan criteria serve to highlight the main factors to be carefully considered in each case, but as noted in the Comprehensive Plan language, the Board has discretion as each case's particular circumstances are reviewed. If there were a desire to have additional or clarifying guidance or text prior to the next Comprehensive Plan update, options could include a Board policy or, alternately, Zoning Ordinance amendments to possibly include review of which districts allows short-term rentals by-right, with an SUP, or those districts which would not permit short-term rentals at all.

PDH/md

Short-TermRentals-mem

**Short-term rentals since adoption of the 2045 Comprehensive Plan**

SUP	Address	Comprehensive Plan Criteria				Planning Commission Recommendation	Board of Supervisors' Action
		Be located on lands designated Rural Lands, Neighborhood Commercial, Community Commercial, Mixed Use, or Economic Opportunity	Be located on the edge of an existing platted subdivision, rather than internal to it	Be located on a major road	Be operated in a manner such that the property owner will continue to live and reside on the property during the rental		
SUP-21-0018	1403 Jamestown Road	No	Yes	Yes	No	Denial	Denied
SUP-21-0020	528 Neck O Land Road	No	Yes	No	No	Denial	Denied
SUP-22-0001	3 Marclay Road	No	Yes	Yes	No	Approval	Approved
SUP-22-0011	3004 Ironbound Road	No	Yes	Yes	No	Approval	Approved
SUP-22-0022	2878 Monticello Ave	Yes	Yes	Yes	No	Motion to approve failed	Approved
SUP-22-0023	4711 Rochambeau Drive	Yes	Yes	No	No	Approval	Approved
SUP-23-0001	2886 Lake Powell Road	No	Yes	Yes	Yes	Approval	Approved



**ITEM SUMMARY**

DATE: 5/23/2023  
TO: The Board of Supervisors  
FROM: Scott A. Stevens, County Administrator  
SUBJECT: Regional Library Discussion

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Exhibit	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	5/12/2023 - 10:50 AM

## MEMORANDUM

DATE: May 23, 2323  
TO: The Board of Supervisors  
FROM: Scott A. Stevens, County Administrator  
SUBJECT: Regional Library Discussion

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Representatives from the three jurisdictions that support the Williamsburg Regional Library participated in a Library Building Committee discussion process earlier this year to address the need for updated and additional library space. Based on the recommendation from this committee, the Board of Trustees adopted a resolution that requested that the governing bodies of each jurisdiction entered into an agreement to implement the Library Building Committee's recommendations which were divided into two phases:

- Phase 1 - Replace the existing Williamsburg Library building in FY24
- Phase 2 – Build a new facility in James City County within the next five years

The cost for the 35,000 sf facilities would be shared by all three localities and include a world-class public library, creating a new civic institution and modern amenities for our residents. Attached is a letter from the Chair of the Williamsburg Regional Library Board of Trustees requesting your consideration of the Library Building Committee's recommendation along with their adopted resolution and new vision for our library system.

We would like to begin this discussion with the Board of Supervisors to ensure that the information is clearly presented and to allow for questions related to the Library Building Committee's recommendation.

SAS/ae  
WRL-RegionalLibrary-mem

April 28, 2023

Mr. Scott Stevens, County Administrator  
James City County Administration  
101 Mounts Bay Road, Building D  
Williamsburg, Virginia 23185

Dear Mr. Stevens,

The Williamsburg Regional Library Board of Trustees is very pleased that representatives from the three jurisdictions participating in a Library Building Committee were able to reach a unanimous recommendation on a proposed plan to move forward with new library facilities. We believe the new two-building plan, with the replacement Williamsburg Library design beginning this year, and a new James City County Library being constructed in the next five years, is a great shared vision for the future of our library system. Two new library buildings of 35,000 sf or greater will strategically position our library system with the urgently needed modern spaces and cutting-edge amenities to provide outstanding library services to both existing and future residents.

