

AGENDA
JAMES CITY COUNTY BOARD OF SUPERVISORS
BUSINESS MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
February 27, 2024
1:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. PRESENTATION(S)

1. Clean County Commission Annual Report
2. VDOT Quarterly Update

D. CONSENT CALENDAR

1. Board Appropriation - Chesapeake Bay Mitigation Fund - 4113 South Riverside Drive - \$21,125
2. Compensation Plan and Personnel Policies Agreement with Clerk
3. Contract Award - \$123,750 - Replacement Emergency Medical Services Supervisor Vehicle
4. Dedication of the Streets in Phase 2 of the Landfall at Jamestown Subdivision
5. Grant Award - \$1,500 - LOVE Sign
6. Minutes Adoption

E. BOARD DISCUSSIONS

1. Real Estate Assessments
2. Financial Update, FY2024 Second Quarter
3. ORD-22-0001. Amendments for Scenic Roadway Protection
Comprehensive Plan Amendment: Community Character Corridor and Short-Term
Rental Development Standards Revision

F. BOARD CONSIDERATION(S)

G. BOARD REQUESTS AND DIRECTIVES

H. REPORTS OF THE COUNTY ADMINISTRATOR

I. CLOSED SESSION

1. Discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure, pursuant to Section 2.2-3711(A)(19) of the Code of Virginia
2. Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia and pertaining to the contract for the joint operation of schools between the County and the City of Williamsburg.
3. 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
 - a. Board of Zoning Appeals Appointment
 - b. Wetlands Board and Chesapeake Bay Board
 - c. Historical Commission Appointment
 - d. Agricultural and Forestal District Advisory Committee Appointment
4. Certification of Closed Session

J. ADJOURNMENT

1. Adjourn until 8 am on March 2, 2024 for the Board Retreat

James
City
County
VIRGINIA

Jamestown
1607



James City Clean County Commission 2023 Annual Report

Presented to the Board of Supervisors

February 13, 2024

James City Clean County Commission



Peg Boarman
Commission Chair
Stonehouse
Community Cleanups



Rachel West
Commission Vice Chair
Berkeley
Litter Programs



Kevin Radcliffe
Commissioner
Roberts
Recycling



Charles Loundemon
Commissioner
Berkeley
Beautification



Heath Richardson
Commissioner
Stonehouse
Youth Education



Tim Stanley
Commissioner
Berkeley



Bruce Schoch
Commissioner
Jamestown
Gardens & Pollinators



David Patterson
Commissioner
Stonehouse
Youth Education



Great American Cleanup



45th Annual County-wide Litter Cleanup



Arbor Day Plant-A-Tree Ceremony



Clean the Bay Day



Repair Fair and Recycling Expo



Water Wise Garden: Human Services Center



Pollinator Garden: Veteran's Park/Kidsburg



Will Barnes Day



James City County
Sustainability
100%

Clean County Commission

**VOLUNTEER APPRECIATION
WILL BARNES DAY
PICNIC**

4-6:30 P.M.

**BBQ - ENTERTAINMENT
FOOD - GAMES - FUN**

VETERANS PARK WILL BARNES FIELD SHELTER
3793 IRONBOUND RD.

RSVP by June 15
Peg Boarman 757-508-3073
SustainabilityCoordinator@jamescitycountyva.gov

Good Neighbor Grants

Before



After



Virginia Peninsula Clean Business Forum Awards



Thank you to our Volunteers!

- 922 volunteer hours
- 256 event attendees



Get Involved



- Litter League/Adopt-A-Spot
- Cleanup Volunteer
- Garden Volunteer
- Fixers for Repair Fair and Recycling Expo
- Newsletter Sign Up
 - www.jamescitycountyva.gov/3823
- Apply for Good Neighbor Grant
 - September
- Join the Commission



Clean County Commission Video



Thank you!
Questions?



MEMORANDUM

DATE: February 27, 2024

TO: The Board of Supervisors

FROM: Michael D. Woolson, Section Chief, Stormwater and Resource Protection Division
Toni E. Small, Director of Stormwater and Resource Protection Division
Liz Parman, Deputy County Attorney

SUBJECT: Board Appropriation - \$21,125 - Chesapeake Bay Mitigation Fund - Restoration of the Resource Protection Area at 4113 South Riverside Drive

On June 26, 2014, staff sent a Notice of Violation to Mr. Steven Wolf (“Wolf”), owner of 4113 South Riverside Drive for violations of the County’s Chesapeake Bay Preservation Ordinance on the property. Following suit filed by the County against Wolf, the Circuit Court entered a Consent Order on March 1, 2017, (the “Order”) to resolve the violations. The Order requires Wolf to fully restore the Resource Protection Area (the “RPA”) on the property. Wolf has failed to comply with the terms of the Order.

Staff has made several attempts to gain voluntary compliance. This past year, staff sent a series of three letters to Wolf in May (from the Stormwater and Resource Protection (“SRP”) Section Chief), June (from the SRP Director), and July (from the County Attorney’s Office) requesting compliance with the Order. A deadline of August 18, 2023, was given in the July letter for compliance with the Order. Mr. Wolf submitted a Restoration Plan to staff in October in which the plan indicated that all plantings would be in the ground by October 31, 2023. To date, the Restoration Plan has not been started by the property owner.

The County is seeking to enforce Paragraph 4c of the Order which states that “if full restoration is not made before the end of the first growing season [by the property owner], the County may enter upon the Property, restore the RPA, and assess all costs of restoration as a lien against the Property ...”.

The estimated cost of the restoration of the RPA at 4113 South Riverside Drive is \$21,125.

Staff recommends that the Board of Supervisors adopt the attached resolution to appropriate funds to the Special Projects and Grants Fund to affect the restoration of 4113 South Riverside Drive pursuant to the Circuit’s Court’s Order.

MDW/TES/LP/ap
CBResPln_4113SRvrsde-mem

Attachments:

1. Notice of Violation
2. Consent Order
3. May 2023 Staff Letter
4. June 2023 Staff Letter
5. July 2023 Staff Letter

RESOLUTION

BOARD APPROPRIATION - \$21,125 - CHESAPEAKE BAY MITIGATION FUND

BOARD APPROPRIATION FOR THE RESTORATION OF THE RESOURCE PROTECTION

AREA AT 4113 SOUTH RIVERSIDE DRIVE

WHEREAS, the Circuit Court entered a Consent Order (the “Order”) to resolve violations of the County’s Chesapeake Bay Preservation Ordinance at 4113 South Riverside Drive, requiring the Resource Protection Area (the “RPA”) on the property to be fully restored; and

WHEREAS, the Stormwater and Resource Protection Division has made several attempts to gain voluntary compliance with the Order, but the Restoration Plan has not been started by the property owner; and

WHEREAS, the County seeks to enforce the Order by entering the property, restoring the RPA, and assessing all costs of restoration as a lien against the property; and

WHEREAS, staff requests that the estimated costs for the 4113 South Riverside Drive Restoration Project be appropriated in the amount of \$21,125.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the appropriation of \$21,125 to the Special Projects and Grants Fund for the 4113 South Riverside Drive Restoration Project.

Revenue:

Chesapeake Bay Mitigation Fund	<u>\$21,125</u>
--------------------------------	-----------------

Expenditure:

4113 South Riverside Drive Restoration Project	<u>\$21,125</u>
--	-----------------

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
ICENHOUR
LARSON

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of February, 2024.



**Development Management
Engineering and Resource
Protection Division**

101 Mounts Bay Road, Bldg. E
Williamsburg, VA 23185
P: 757-253-6670

Resource.Protection@jamescitycountyva.gov

Building Safety and Permits
757-253-6620

Engineering and Resource Protection
757-253-6670

Planning
757-253-6685

Zoning Enforcement
757-253-6671

Notice of Violation

June 26, 2014

Mr. Steven D. & Mrs. S. Denise Wolf
117 Canvasback Trail
Newport News, VA 23602

Re: Chesapeake Bay Preservation Ordinance Violation at 4113 South Riverside Drive, JCC PIN 1910900006

An inspection of the above referenced property on June 1, 2015 revealed that land disturbing activities, to include filling, have been performed without an approved plan of development and without securing the appropriate permits. The area in question is located at the parcel known as 4113 South Riverside Drive, JCC Property Identification Number 1910900006.

The provisions of Section 23-9 of the County's Chesapeake Bay Preservation Ordinance states that "Any development or redevelopment exceeding 2,500 square feet of land disturbance shall be subject to a plan of development review process conducted in accordance with Section 23-10 of this chapter." At a minimum, Section 23-10 of the County's Chesapeake Bay Preservation ordinance requires information to be provided to meet environmental inventory, clearing plan, stormwater management plan and erosion and sediment control plan requirements. Also, Section 23-10 (1) of the ordinance requires a determination as to whether activities need to comply with the provisions of Chapter 19 and/or Chapter 24 of the County Code, as applicable.

All land disturbing activities, not pertaining to installation of temporary erosion and sediment control and stabilization measures, must cease until further notice.

The James City County Chesapeake Bay Preservation Ordinance requires compliance with the above referenced county codes. This violation of the ordinance may be subject to a civil penalty not to exceed \$5,000 for each day of violation.

Please contact representatives of the Engineering and Resource Protection Division within thirty (30) business days to discuss resolution of this matter. Failure to do so could result in our Division turning this matter over to the County Attorney's office for further action. A record of this violation notice will be retained on file at the James City County Engineering and Resource Protection Division. If you have any questions feel free to contact me at the number listed below.

Sincerely,

Michael Woolson
Senior Watershed Planner
Engineering and Resource Protection Division
(757) 253-6823

cc: Allie Kotula, Assistant County Attorney
Allen Murphy, Development Manager

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF WILLIAMSBURG
AND THE COUNTY OF JAMES CITY**

THE COUNTY OF JAMES CITY,
VIRGINIA

Plaintiff,

v.

STEVEN D. WOLF

Defendant.

Civil Case No. CL 15001089-00

CONSENT ORDER APPROVING SETTLEMENT AGREEMENT

This case comes before the Court on a joint motion of the Plaintiff, the County of James City, a political subdivision of the Commonwealth of Virginia (the "County"), and Defendant, Steven D. Wolf for the Court to approve and adopt a settlement agreement. The Court finds that the parties entered into their settlement agreement without collusion, and that the agreement, as embodied in the attached Exhibit A, is lawful, fair, adequate, and reasonable.

It is **ADJUDGED, ORDERED, and DECREED** that:

1. The Joint Motion for Entry of Settlement Agreement is GRANTED;
2. The settlement agreement attached as Exhibit A is APPROVED, and the parties are ORDERED to comply with the terms thereof; and
3. The case is DISMISSED and removed from the docket; however, the Court shall retain jurisdiction over all matters relating to enforcement of the settlement agreement.

The Clerk shall send a copy of this Order to all counsel of record

ENTERED THIS 1st day of March, 2017.



Hon. Michael E. McGinty

WE ASK FOR THIS:



Maxwell C. Hlavin, Esq. (VSB No. 86066)
Assistant County Attorney
County of James City, Virginia
101-D Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23185
Telephone: (757) 253-6613
Facsimile: (757) 253-6833
Email: Maxwell.Hlavin@jamescitycountyva.gov
Counsel for the County of James City, Virginia



Michael B. Ware, Esq. (VSB No. 25401)
SCHEMPF & WARE, PLLC
4000 George Washington Memorial Highway
Yorktown, VA 23692
Telephone: (757) 240-4000
Facsimile: (757) 240-4001
Email: mware@4000law.com
Counsel for Defendant

VIRGINIA: CIRCUIT COURT OF THE CITY OF
WILLIAMSBURG & COUNTY OF JAMES CITY:
I CERTIFY THAT THE DOCUMENT TO WHICH THIS
AUTHENTICATION IS AFFIXED IS A TRUE COPY OF
A RECORD IN THIS COURT AND I AM THE
CUSTODIAN OF THAT RECORD.

MONA A. FOLEY, CLERK

BY:  Dep. Clerk

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF WILLIAMSBURG
AND THE COUNTY OF JAMES CITY**

THE COUNTY OF JAMES CITY,
VIRGINIA

Plaintiff,

v.

STEVEN D. WOLF

Defendant.

Civil Case No. CL 15001089-00

RECEIVED & FILED
Date: 3/1/17
Time: 3:45 AM/PM
Circuit Court Clerk's Office
City of Williamsburg
County of James City, VA
Mona A. Foley, Clerk
BY: [Signature] CLEK

SETTLEMENT AGREEMENT

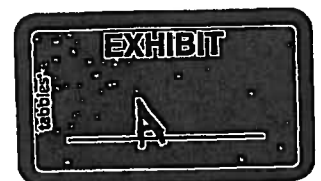
THIS AGREEMENT, is made this 24th day of February 2017, by and between the County of James City, Virginia (the "County") and Steven D. Wolf ("Wolf") (together, the "Parties").

WITNESSETH:

WHEREAS, Wolf is the owner of a certain parcel of land situated within the boundaries of James City County, which is located at 4113 S. Riverside Drive, Lanexa, Virginia 23089 and further designated as James City County Real Estate Tax Map Parcel No. 1910900006 (the "Property"); and

WHEREAS, the County filed a petition requesting declaratory judgment, injunctive relief, and civil damages for alleged violations of the Chesapeake Bay Preservation Ordinance on the Property; and

WHEREAS, the Parties have agreed to resolve this matter in lieu of a trial and in exchange for good and valuable consideration and other assurances contained herein.



NOW, THEREFORE, in consideration of the dismissal of Civil Case No. CL 15001089-00 and the mutual covenants and agreements herein contained, the parties hereby agree as follows:

1. Wolf shall remove all fill material from the Resource Protection Area (RPA) and store it consistent with the plan attached as Exhibit 1, which is incorporated herein (sketch plan).
2. After all fill has been removed, the County shall process all land use applications for the Property as if there are no existing violations.
3. Wolf shall submit an application for construction of a structure on the Property within two (2) years from the entry of an Order approving this Agreement. Depending on the details of the proposed impacts to the RPA, Wolf's application shall either be processed administratively or reviewed by the James City County Chesapeake Bay Board, subject to the following terms:
 - a. Wolf shall be given credit for one thousand two hundred (1,200) square feet of impervious cover for the structure that was demolished in the summer of 2016.
 - b. Wolf shall be allowed a path to the existing pier at a width equal to that of the existing pier.
 - c. A mitigation plan shall be required as part of any application, the terms of which are independent of and in no way limited by this Agreement.
4. If Wolf does not submit an application within two (2) years from the entry of an Order approving this Agreement, full restoration of the Property shall be made according to the following terms:

- a. Full restoration shall consist of trees and shrubs at a rate of one (1) canopy tree, two (2) small flowering trees and three (3) shrubs for every four hundred (400) square feet of RPA on the Property. This equates to twenty-five (25) canopy trees, fifty (50) small flowering trees, and seventy-five (75) shrubs. Minimum plant sizes for shrubs shall be three (3) gallon pots, or 24-36 inches tall; small flowering trees shall be 0.5 inch caliper or six (6) feet tall; and large canopy trees shall be 1.5 inch caliper or ten (10) feet tall. Shrubs may be substituted for trees at the rate of two (2) shrubs for every one (1) small flowering tree, and four (4) shrubs for every one (1) large canopy tree. A minimum of seventy-five percent (75%) of the plant material must be native to Virginia.
 - b. Such restoration plantings shall be made before the end of the first growing season following the two (2) year grace period.
 - c. If full restoration is not made before the end of that first growing season, the County may enter upon the Property, restore the RPA, and assess all costs of restoration as a lien against the Property as permitted by Virginia Code § 15.2-904 with such lien ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia.
5. Wolf shall provide the County with a cashier's check, bond, letter of credit, or other surety in the amount of eight thousand dollars (\$8,000) to ensure restoration of the Property (the "Surety Instrument"). If Wolf satisfies restoration of the Property, either through an application submitted in accordance with Paragraph 3, or through independent plantings in accordance with Paragraph 4, one-quarter of the Surety

Instrument (\$2,000) will be returned at the end of the first post-planting growing season. At least one additional mitigation inspection will be required at the end of the second post-planting growing season. A ninety percent (90%) survivability rate will need to be met for the balance of the Surety Instrument to be released. Annual inspections after the second post-planting growing season will be required until such time as the ninety percent (90%) survivability rate is met.

6. In the event the County calls, collects, or otherwise draws on the Security Instrument, Wolf agrees to either pay, or have the County use the proceeds of the draw to pay a reasonable administrative fee of \$35.00, plus any costs actually incurred by the County in drawing on the Security Instrument. The charge for an administrative fee plus costs shall apply regardless of whether the County later accepts a renewal or amendment of the Security Instrument. Any funds expended by the County to restore the Property that exceed the Security Instrument shall be recoverable against Wolf.
7. It is mutually understood and agreed that this Agreement does not relieve Wolf of any responsibilities or requirements placed upon him by the various ordinances of the County applicable to such development of the Property, and the development of the Property will be done in strict accordance with such ordinances.
8. The Parties shall each have to the right to initiate proceedings in the Circuit Court of Williamsburg-James City County to enforce the terms of this agreement.