The Board of Trustees is appreciative of the spirit of regional cooperation and the committee proposal for shared capital contributions between the jurisdictions, which demonstrates a strong regional commitment, and the level of collaboration needed to build a great library system into the future. We believe that a contribution from James City County and a potential York County contribution to the new Williamsburg facility recognizes the many decades that the Williamsburg facility has been the primary service point for James City County and upper York County residents. The construction of a new and outstanding Williamsburg Library facility will continue to serve both James City County and York County residents, resulting in significant long-term capital cost savings to both jurisdictions. In turn, a capital contribution from the City of Williamsburg to a new James City County facility recognizes that City residents will continue to benefit from the outstanding regional resources and facilities.

The Board of Trustees respectfully requests that the attached resolution, adopted at the April 26 meeting, be shared with each governing board, and that each jurisdiction take definitive steps to formalize this agreement expeditiously. Timely action will ensure the necessary forward momentum to enable the design of the new Williamsburg Library to begin this summer with clarity regarding size and funding. A finalized agreement will also allow the Friends of the Williamsburg Regional Library Foundation to begin fundraising efforts to provide an additional level of excellence to both projects. As always, thank you for your ongoing support of WRL and for all your many efforts on behalf of area residents.

Sincerely,



Jean Stettler

Chair of the Board of Trustees

Cc: Neil Morgan, York County Administrator  
Andrew Trivette, City of Williamsburg City Manager

**RESOLUTION  
LIBRARY BUILDING COMMITTEE RECOMMENDATION**

WHEREAS, the Williamsburg Regional Library Board of Trustees recognizes the value and success of the Williamsburg Regional Library system and the significant benefits provided by regional funding and cooperation; and

WHEREAS, the Williamsburg Regional Library Board of Trustees exercised due diligence in studying and documenting the need for new library facilities to serve the existing and future population, to meet the square footage facility requirements set forth in the Virginia Standards for Public Libraries, and to implement the WRL Strategic Priorities for public service; and

WHEREAS, the Williamsburg Regional Library Board of Trustees convened a regional Library Building Committee with representatives from the City of Williamsburg, James City County, York County, Library Board officials, the Friends of WRL Foundation President, and library staff to facilitate a regional discussion and a recommendation for the funding and construction of new library facilities; and

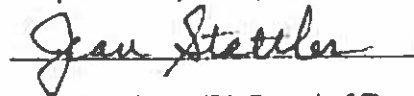
WHEREAS, the Library Building Committee unanimously agreed upon a two-phased building plan which will result in two newly constructed library buildings, at least 35,000 SF each; Phase I to replace the existing Williamsburg Library and Phase II to establish a new facility in James City County; and

WHEREAS, the Library Building Committee recommends that the building projects be jointly funded, with James City County contributing capital funding to the City of Williamsburg to construct the replacement Williamsburg Library facility; and the City of Williamsburg contributing capital funding to construct the new facility in James City County; and with York County's capital contributions to be determined; and

WHEREAS, the Library Building Committee recommends the design of the replacement Williamsburg Library begin as planned in FY 2024, and design of a second library in James City County begin within a five-year timeframe; now, therefore, be it

RESOLVED, the Williamsburg Regional Library Board of Trustees endorses the recommendation of the Library Building Committee and respectfully requests that the governing bodies of City of Williamsburg, James City County, and York County enter into a formal agreement to implement the Library Building Committee's recommendation. The Williamsburg Regional Library Board of Trustees respectfully encourages York County to consider capital contributions to the construction of the Williamsburg Library facility.

Adopted on April 26, 2023



Jean Stettler, WRL Board of Trustees Chair

# **New Vision for our Library System**

## **Two New Libraries – 35K SF Each**

### **PHASE I – Williamsburg (\$35M)**

- City of Williamsburg - \$20M
- James City County - \$10M
- Friends Foundation - \$1.75M to \$3.5M
- York County - ?

### **PHASE II – JCC (\$40M)**

- James City County - \$36M
- City of Williamsburg - \$2M
- Friends Foundation - \$2M to \$4M
- York County - ?