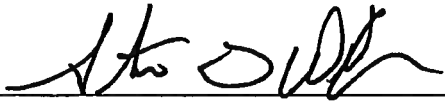
IN WITNESS WHEREOF, the Parties have signed this Agreement, the day and year first above written:

PLAINTIFF: THE COUNTY OF JAMES CITY, VIRGINIA



Maxwell C. Hlavin, Esq. (VSB No. 86066)
Assistant County Attorney
County of James City, Virginia
101-D Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23185
Telephone: (757) 253-6613
Facsimile: (757) 253-6833
Email: Maxwell.Hlavin@jamescitycountyva.gov
Counsel for the County of James City, Virginia

DEFENDANT: STEVEN D. WOLF



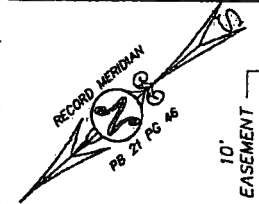
EROSION & SEDIMENT CONTROL MEASURES:

1. APPROXIMATELY 230 C.Y. OF MATERIAL THAT WAS ADDED TO SITE WILL BE EXCAVATED AND STOCKPILED IN STOCKPILE AREA TO A DEPTH OF APPROXIMATELY 4'-6'.
2. EXCESS MATERIAL WILL BE REMOVED FROM THE SITE.
3. STOCKPILE AREA WILL BE SURROUNDED BY SILTFENCE.
4. STOCKPILE SLOPES WILL BE A MAXIMUM OF 2:1 SLOPE.
5. SILTFENCE WILL BE CONSTRUCTED ON THE DOWNSLOPE SIDE OF ALL DISTURBED AREAS.
6. STOCKPILE AND ALL DISTURBED AREAS WILL BE GRADED, STABILIZED AND SEEDED PRIOR TO FURTHER CONSTRUCTION.
7. THE SURVEYOR SHALL NOT BE CONSIDERED AS THE "RESPONSIBLE LAND DISTURBER".

LOT 7
TAX ID:
1910900007

EXISTING DWELLING
FF= 7.8±

ELEVATIONS SHOWN HEREON
ARE REFERENCED TO NAVD
1988.



10' EASEMENT

14" MAPLE

14" OAK

10' BSL

147.75

54°20'00"E

100.00

5.5

5.5

GRASS DITCH

EP

SOUTH RIVERSIDE DRIVE
50' R/W

NO DRAINFIELD LOCATED
ON LOT 6.

RPA BUFFERS ARE MEASURED FROM
EXISTING SILTFENCE WHICH APPEARS
TO BE APPROXIMATELY THE HIGH
WATER MARK.

NOTE:
REAR SETBACK LINE IS
SHOWN AS THE 50' RPA
BUFFER LINE. SUBJECT TO
APPROVAL BY JCC.

BUILDING SETBACK LIMITS
FOR ZONE R2
FRONT= 25'
SIDE= 10'
REAR= 35' *SEE NOTE*

THIS PROPERTY APPEARS TO LIE
ENTIRELY WITHIN FLOODZONE AE
(BFE DETERMINED TO BE 7'). PER
F.I.R.M. # 51095C008203.
EFFECTIVE DATE 12/16/15:

LEGEND

NS NAIL SET
IRF IRON ROD FOUND
IRS IRON ROD SET
IPF IRON PIPE FOUND
CATV CABLE TELEVISION
PED PEDESTAL
SCO SANITARY CLEANOUT
EP EDGE PAVEMENT
OUL OVERHEAD UTILITY LINE
BSL BUILDING SETBACK LINE
SF SILTFENCE

NTS NOT TO SCALE
0.00 X EXISTING GRADE

PLAT SHOWING IMPROVEMENTS
AND PROPOSED E&S MEASURES
LOT 6 SECTION 8
CHICKAHOMINY HAVEN
PREPARED FOR STEVEN D. WOLF
STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

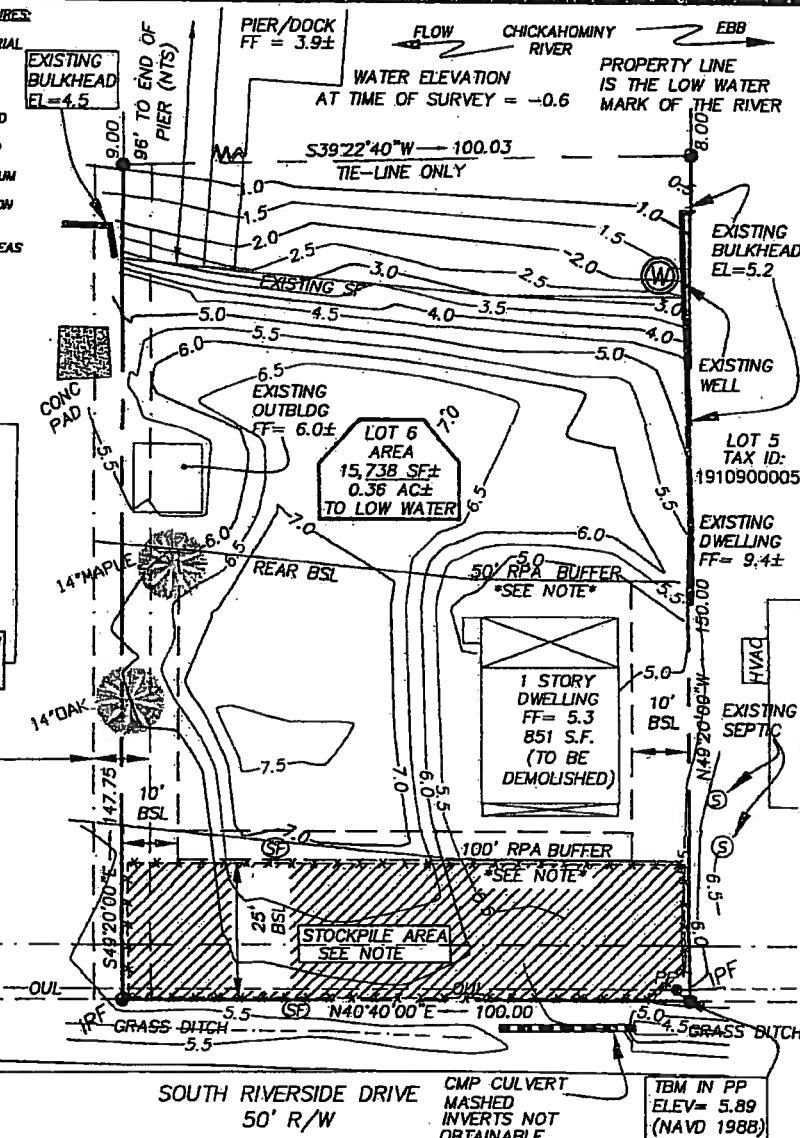
SCALE: 1"= 25'
DATE: 02/29/2016
JOB NO: J191-6

REFERENCES:
DB 576 PG 211
PB 21 PG 46

REVISIONS:

SEBERT
SURVEYING
& LAYOUT, LLC

173 BARLOW ROAD
WILLIAMSBURG, VA 23188
PHONE/ FAX: (757) 345-0931
CELL: (757) 784-2413



PIER/DOCK
FF= 3.9±

WATER ELEVATION
AT TIME OF SURVEY = -0.6

PROPERTY LINE
IS THE LOW WATER
MARK OF THE RIVER

EXISTING BULKHEAD
EL=4.5

96' TO END OF
PIER (NTS)

539°22'40"W—100.03
TIE-LINE ONLY

EXISTING SP

EXISTING OUTBLDG
FF= 6.0±

LOT 6
AREA
15,738 SF±
0.36 AC±
TO LOW WATER

REAR BSL

50' RPA BUFFER
SEE NOTE

1 STORY
DWELLING
FF= 5.3
851 S.F.
(TO BE
DEMOLISHED)

10' BSL

EXISTING SEPTIC

EXISTING DWELLING
FF= 9.4±

LOT 5
TAX ID:
1910900005

EXISTING WELL

100' RPA BUFFER
SEE NOTE

STOCKPILE AREA
SEE NOTE

25' BSL

5.5

5.5

GRASS DITCH

PF

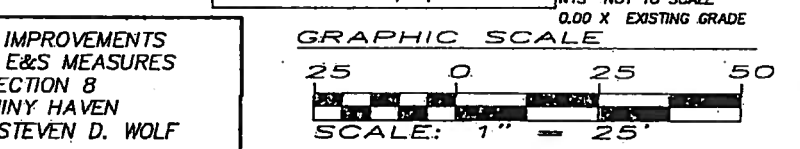
5.5

5.5

GRASS DITCH

TBM IN PP
ELEV= 5.89
(NAVD 1988)

CMP CULVERT
MASHED
INVERTS NOT
OBTAINABLE



ST. ADDRESS: 4113 S. RIVERSIDE DR.
TAX ID: 1910900006
ZONE: R2 GENERAL RESIDENTIAL

THIS PLAT IS BASED UPON A
CURRENT FIELD SURVEY. PROPERTY
LINES AS SHOWN AND LOCATION OF
IMPROVEMENTS ARE BASED UPON
FOUND MONUMENTS AS NOTED. THIS
SURVEY WAS PERFORMED WITHOUT
BENEFIT OF A CURRENT TITLE REPORT.
EASEMENTS ARE SHOWN PER RECORD
INFORMATION. OTHER EASEMENTS
AND/OR ENCUMBRANCES MAY EXIST.