- **Build Williamsburg first then JCC (3 to 5yrs later)**

- **Williamsburg to have a theatre – JCC TBD**

- **Revise branding for library system**

- **Operating cost same for new Williamsburg facility**

**ITEM SUMMARY**

**DATE:** 5/23/2023

**TO:** The Board of Supervisors

**FROM:** John H. Carnifax, Jr., Director of Parks & Recreation

**SUBJECT:** Briefing on the Development of a Park Master Plan for Brickyard Landing Park

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**ATTACHMENTS:**

	<b>Description</b>	<b>Type</b>
☐	Memo	Cover Memo
☐	Brickyard Landing Park Draft Master Plan	Backup Material
☐	Brickyard Master Plan update narrative	Backup Material

**REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>	<b>Action</b>	<b>Date</b>
Parks & Recreation	Carnifax, John	Approved	5/2/2023 - 3:55 PM
Publication Management	Pobiak, Amanda	Approved	5/2/2023 - 4:00 PM
Legal Review	Kinsman, Adam	Approved	5/8/2023 - 10:37 AM
Board Secretary	Saeed, Teresa	Approved	5/12/2023 - 11:19 AM
Board Secretary	Rinehimer, Bradley	Approved	5/12/2023 - 1:21 PM
Board Secretary	Saeed, Teresa	Approved	5/16/2023 - 11:31 AM

## MEMORANDUM

DATE: May 23, 2023

TO: The Board of Supervisors

FROM: Alister Perkinson, Parks Administrator

SUBJECT: Briefing on the Development of a Park Master Plan for Brickyard Landing Park

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James City County Parks & Recreation staff will brief the Board of Supervisors on the progress associated with the development of a Park Master Plan for Brickyard Landing Park. To date, an in-house review and update has occurred, and a brief review of the process will be provided. In addition, a draft map of the proposed plan will be presented to receive Board of Supervisors feedback. Future steps, including a public input period, will be discussed to receive guidance.

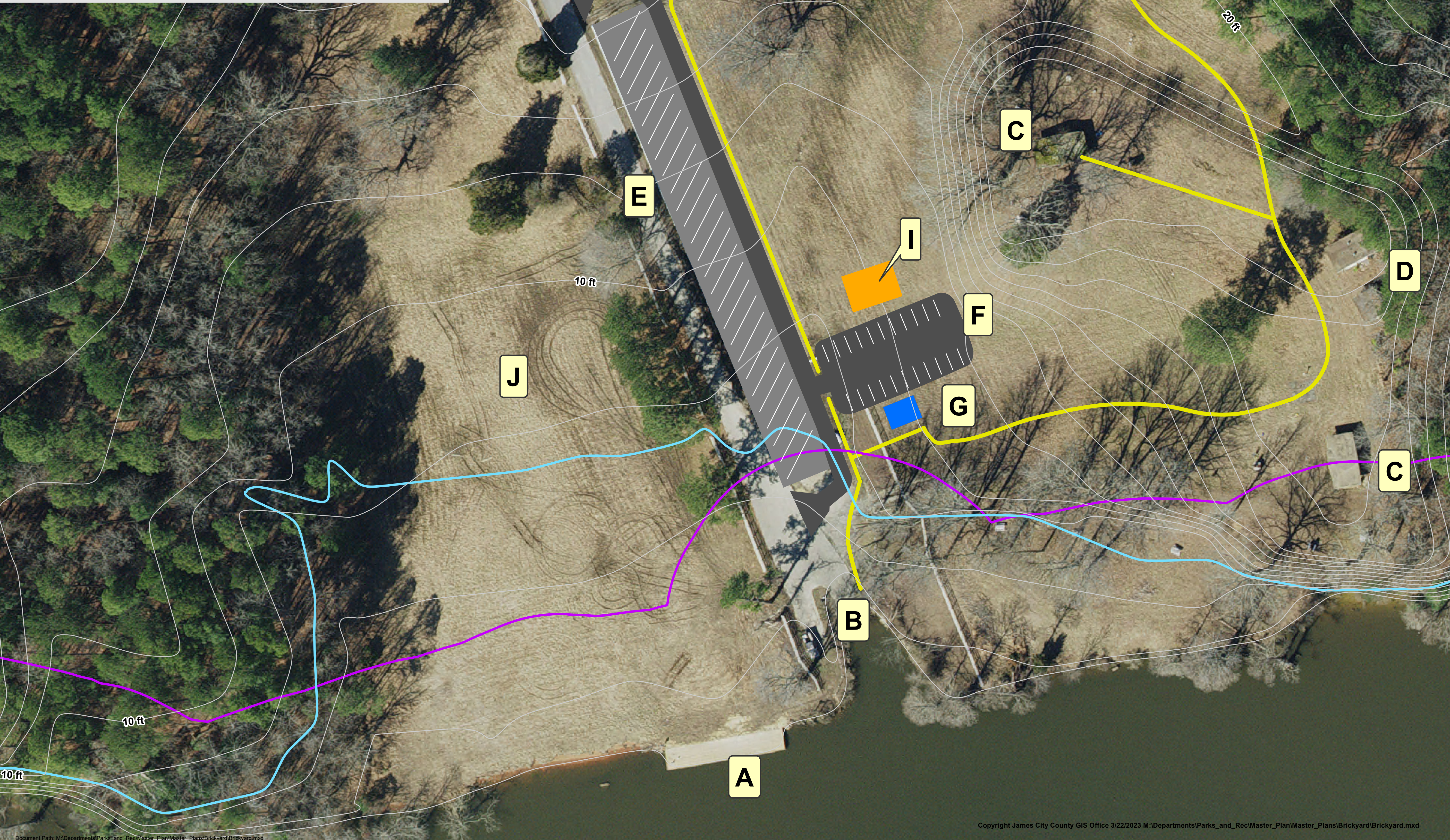
With support from the Board of Supervisors, staff will hold a public input period in June to allow the community to review these plans and offer input - this will include a public meeting as well as online and site-based surveys. After public feedback is collected and incorporated into the updated plans, they will be brought before the Parks and Recreation Advisory Committee, the Planning Commission, and the Board of Supervisors for consideration and approval. Staff anticipate returning to the Board of Supervisors for final approval at its November 14, 2023, meeting.