COMMONWEALTH OF VIRGINIA

02/29/2016

A.D. SEBERT

LIC. NO. 2221

LAND SURVEYOR



General Services
107 Tewning Road
Williamsburg, VA 23188
P: 757-259-4080
General.Services@jamescitycountyva.gov
jamescitycountyva.gov

Capital Projects 107 Tewning Road Williamsburg, VA 23188 757-259-4080	Fleet 103 Tewning Road Williamsburg, VA 23188 757-259-4122	Stormwater and Resource Protection 101-E Mounts Bay Road Williamsburg, VA 23185 757-253-6670	Facilities & Grounds 113 Tewning Road Williamsburg, VA 23188 757-259-4080	Solid Waste 1204 Jolly Pond Road Williamsburg, VA 23188 757-565-0971
---	--	--	---	--

May 12, 2023

Mr. Steven D. Wolf
117 Canvasback Trail
Newport News, Virginia 23602

Re: Court Settlement Agreement, CL 15001089-00 – 4113 South Riverside Drive
CBV-15-001

Dear Mr. Wolf:

On March 1, 2017, a Settlement Agreement was reached between James City County and Steven D. Wolf. As part of that agreement, you were to provide full restoration of the property if you did not submit an application for the construction of a structure within two years from the date of entry of the Order. Now that more than two years have passed, within the next 30 days, please provide me a timeline for the restoration of the property. Please contact our office at 757-253-6823 to discuss this matter.

Sincerely,

Michael Woolson, PLA, CFM
Section Chief, Stormwater and Resource Protection Division
757-253-6823
Michael.Woolson@jamescitycountyva.gov

cc: Toni Small, Stormwater and Resource Protection Division Director, via email
Joshua Everard, Assistant Deputy County Attorney, via email
Paul Holt, Community Development Director, via email
Christy Parrish, Zoning Administrator, via email

**General Services**

107 Tewning Road
Williamsburg, VA 23188
P: 757-259-4080

General.Services@jamescitycountyva.gov

jamescitycountyva.gov

Capital Projects

107 Tewning Road
Williamsburg, VA 23188
757-259-4080

Fleet

103 Tewning Road
Williamsburg, VA 23188
757-259-4122

**Stormwater and
Resource Protection**

101-E Mounts Bay Road
Williamsburg, VA 23185
757-253-6670

Facilities & Grounds

113 Tewning Road
Williamsburg, VA 23188
757-259-4080

Solid Waste

1204 Jolly Pond Road
Williamsburg, VA 23188
757-565-0971

June 15, 2023

Mr. Steven D. Wolf
117 Canvasback Trail
Newport News, Virginia 23602

Re: Court Settlement Agreement, CL 15001089-00 – 4113 South Riverside Drive
CBV-15-001

Dear Mr. Wolf:

On March 1, 2017, a Settlement Agreement was reached between James City County and Steven D. Wolf. As part of that agreement, you were to provide full restoration of the property if you did not submit an application for the construction of a structure within two years from the date of entry of the Order. On May 12, 2023, a letter was sent to you requesting a timeline for the restoration of the property within 30 days. We have yet to receive a response. Please contact Mike Woolson in our office at 757-253-6823 to discuss this matter.

Sincerely,

Ton Small, PE
Director, Stormwater and Resource Protection Division
757-253-6780
Toni.Small@jamescitycountyva.gov

cc: Michael Woolson, PLA, CFM, Section Chief, Stormwater and Resource Protection Division
Liz Parham, Deputy County Attorney, via email
Paul Holt, Community Development Director, via email
Christy Parrish, Zoning Administrator, via email



County Attorney's Office
101-D Mounts Bay Road
P. O. Box 8784
Williamsburg, VA 23187-8784
757-253-6612
jamescitycountyva.gov

July 18, 2023

VIA REGULAR & CERTIFIED MAIL

Mr. Steven D. Wolf
117 Canvasback Trail
Newport News, Virginia 23602

RE: Violation of Court Order, CL 15001089-00, 4113 South Riverside Drive

Mr. Wolf:

The James City County Stormwater and Resource Protection Division ("SRP") sent you a letter dated May 12, 2023, informing you, that in accordance with highlighted paragraph 4 of the attached court order (the "Court Order"), you must submit a restoration plan and restore the property located at 4113 South Riverside Drive (the "Property"). SRP sent you a similar letter dated June 15, 2023. You have not submitted a restoration plan, nor have you restored the Property.

Your failure to adhere to the Court Order has been referred to the James City County Attorney's Office. If the violation is not remedied by **August 18, 2023**, the County will enter upon the Property, restore the Resource Protection Area, and assess all costs of restoration as a lien against the Property.

Respectfully,

Liz Parman, Esq.
Deputy County Attorney

cc: Toni Small, Director, Stormwater and Resource Protection Division (*by email*)

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF WILLIAMSBURG
AND THE COUNTY OF JAMES CITY**

THE COUNTY OF JAMES CITY,
VIRGINIA

Plaintiff,

v.

STEVEN D. WOLF

Defendant.

Civil Case No. CL 15001089-00

CONSENT ORDER APPROVING SETTLEMENT AGREEMENT

This case comes before the Court on a joint motion of the Plaintiff, the County of James City, a political subdivision of the Commonwealth of Virginia (the "County"), and Defendant, Steven D. Wolf for the Court to approve and adopt a settlement agreement. The Court finds that the parties entered into their settlement agreement without collusion, and that the agreement, as embodied in the attached Exhibit A, is lawful, fair, adequate, and reasonable.

It is **ADJUDGED, ORDERED, and DECREED** that:

1. The Joint Motion for Entry of Settlement Agreement is **GRANTED**;
2. The settlement agreement attached as Exhibit A is **APPROVED**, and the parties are **ORDERED** to comply with the terms thereof; and
3. The case is **DISMISSED** and removed from the docket; however, the Court shall retain jurisdiction over all matters relating to enforcement of the settlement agreement.

The Clerk shall send a copy of this Order to all counsel of record

ENTERED THIS 1st day of March, 2017.



Hon. Michael E. McGinty

WE ASK FOR THIS:



Maxwell C. Hlavin, Esq. (VSB No. 86066)
Assistant County Attorney
County of James City, Virginia
101-D Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23185
Telephone: (757) 253-6613
Facsimile: (757) 253-6833
Email: Maxwell.Hlavin@jamescitycountyva.gov
Counsel for the County of James City, Virginia



Michael B. Ware, Esq. (VSB No. 25401)
SCHEMPF & WARE, PLLC
4000 George Washington Memorial Highway
Yorktown, VA 23692
Telephone: (757) 240-4000
Facsimile: (757) 240-4001
Email: mware@4000law.com
Counsel for Defendant

VIRGINIA: CIRCUIT COURT OF THE CITY OF
WILLIAMSBURG & COUNTY OF JAMES CITY:
I CERTIFY THAT THE DOCUMENT TO WHICH THIS
AUTHENTICATION IS AFFIXED IS A TRUE COPY OF
A RECORD IN THIS COURT AND I AM THE
CUSTODIAN OF THAT RECORD.
MONA A. FOLEY, CLERK

BY:  Dep. Clerk

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF WILLIAMSBURG
AND THE COUNTY OF JAMES CITY**

THE COUNTY OF JAMES CITY,
VIRGINIA

Plaintiff,

v.

STEVEN D. WOLF

Defendant.

Civil Case No. CL 15001089-00

RECEIVED & FILED
Date: 3/1/17
Time: 3:45 PM
Circuit Court Clerk's Office
City of Williamsburg
County of James City, VA
Mona A. Foley, Clerk
BY: [Signature] CT 1004

SETTLEMENT AGREEMENT

THIS AGREEMENT, is made this 24th day of February, 2017, by and between the County of James City, Virginia (the "County") and Steven D. Wolf ("Wolf") (together, the "Parties").

WITNESSETH:

WHEREAS, Wolf is the owner of a certain parcel of land situated within the boundaries of James City County, which is located at 4113 S. Riverside Drive, Lanexa, Virginia 23089 and further designated as James City County Real Estate Tax Map Parcel No. 1910900006 (the "Property"); and

WHEREAS, the County filed a petition requesting declaratory judgment, injunctive relief, and civil damages for alleged violations of the Chesapeake Bay Preservation Ordinance on the Property; and

WHEREAS, the Parties have agreed to resolve this matter in lieu of a trial and in exchange for good and valuable consideration and other assurances contained herein.



NOW, THEREFORE, in consideration of the dismissal of Civil Case No. CL 15001089-00 and the mutual covenants and agreements herein contained, the parties hereby agree as follows:

1. Wolf shall remove all fill material from the Resource Protection Area (RPA) and store it consistent with the plan attached as Exhibit 1, which is incorporated herein (sketch plan).
2. After all fill has been removed, the County shall process all land use applications for the Property as if there are no existing violations.
3. Wolf shall submit an application for construction of a structure on the Property within two (2) years from the entry of an Order approving this Agreement. Depending on the details of the proposed impacts to the RPA, Wolf's application shall either be processed administratively or reviewed by the James City County Chesapeake Bay Board, subject to the following terms:
 - a. Wolf shall be given credit for one thousand two hundred (1,200) square feet of impervious cover for the structure that was demolished in the summer of 2016.
 - b. Wolf shall be allowed a path to the existing pier at a width equal to that of the existing pier.
 - c. A mitigation plan shall be required as part of any application, the terms of which are independent of and in no way limited by this Agreement.
4. If Wolf does not submit an application within two (2) years from the entry of an Order approving this Agreement, full restoration of the Property shall be made according to the following terms:

- a. Full restoration shall consist of trees and shrubs at a rate of one (1) canopy tree, two (2) small flowering trees and three (3) shrubs for every four hundred (400) square feet of RPA on the Property. This equates to twenty-five (25) canopy trees, fifty (50) small flowering trees, and seventy-five (75) shrubs. Minimum plant sizes for shrubs shall be three (3) gallon pots, or 24-36 inches tall; small flowering trees shall be 0.5 inch caliper or six (6) feet tall; and large canopy trees shall be 1.5 inch caliper or ten (10) feet tall. Shrubs may be substituted for trees at the rate of two (2) shrubs for every one (1) small flowering tree, and four (4) shrubs for every one (1) large canopy tree. A minimum of seventy-five percent (75%) of the plant material must be native to Virginia.
 - b. Such restoration plantings shall be made before the end of the first growing season following the two (2) year grace period.
 - c. If full restoration is not made before the end of that first growing season, the County may enter upon the Property, restore the RPA, and assess all costs of restoration as a lien against the Property as permitted by Virginia Code § 15.2-904 with such lien ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia.
5. Wolf shall provide the County with a cashier's check, bond, letter of credit, or other surety in the amount of eight thousand dollars (\$8,000) to ensure restoration of the Property (the "Surety Instrument"). If Wolf satisfies restoration of the Property, either through an application submitted in accordance with Paragraph 3, or through independent plantings in accordance with Paragraph 4, one-quarter of the Surety

Instrument (\$2,000) will be returned at the end of the first post-planting growing season. At least one additional mitigation inspection will be required at the end of the second post-planting growing season. A ninety percent (90%) survivability rate will need to be met for the balance of the Surety Instrument to be released. Annual inspections after the second post-planting growing season will be required until such time as the ninety percent (90%) survivability rate is met.

6. In the event the County calls, collects, or otherwise draws on the Security Instrument, Wolf agrees to either pay, or have the County use the proceeds of the draw to pay a reasonable administrative fee of \$35.00, plus any costs actually incurred by the County in drawing on the Security Instrument. The charge for an administrative fee plus costs shall apply regardless of whether the County later accepts a renewal or amendment of the Security Instrument. Any funds expended by the County to restore the Property that exceed the Security Instrument shall be recoverable against Wolf.
7. It is mutually understood and agreed that this Agreement does not relieve Wolf of any responsibilities or requirements placed upon him by the various ordinances of the County applicable to such development of the Property, and the development of the Property will be done in strict accordance with such ordinances.
8. The Parties shall each have to the right to initiate proceedings in the Circuit Court of Williamsburg-James City County to enforce the terms of this agreement.

IN WITNESS WHEREOF, the Parties have signed this Agreement, the day and year first above written:

PLAINTIFF: THE COUNTY OF JAMES CITY, VIRGINIA



Maxwell C. Hlavin, Esq. (VSB No. 86066)
Assistant County Attorney
County of James City, Virginia
101-D Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23185
Telephone: (757) 253-6613
Facsimile: (757) 253-6833
Email: Maxwell.Hlavin@jamescitycountyva.gov
Counsel for the County of James City, Virginia

DEFENDANT: STEVEN D. WOLF



1. APPROXIMATELY 250 C.Y. OF MATERIAL TO BE ADDED TO SITE WILL BE EXCAVATED AND STOCKPILED IN STOCKPILE AREA TO A DEPTH OF APPROXIMATELY 4'-6".
2. EXCESS MATERIAL WILL BE REMOVED FROM THE SITE.
3. STOCKPILE AREA WILL BE SURROUNDED BY SILFENCE (S).
4. STOCKPILE SIDES WILL BE A MAXIMUM OF 2:1 SLOPE.
5. SILFENCE WILL BE CONSTRUCTED ON THE DOWNSLOPE SIDE OF ALL DISTURBED AREAS (S).
6. STOCKPILE AND ALL DISTURBED AREAS SHALL BE GRADED, STABILIZED, AND SEEDED TO FURTHER CONSTRUCTION.
7. THE BUREAU SHALL NOT BE CONSIDERED AS THE "RESPONSIBLE LAND DISTURBER".



RPA BUFFERS ARE MEASURED FROM EXISTING SILTFENCE WHICH APPEARS TO BE APPROXIMATELY THE HIGH WATER MARK.

NOTE:
REAR SETBACK LINE IS
SHOWN AS THE 50' RPA
BUFFER LINE. SUBJECT TO
APPROVAL BY JCC

**BUILDING SETBACK LIMITS
FOR ZONE R2
FRONT= 25'
SIDE= 10'
REAR= 35' *SEE NOTE***

THIS PROPERTY APPEARS TO LIE
ENTIRELY WITHIN FLOODZONE AE
(BFE DETERMINED TO BE 7). PER
F.L.R.M. # 51095C0082D3.
EFFECTIVE DATE 12/16/15.

LEGEND

MS MAIL SET
WF IRON ROD FOUND
IRS IRON ROD SET
WF IRON PIPE FOUND
CATV CABLE TELEVISION
PED PEDESTAL
SDO SANITARY CLEANOUT
EP OVERHEAD PAVEMENT
OUL OVERHEAD UTILITY LINE
BSL BUILDING SETBACK LINE
(SF) SILTFENCE
NTS NOT TO SCALE
G.O.O X EXISTING GRADE

**PLAT SHOWING IMPROVEMENTS
AND PROPOSED E&S MEASURES
LOT 6 SECTION 8
CHICKAHOMINY HAVEN
PREPARED FOR STEVEN D. WOLF**

STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

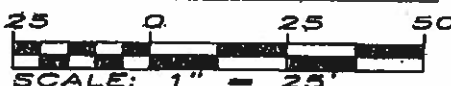
SCALE: 1" = 25'
DATE: 02/29/2018
JOB NO: J191-6

REFERENCES:
576 PG 211
21 PG 48

**SEBERT
SURVEYING
& LAYOUT, LLC**

173 BARLOW ROAD
WILLIAMSBURG, VA 23188
PHONE/ FAX: (757) 346-0931
CELL: (757) 784-2413

GRAPHIC SCALE



SCALE: 1" = 25'

ST. ADDRESS: 4113 S. RIVERSIDE DR.
TAX ID: 1910900006
ZONE: R2 GENERAL RESIDENTIAL

THIS PLAT IS BASED UPON A
CURRENT FIELD SURVEY. PROPERTY
LINES AS SHOWN AND LOCATION OF
IMPROVEMENTS ARE BASED UPON
FOUND MONUMENTS AS NOTED. THIS
SURVEY WAS PERFORMED WITHOUT
BENEFIT OF A CURRENT TITLE REPORT.
EASEMENTS ARE SHOWN PER RECORD
INFORMATION. OTHER EASEMENTS
AND/OR ENCUMBRANCES MAY EXIST.

157 Rd. 55 St. 3/10/2018 3:25 PM CST

MEMORANDUM

DATE: February 27, 2024

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Assistant County Administrator

SUBJECT: Compensation Plan and Personnel Policies Agreement with Clerk

Employees of the Clerk of the Williamsburg-James City County Circuit Court (“Clerk”) are included in the County’s Compensation Plan and Personnel Policies pursuant to agreements entered into over the past several years.

The newly elected Clerk, Elizabeth O’Connor, and County Administration wish to enter into an agreement to reauthorize the current practice of including the Clerk’s employees in the County’s Compensation Plan and Personnel Policies, provided the Clerk’s employees and Deputies are exempted from the County’s standards of conduct and grievance procedures. The Clerk maintains and administers her own grievance procedures.

Attached is a resolution authorizing the County Administrator to approve an agreement between the Clerk and the County to continue to include the employees of the Clerk in the County’s Compensation Plan and Personnel Policies with the above-named exceptions.

Staff recommends adoption of the attached resolution.

BJR/ap
CompPlnPAgrClk-mem

Attachment

RESOLUTION

COMPENSATION PLAN AND PERSONNEL POLICIES AGREEMENT WITH CLERK

WHEREAS, the Clerk of the Circuit Court for the City of Williamsburg and the County of James City, Elizabeth O'Connor ("Clerk"), desires to continue the agreement with James City County ("County") to include the Clerk's employees and Deputies in the County's Compensation Plan and Personnel Policies with certain exceptions; and

WHEREAS, the Board of Supervisors is of the opinion that it is in the public interest to execute such an agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute any and all documents necessary to enter into the agreement with the Clerk for inclusion of her employees and Deputies in the County's Compensation Plan and Personnel Policies.

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of February, 2024.

CompPlnPGrClk-res

MEMORANDUM

DATE: February 27, 2024

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Contract Award - \$123,750 - Replacement Emergency Medical Services Supervisor Vehicle

The Fire Department requested funding in the fiscal year 2025 (FY2025) Capital Improvement Program (CIP) budget to replace the Emergency Medical Services (EMS) Supervisor's vehicle that responds to our most critical incidents. The unit is staffed by a Captain-Advanced Care Paramedic and provides additional skills/equipment such as ultrasound, ventilators, rapid sequence intubation, and O+ whole blood. The sport utility vehicle assigned to this position is out of service and in need of repair. Due to the high mileage and planned replacement for FY 2025, the Fire Department and Fleet are requesting to replace the vehicle before the upcoming fiscal year rather than incur the cost of repair.