AP/md  
DevBrkydLdgPkMP-mem

Attachments:

1. Brickyard Landing Park Draft Master Plan PDF
2. Brickyard Landing Master Plan Narrative PDF

# K - Hiking/Mountain Biking Trails



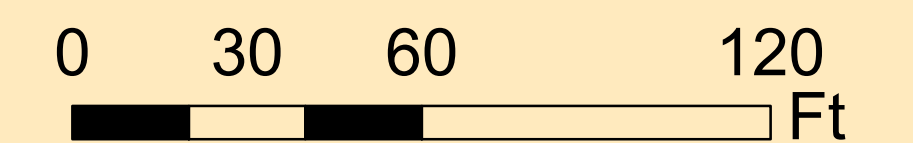
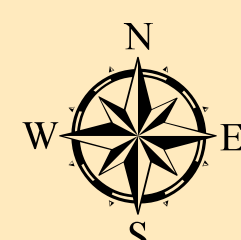
# Draft Master Plan

Brickyard  
March 2023



Label	Feature
A	Tending Pier
B	Boat Ramp
C	Picnic Shelters
D	Utility Shed
E	Boat trailer parking Approx. 25-30 parking spaces for boat trailers
F	Car parking lot Approx. 25-30 parking spaces for cars 2 ADA Accessible parking spaces
G	Restroom Facility
H	0.25 Mile ADA accessible asphalt multi-use path with connections to park amenities
I	Playground
J	Meadow
K	Hiking/Mountain Biking Trails

- Contours
- Flood Plain
- RPA Lines
- Natural Surface Trail
- Asphalt Trail
- Pavement
- Concrete/Gravel
- Restroom







## Brickyard Landing Park Master Plan

In an effort to address strategy PR 1.3 in the James City County Comprehensive Plan, “Update and develop master plans for County-owned parks to coordinate construction phasing and validate capital improvement requests”, as well as PR 4.2 “Develop recreational components of...Brickyard Landing in accordance with approved Master Plans”, the Parks & Recreation department has set out to develop a master plan to guide the long term development of Brickyard Landing Park. Parks & Recreation staff have developed an initial draft plan to share with the Parks & Recreation Advisory Commission.

Unlike site plans that are exact engineered drawings to show building footprints, utilities, drainage and other layouts prior to construction, master plans are crafted to serve as long-term planning documents. These maps provide a conceptual layout to guide the future growth of each park and are adaptable to changes. While consideration was given to incorporate building codes, environmental, and zoning requirements, it should be noted that the elements in the maps are not drawn to scale nor located in their exact future position.