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

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

Fire Department technical staff researched the design, construction, and field performance of the Ford Expedition Max EMS Supervisor vehicle, worked closely with Penn Care to design a vehicle that will meet the Department's needs, and negotiated a price of \$123,750 for a replacement vehicle. The sport utility vehicle is equipped with emergency lighting, cabinetry, and temperature control for the specialty equipment and medications.

Staff recommends adoption of the attached resolution authorizing the contract award to Penn Care in the amount of \$123,750 for the EMS Supervisor vehicle. There is unallocated funding available in the CIP available for the purchase.

RTA/md
CA-ReplEMSSupVeh-mem

Attachment

RESOLUTION

CONTRACT AWARD - \$123,750 - REPLACEMENT EMERGENCY MEDICAL

SERVICES SUPERVISOR VEHICLE

WHEREAS, the Fire Department has requested funding in the Fiscal Year 2025 Capital Improvements Program (CIP) budget to replace the Emergency Medical Services (EMS) Supervisor's vehicle; and

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

WHEREAS, the Fire Department, Fleet, and Purchasing staff determined the contract specifications meet the County's performance requirements for an EMS Supervisor vehicle and negotiated a price of \$123,750 with Penn Care for the EMS Supervisor vehicle.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with Penn Care for a Ford Expedition Max EMS Supervisor vehicle in the amount of \$123,750 using unallocated funding in the current CIP budget.

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
ICENHOUR
LARSON

VOTES

AYE NAY ABSTAIN ABSENT

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of February, 2024.

CA-ReplEMSSupVeh-res

MEMORANDUM

DATE: February 27, 2024

TO: The Board of Supervisors

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

SUBJECT: Dedication of the Streets in Section 2 of the Landfall at Jamestown Subdivision

Attached is a resolution requesting acceptance of the streets in Section 2 of the Landfall at Jamestown Subdivision which are proposed as public rights-of-way into the State Secondary Highway System. The streets proposed for acceptance are William Tankard Drive and Edward Harrington Road. They are shown in red on the attached map. The streets have been inspected and approved by representatives of the Virginia Department of Transportation (VDOT) as meeting the minimum requirements for secondary roadways.

VDOT's Secondary Street Acceptance Requirements (SSAR), effective January 2005, outline processes on how streets are designed, constructed, and officially accepted for maintenance as part of the Secondary System of State Highways. Upon the satisfactory completion of construction of streets, VDOT advises and coordinates with the local governing body of the street's readiness for acceptance through the use of VDOT's Form AM-4.3. As part of the initial acceptance process, the County Board of Supervisors must request, by resolution, that VDOT accept the street for maintenance as part of the Secondary System of State Highways. Administrative procedures outlined in the 2005 Subdivision Street Requirements § 33.1-229 lists criteria for street acceptance and what information is required on the local resolution. Once the resolution is approved, the signed Form AM-4.3 and the resolution are then returned to VDOT. VDOT then officially notifies the locality of the street's acceptance into the Secondary System of State Highways and the effective date of such action. This notification serves as the start of VDOT maintenance responsibility. As part of the process, the County will hold an appropriate amount of subdivision or public improvement surety for the roadway, as required by local Ordinances, until the acceptance process is complete. Also, within 30 days of the local governing body's request (resolution), VDOT requires a maintenance surety to be posted by the developer to guarantee performance of the street for one year from the date of acceptance.

Staff recommends the adoption of the attached resolution.

TES/ap
DedStSec2Lndfll-mem

Attachment

RESOLUTION

DEDICATION OF THE STREETS IN SECTION 2 OF THE

LANDFALL AT JAMESTOWN SUBDIVISION

WHEREAS, the streets described on the attached Virginia Department of Transportation (VDOT) Form AM-4.3 for Section 2 of the Landfall at Jamestown Subdivision, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County, Virginia; and

WHEREAS, the Residency Administrator for VDOT advised the Board that the streets meet the Secondary Street Acceptance Requirements (SSAR) of VDOT; and

WHEREAS, the County and VDOT entered into an agreement on July 1, 1994, for comprehensive stormwater detention, which applies to this request for addition; and

WHEREAS, the County and VDOT will enter into a three-party agreement for inspection and maintenance of a grade separation structure, which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests VDOT to add the streets described in the attached VDOT Form AM-4.3 for Section 2 of the Landfall at Jamestown Subdivision to the Secondary System of State Highways, pursuant to § 33.1-229 of the Code of Virginia and VDOT's SSAR.

BE IT FURTHER RESOLVED that the Board guarantees clear and unrestricted rights-of-way as described and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Residency Administrator for VDOT.

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
ICENHOUR
LARSON

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of February, 2024.



COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION
Form AM 4.3

In James City County

by Resolution of the governing body adopted 2/27/2024

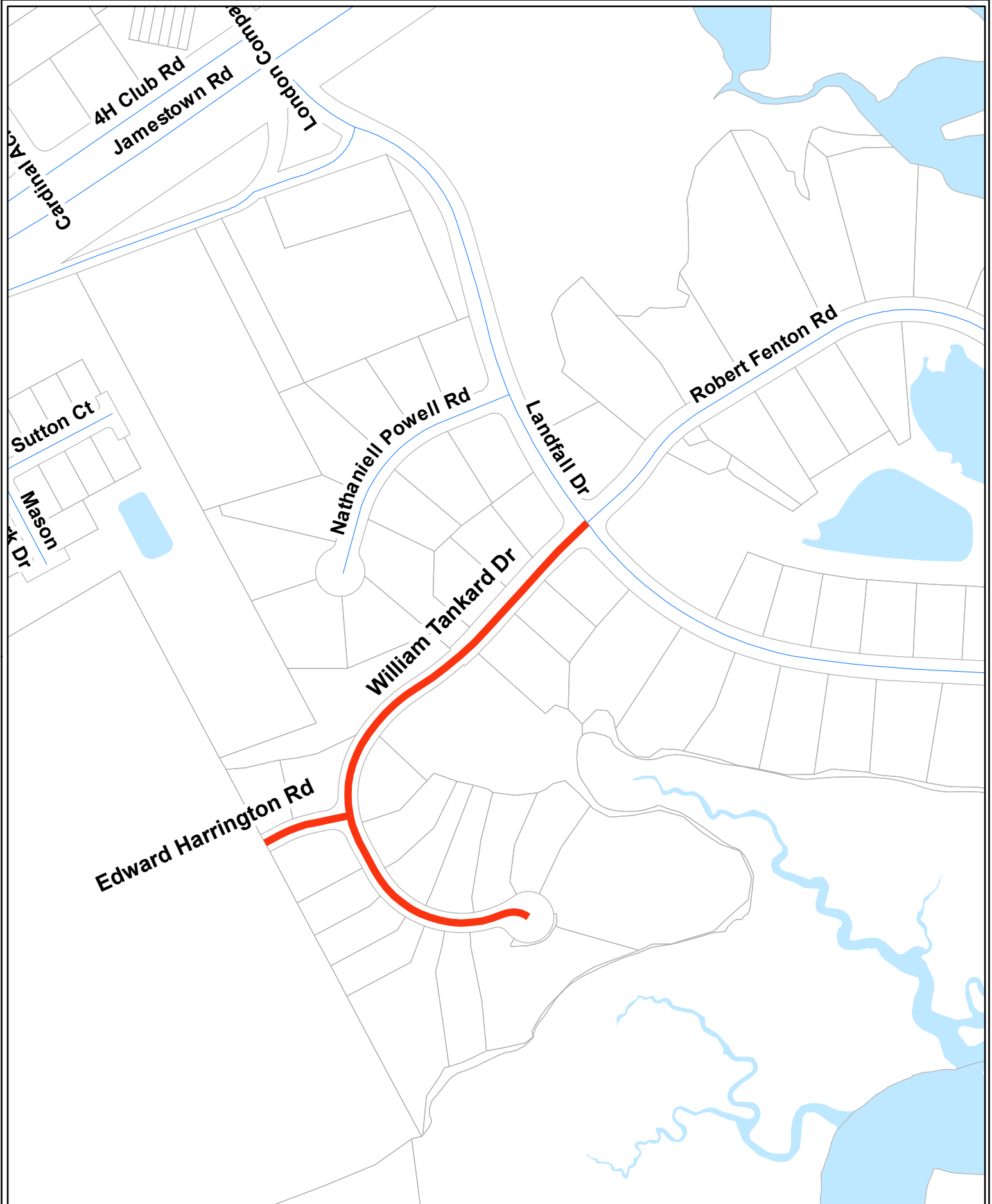
The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes to the secondary system of state highways.

A Copy Testee Signed (County Official):_____

Report of Changes in the Secondary System of State Highways


Project/Subdivision: Landfall 2B

CHANGE TYPE	RTE NUM & STREET NAME	CHANGE DESCRIPTION	FROM TERMINI	TO TERMINI	LENGTH	NUMBER OF LANES	RECORDATION REFERENCE	ROW WIDTH
Addition	Rt. 1704 - William Tankard Dr	New subdivision street §33.2-705	1462	CDS	0.24	2		40
Addition	Rt. 1705 - Edward Harrington Rd	New subdivision street §33.2-705	1704	CDS	0.03	2		40



Dedication of the Streets in Phase 2 of the Landfall at Jamestown Subdivision

Legend

 Streets to be Dedicated

1 inch = 250 feet



MEMORANDUM

DATE: February 27, 2024
TO: The Board of Supervisors
FROM: Carla T. Brittle, Tourism and Centers Administrator
SUBJECT: Grant Award - \$1,500 - LOVE Sign

James City County's Department of Parks & Recreation has been awarded a \$1,500 LOVE Creation Reimbursement Grant from the Virginia Tourism Corporation for the new LOVE sign located at Freedom Park.