*Existing view of entrance to Brickyard Landing Park*

## Park History & Background

Brickyard Landing has a unique history. The area was formerly known as Hog Neck, and from 1646 – 1760’s it was used as a tobacco inspection site, warehouses, wharfs and for shipping. In the late 1800’s the property was used to make and store cordwood and railroad ties shipping products via the Chickahominy and James rivers. From the early 1900’s, the land’s clay rich soil was used by several brick making companies until 1953. From 1955 until 1997, Newport News Shipbuilding owned the property and used it as an employee recreation area with restrooms, fireplaces, athletic equipment and picnic shelters. During the period Newport News Shipbuilding owned the property it was named the Shipyard Recreation and Picnic Area on the Chickahominy River, but became commonly referred to as Brickyard Landing due to the properties’ most recent history. James City County has owned and operated the boat ramp onsite for several decades, and in 2020 purchased the entire 119-acre property for use as a public park through a Land and Water Conservation Fund grant.

## Existing and Proposed Amenities

Some recreational amenities from the shipyard years were still present on the property. Existing picnic shelters have been restored, and the existing pier was repaired and expanded to serve as a tending pier for the boat ramp. Restroom facilities on site were no longer structurally sound and are in the process of being removed. The existing boat ramp is the focal point of the park, but lacks suitable parking for boat trailers. Additional parking will also be needed to support other included amenities.

Using this as a starting point, staff incorporated citizen feedback and data from the 2017 Parks & Recreation Master Plan and the 2018 Virginia Outdoors Plan as a guide to potential future amenities. The Parks & Recreation Master Plan classifies Brickyard Landing Park as a special use park, primarily serving residents at the upper end of the County, specifically boaters utilizing the boat ramp. The Parks & Recreation Master Plan identified a lack of several park amenities in this region, notably hard and soft surface trails. The Virginia Outdoors Plan additionally identified trails and access to water as high priority for citizens in this region. Based on this input, the following amenities have been incorporated into the draft master plan:

### A. Tending Pier

- Existing tending pier along boat ramp, turning 90 degrees and running parallel to shoreline. Pier is used for tying off boats that are using the ramp, fishing, and wildlife viewing.

### B. Boat Ramp

- Existing concrete boat ramp used for launching trailered boats in the Chickahominy River

### C. Picnic Shelters

- Two repaired and existing picnic shelters with picnic tables can accommodate 20-25 users each.

### D. Utility Shed

- Utility shed to be constructed over a portion of an old bathhouse site. The shed will be used to protect electrical panels, and well pump that were located in the back room of the bathhouse.

### E. Boat trailer parking

- Approx. 25-30 parking spaces for boat trailers utilizing the boat ramp

### F. Car parking lot

- Approx. 25-30 parking spaces for cars, with two ADA Accessible parking spaces

### G. Restroom Facility

- Restroom facilities to support recreation amenities.

### H. Multi-Use Trail

- 0.25 Mile ADA accessible asphalt multiuse trail with connections to park amenities. Opportunities for interpretation of park site history and environmental education

### I. Playground

- Standard park playground with mulch surfacing, separate playground features for different age groups.

### J. Meadow

- Natural area/meadow

### K. Hiking/Mountain Biking Trails

- Approximately 2-4 miles of hiking and/or mountain biking trails, Opportunities for interpretation of park site history and environmental education



*Existing fixed pier along Chickahominy River*

### **Next Steps**

Staff will hold a public input period in June to allow the community to review these plans and offer input – this will include a public meeting as well as online and site based surveys. After public feedback is collected and incorporated into the updated plans, they will be brought before the Parks & Recreation Advisory Committee, the Planning Commission, and the Board of Supervisors for consideration and approval. Staff anticipate returning to the Board of Supervisors for final approval at their November 14 meeting.