The purpose of the reimbursement grant is to assist locations with the cost of creating and installing original LOVE signs to support the Virginia is for Lovers state campaign. James City County now joins over 300 existing signs in the state program and is featured on the Virginia Tourism Corporation website.

Staff recommends approval of the attached resolution to accept the \$1,500 grant for the LOVE sign, and to appropriate the funds in the Tourism Investment Fund as described in the attached resolution.

CTB/ap
GA-LOVESgn-mem

Attachment

RESOLUTION

GRANT AWARD - \$1,500 - LOVE SIGN

WHEREAS, the Virginia Tourism Corporation has made funds available for the cost of creating and installing original LOVE Works signs at different locations in the state; and

WHEREAS, James City County created and installed a new LOVE sign to support the state's Virginia is for Lovers campaign and to drive tourism to the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$1,500 grant awarded by the Virginia Tourism Corporation to reimburse a portion of the cost of the new James City County LOVE sign at Freedom Park.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Tourism Investment Fund:

Revenue:

Virginia Tourism Corporation	<u>\$1,500</u>
------------------------------	----------------

Expenditure:

Tourism Activities	<u>\$1,500</u>
--------------------	----------------

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of February, 2024.

GA-LOVESgn-res

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
JOINT MEETING WITH WILLIAMSBURG CITY COUNCIL AND WJCC SCHOOL BOARD
STRYKER CENTER, ROOM 127
412 N BOUNDARY ST, WILLIAMSBURG, VA 23185
December 1, 2023
8:30 AM

A. CALL TO ORDER

Mr. Dowell Calls the Joint Meeting to Order for the School Board - The meeting was called to order at 8:31 a.m.

Mayor Pons Calls the Joint Meeting to Order for City Council.

Mr. Hipple Calls the Joint Meeting to Order for the Board of Supervisors.

B. ROLL CALL

School Board - Present were Dr. James Beers, Mrs. Andrea Donnor, Ms. Julie Hummel, Mrs. Kimberley Hundley, Mrs. Sarah Ortego, Mrs. Sandra Young, and Mr. Greg Dowell (Chair). Also present were Olwen E. Herron, Ed.D., superintendent; Ms. Beth Allar, clerk of the board, staff, press and the public.

City Council - Present were Mr. W. Pat Dent, Ms. Stacy Kern-Scheerer, Ms. Barbara Ramsey, Mr. Caleb Rogers (arrived 8:39 a.m.), and Mr. Douglas Pons (Mayor). Also present were Mr. Andrew Trivette, City Manager; and, Ms. Dustie McCay, clerk of council.

Board of Supervisors - Present were Mr. James Icenhour, Ms. Ruth Larson, Mr. John McGlennon, and Mr. Michael Hipple (Chairman). Also present was Mr. Scott Stevens, County Administrator.
Mrs. Sue Sadler was absent.

C. PRESENTATION(S)

1. Superintendent's Proposed FY25 - FY34 Capital Improvement Plan

Highlights from the Presentation included:

- CIP Focus/Information - All projects presented include:
 - anticipated A&E costs (10%)
 - contingency funding (5%) and
 - cost escalation across the 5 years at rate of 6%
- FY24 Projected Enrollment vs Actual - 9/30/2023 Actual Enrollment 11,324
- Projected Enrollment vs. Capacity
- High School Capacity Modifications (Jamestown Expansion Design FY30 / Construction FY31 and Warhill Expansion FY31)

- Modifications to FY25 - Cost Changes - Total Cost Change: \$1,163,000
- Modifications to FY25 - Additional Request Pre-K Centers Construction Funds
 - Updated Cost Estimate - \$42,000,000
 - Approved funding amount - \$28,778,775
 - Additional funds needed - \$13,221,225
- Modifications to 10-Year Plan
- Totals by Project Type
- Financial Totals (Total Recommended CIP Projects)
 - FY25 - \$22,781,225
 - FY26 - \$10,391,000
 - FY27 - \$10,544,000
 - FY28 - \$18,015,000
 - FY29 - \$13,102,000
 - Total - \$74,833,225

The presentation continued with a Pre-K Center Design Development update from Ballou Justice Upton Architects.

Project Milestones:

- Design Development - December 01, 2023
- Construction Documentation - December 2023 - March 2024
- Notice to Proceed - April 2024
- Construction - May 2024 - July 2025

Dr. Herron commented that WJCC is excited about the project, which is very forward-thinking and will serve the community well.

D. BOARD DISCUSSIONS / GUIDANCE

Discussion focused primarily on the Pre-K centers. Comments included:

- The prospect of cutting edge facilities in the community is exciting
- The centers are an opportunity for the community; decisions should be made to move ahead expeditiously
- This will give elementary schools more classroom space and breathing room - move kids from trailers back into the buildings
- Reviewed the requirement to hold space for special education and at-risk students who become eligible
- Concern for the construction cost - exceeds the budget, 4 million short even with the 9 million returned last fiscal year
- Inquired if there are ways to reduce the cost - Value Engineering will be reviewed, though concerns expressed about diminishing the spaces
- Concern for cost of staffing the buildings
- Pre-K will be the focus for the next couple of years - helpful to see Capital Improvement Projects moved out beyond the 10 years to help with funding
- Concern for opening at capacity and the need to accommodate future growth; reminded that the group agreed to complete 2 spaces with the potential need for a third space in the future

It was confirmed that the Pre-K spaces will eliminate the need for the leased trailers; all

elementary students will move back into the elementary schools; and, since enrollment has become static this year, WJCC will potentially have space in schools for several years before a new school is needed. During the discussion, it was confirmed that Stonehouse and Matthew Whaley will also be impacted since the division will need to redistrict, which will occur either in 2025 or 2026 depending on the Pre-K opening. Regarding Pre-K enrollment, it was clarified that the projected need of 650 students was based on the demand in the area, not just WJCC, and that there is still Head Start and private programs available in the community to accommodate.

School members requested full funding of the centers.

Dr. Beers, Mr. Dowell, Ms. Hummel and Mrs. Young were all thanked for their service.

E. ADJOURNMENT

1. Continue until 3:30 pm on December 12, 2023, for the Reception and Investiture Ceremony prior to the Regular Meeting in the Government Center Board Room, 101 Mounts Bay Road, Williamsburg, VA

School Board Adjourns - The Williamsburg-James City County School Board adjourned at 9:24 a.m.

City Council Adjourns - Williamsburg City Council called roll and adjourned at 9:24 a.m.

Board of Supervisors Adjourns - At 9:24 a.m., Mr. McGlennon made a motion to adjourn until December 12th, 2023 for a reception and ceremony followed by the Regular Meeting at the Government Center, 101 Mounts Bay Road. A roll call vote was taken, and the motion carried 4:0.

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
January 9, 2024
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

Barbara E. Null, Stonehouse District
Michael J. Hipple, Powhatan District
John J. McGlennon, Roberts District
James O. Icenhour, Jr., Vice Chair, Jamestown District
Ruth M. Larson, Chair, Berkeley District

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

Ms. Larson introduced the Pledge Leader Charlotte “Charlie” Jenkins, a 5th grade student at Matthew Whaley Elementary School. She noted Supervisor Icenhour would provide further information.

Mr. Icenhour gave highlights of Charlotte’s various interests and activities.

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

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

Ms. Larson noted Mr. Stevens desired to make an announcement.

Mr. Stevens requested Ms. Barbara Watson, Director of Social Services, come to the podium. He formally recognized Ms. Watson as the new Director of Social Services. Mr. Stevens stated Ms. Watson had resided in the County since 1967, she graduated from Lafayette High School, and had worked for the County for 37 years. He further stated Ms. Watson had served in the leadership capacity in James City County (JCC) since 2001 when she began working as the Director of Neighborhood Connections. Mr. Stevens added since 2006, Ms. Watson had served as the Assistant Director of Social Services. He highlighted Ms. Watson’s qualifications and experience. Mr. Stevens expressed positive remarks of Ms. Watson’s work ethic, experience, and robust relationships within the community. He turned the discussion over to Ms. Watson.

Ms. Watson addressed the Board and citizens noting she was really excited about her new role and eager to lead the talented group of professionals in the Social Services Department into the future. She mentioned she loved working for JCC. Ms. Watson stated she took her job very seriously, adding Social Services work was very challenging but vital. She mentioned she

looked forward to continuing to meet the needs of the most vulnerable of JCC.

The Board and citizens applauded.

Ms. Larson expressed her desire to thank her Board colleagues for entrusting her as the Board's Chair and thanked Mr. Hipple for serving as the Board's Chair last year, adding he did an outstanding job.