**ITEM SUMMARY**

DATE: 5/23/2023

TO: The Board of Supervisors

FROM: Christopher Johnson, Director of Economic Development

SUBJECT: Virginia Business Ready Sites Program Grant

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	5/16/2023 - 11:36 AM

## MEMORANDUM

DATE: May 23, 2023

TO: The Board of Supervisors

FROM: Christopher M. Johnson, Director of Economic Development

SUBJECT: Grant Award - \$485,500 - Virginia Economic Development Partnership, Virginia Business Ready Sites Program

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James City County was awarded a Virginia Business Ready Sites Program (VBRSP) grant in the amount of \$485,500 from the Virginia Economic Development Partnership (VEDP) on January 16, 2023. James City County applied for funding to complete required due diligence studies and design water and sanitary sewer extensions to increase the site readiness certification for the Hazelwood Farms Enterprise Center from a Tier 1 to a Tier 4, reducing the estimated time to get the site “shovel ready” from four-eight years to nine-12 months. James City County was one of 21 localities awarded development grants across the Commonwealth during this application cycle.

VBRSP is a discretionary program which helps characterize and develop industrial and commercial sites with at least 100 contiguous, developable acres to enhance the Commonwealth’s infrastructure with more competitive project-ready sites to attract new business investment and accelerate expansion in Virginia. The program has two components: 1) site characterization to assess and designate a site’s current level of development readiness; and 2) site development to further develop a pool of potential industrial sites across the Commonwealth.

The project scope and services include boundary survey, topographic survey, Phase 1 environmental assessment, cultural resources review, Phase 1 cultural resources survey, threatened and endangered species review, preliminary geotechnical report, and construction ready engineering and design for wet utility extensions. The grant award will be used to reimburse the County for necessary and reasonable costs expended in connection with the scope of work.

Staff recommends adoption of the attached resolution which accepts the grant award, authorizes appropriation to the Capital Projects Fund, and authorizes the County Administrator to execute the appropriate grant documents.

CMJ/md  
GA-VEDPrtnrshp-mem

Attachment

**RESOLUTION**

**GRANT AWARD - \$485,500 - VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP.**

**VIRGINIA BUSINESS READY SITES PROGRAM**

WHEREAS, the Virginia Economic Development Partnership (VEDP) has made funding available through the Virginia Business Ready Sites Program (VBRSP); and

WHEREAS, VBRSP grants are a discretionary program which helps characterize and develop industrial and commercial sites to enhance the Commonwealth's infrastructure with more competitive project-ready sites to attract new business investment and accelerate business expansion in Virginia; and

WHEREAS, James City County applied for funding to complete required due diligence studies and design water and sanitary sewer extensions to advance the site readiness certification of the Hazelwood Farms Enterprise Center properties from a Tier 1 to a Tier 4; and

WHEREAS, VEDP has notified James City County of a grant award of \$485,500 and as a condition of receipt of the grant award, James City County is required to provide a local match at least equal to 50% of the grant award; and

WHEREAS, the Fiscal Year 2023 and 2024 James City County budgets contain the required local matching funds in the adopted and appropriated Capital Projects Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute all appropriate grant documents and hereby accepts this grant award and authorizes the following appropriation to the Capital Projects Fund:

<u>Revenue:</u>	
State - VEDP, VBRSP	<u>\$485,500</u>
<u>Expenditure:</u>	
Capital Projects Fund	<u>\$485,500</u>

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

SADLER  
ICENHOUR  
MCGLENNON  
LARSON  
HIPPLE

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 23rd day of May, 2023.

**ITEM SUMMARY**

DATE: 5/23/2023

TO: The Board of Supervisors

FROM: Jason Purse, Assistant County Administrator

SUBJECT: Consideration of the disposition of publicly held property located at 3100 John Tyler Highway, where discussion in an open meeting would adversely affect the bargaining position of the public body, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	5/24/2023 - 11:25 AM

**ITEM SUMMARY**

DATE: 5/23/2023

TO: The Board of Supervisors

FROM: Teresa Saeed, Deputy Clerk

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

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	5/24/2023 - 11:26 AM



**ITEM SUMMARY**

DATE: 5/23/2023  
TO: The Board of Supervisors  
FROM: Teresa J. Saeed, Deputy Clerk  
SUBJECT: Adjourn until 5 pm on June 13, 2023 for the Regular Meeting

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	5/12/2023 - 11:12 AM