The Board and citizens applauded.

E. PRESENTATION(S)

1. James City County's FY2023 Audit Presentation

Mr. Rob Churchman, partner with Cherry Bekaert, LLP, addressed the Board noting he recently conducted the audit for the James City Service Authority (JCSA). He noted global standards he was required to identify for the Board at the beginning and end of each audit. Mr. Churchman provided a brief overview of the Audit Agenda on the PowerPoint presentation. He began the presentation highlighting the members of the Client Service Team displayed on the PowerPoint presentation. Mr. Churchman stated the audit issued a clean unmodified opinion. He touched on significant percentage increases regarding the County's net position, General Fund, and Unassigned Fund Balance. Mr. Churchman noted the audit showed no instances of noncompliance to be reported under *Government Auditing Standards* or the *Specifications for Audits of Counties, Cities, and Towns*, issued by the Auditor of Public Accounts of the Commonwealth of Virginia. He further noted the audit reported a material weakness in internal control over financial reporting related to the restatement of fiduciary activities' beginning net position, adding discussion on that point would be forthcoming on an upcoming PowerPoint slide. Mr. Churchman discussed the results of the single audit noting a clean unmodified opinion on the County's compliance with each major federal program, adding no material weaknesses were identified in internal control over compliance in accordance with the Uniform Guidance. He touched on corrected and uncorrected misstatements, adding the County had one misstatement which had been corrected. Mr. Churchman elaborated on that point in further detail. He spoke about changes in policies in relation to Governmental Accounting Standards Board (GASB). Mr. Churchman stated the County adopted accounting policies related to its accounting for conduit debt by adopting GASB Statement No. 91, *Conduit Debt Obligations* and leases by adopting GASB Statement No. 96, *Subscription-Based Information Technology Arrangements*. He spoke to that point in further detail. Mr. Churchman discussed related party relationships and transactions and reported no issues. He noted there were no significant unusual transactions found during the audit. Mr. Churchman further noted there were no unusual financial estimates found; in addition, the County's financial statement disclosures were considered neutral, consistent, and clear. He highlighted nonattest services and auditor independence aspects of the audit on the PowerPoint presentation. Mr. Churchman discussed required communications: difficulties encountered, disagreements with management, auditor consultations, and management representations. He noted those areas were all positive. Mr. Churchman highlighted some additional required communications: management consultations, other findings or issues, fraud and illegal acts, and ongoing concern. He reported no negative results were noted on those points. Mr. Churchman specified other information found in the audit report and highlighted some financial reporting and auditing changes forthcoming in upcoming years. He concluded the presentation and welcomed any questions the Board might have.

Ms. Larson asked if any Board members had questions.

Ms. Larson thanked Mr. Churchman.

F. PUBLIC COMMENT

None.

G. CONSENT CALENDAR

None.

H. PUBLIC HEARING(S)

Ms. Larson acknowledged Mr. Frank Polster, the Planning Commission representative, at the meeting.

1. Pre-Budget Public Hearing

Ms. Sharon McCarthy, Director of Financial and Management Services, addressed the Board noting this meeting offered public comment opportunity on the upcoming budget. She added the citizen input would provide guidance to aid staff during the budget process. Ms. McCarthy indicated there was no Board action required at this time.

Ms. Larson thanked Ms. McCarthy.

Ms. Larson opened the Public Hearing.

1. Mr. Paul Scott, 150 Point O Woods, addressed the Board noting he was present on behalf of Child Development Resources (CDR). He advised CDR was a nonprofit organization that originated in JCC in 1965. Mr. Scott stated CDR's mission was to inspire and empower children, families, and early childhood professionals to reach their full potential. Mr. Scott noted in 1965 CDR served five children, adding to date the organization served over 2,000 children annually. He further noted CDR was currently serving 248 families in the County. Mr. Scott mentioned CDR had expanded significantly over the years and the current sites utilized CDR had outgrown. He remarked thorough consideration and opportunity had been given to consolidate all locations to one centralized facility located at 312 Waller Mill Road. Mr. Scott stated the CDR Board had confirmed the site would be suitable after considerable renovations, adding it would allow for service enhancement and expansion. He remarked based on the design concept it would allow for partner agencies to utilize the facility and hoped to utilize the open space within the facility for community events. Mr. Scott requested Board consideration on a more formal discussion and support regarding this new milestone. He thanked the Board for its continued support.

Ms. Larson thanked Mr. Scott.

Ms. Larson closed the Public Hearing as there were no additional speakers.

2. AFD-23-0001. 1105 Stewarts Road Barnes Swamp AFD Addition

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

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

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

Mr. Ben Loppacker, Planner, addressed the Board noting Mr. Taylor Pruitt had applied to enroll approximately 46.95 acres of land located at 1105 Stewarts Road into the Barnes Swamp Agricultural and Forestal District (AFD). He cited the specifics of the Special Use Permit (SUP) application included in the staff report in the Agenda Packet. Mr. Loppacker stated the applicant intended to utilize the property for recreational purposes and potential tenant farming on the

cleared portion of the property. He added the applicant did not plan to pursue any timbering activities. Mr. Loppacker noted at its October 19, 2023, meeting, the AFD Advisory Committee recommended approval of the application by a vote of 7-0. He further noted at its December 6, 2023, meeting, the Planning Commission recommended approval of the application by a vote of 7-0. He stated staff recommended approval of the application, adding the applicant was not in attendance; however, he welcomed any questions the Board might have for staff.

Ms. Larson asked if any Board members had questions.

Mr. Polster addressed the Board noting there were no speakers during Public Comment and no Planning Commission discussion. He stated the Planning Commission voted 7-0 to recommend approval of the application. Mr. Polster welcomed any questions the Board might have.

Ms. Larson asked if any Board members had questions.

Ms. Larson opened the Public Hearing.

Ms. Larson closed the Public Hearing as there were no speakers.

3. SUP-23-0026. 206 The Maine Detached Accessory Apartment

A motion to Defer the application until the Board's February 13, 2024, Regular Meeting, was made by Barbara Null, the motion result was Passed.

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

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

Ms. Tess Lynch, Planner II, addressed the Board noting Mr. Jason Buckley, Promark Custom Homes, Inc., had applied for a SUP to build a detached garage to include a 365-square-foot accessory apartment. She cited the specifics of the SUP application included in the staff report in the Agenda Packet. Ms. Lynch advised that staff had reviewed the proposed design and found that most requirements had been met. She noted the property owners currently did not reside on the property, adding an SUP condition required the property owners or an immediate family member to reside in the single-family dwelling or the accessory apartment within 12 months from the issuance of the Certificate of Occupancy. Ms. Lynch further noted staff found the proposal to be compatible with surrounding development and consistent with the 2045 Comprehensive Plan and Zoning Ordinance. She stated at its December 6, 2023, meeting, the Planning Commission recommended approval of this application by a vote of 7-0. She stated staff recommended approval, subject to the proposed conditions. Ms. Lynch welcomed any questions the Board might have, adding the applicant was available as well.

Ms. Larson asked if any Board members had questions.

Ms. Larson asked if there were other detached accessory apartments in the surrounding area.

Ms. Lynch responded not that she was aware of.

Mr. Polster addressed the Board noting there were no speakers during Public Comment and no Planning Commission discussion. He noted the Planning Commission recommended approval by a vote of 7-0.

Ms. Larson asked if any Board members had questions.

Ms. Larson opened the Public Hearing.

Ms. Larson closed the Public Hearing as there were no speakers.

Mr. McGlennon requested staff provide data regarding the number of detached accessory apartment applications in the past several years.

Mr. Paul Holt, Director of Community Development, addressed the Board noting approximately two to four within the past four or five years.

Mr. McGlennon replied the Board recently approved an application for Kingspoint.

Mr. Holt confirmed yes and referenced another previous application for Centerville Road.

Mr. Icenhour mentioned there was one in Ford's Colony as well.

Mr. Holt replied to his knowledge that particular application was by-right as it was part of the main single-family dwelling versus being detached.

Mr. Icenhour asked if the detached accessory apartment could be rented out.

Mr. Holt replied long-term rental was possible; however, a short-term rental required a separate SUP. He noted this particular SUP would not allow short-term rental opportunities.

Mr. Icenhour asked if the detached accessory apartment could be leased to non-family members long-term.

Mr. Holt replied that was correct based on verbiage included in the County Ordinance.

Ms. Larson expressed her concern with the rental of the detached accessory apartment. She mentioned a previous instance in the neighborhood in relation to an ownership change that had caused a lot of discontent regarding surrounding neighbors. Ms. Larson noted some neighborhoods with no homeowners association created potential County involvement. She asked if the applicant could speak to the objective of the detached accessory apartment.

Mr. Buckley addressed the Board noting the property owners had planned to utilize the detached accessory apartment for their son who currently attended college at the College of William & Mary. He mentioned the landowners had no intent of renting the dwelling.

Ms. Larson expressed her concern for future use.

Mr. Buckley offered the possibility of the property owners signing written correspondence indicating no desire for rental opportunities for the detached accessory apartment.

Ms. Larson thanked Mr. Buckley. She asked Mr. Kinsman if there was a sunset clause that could be incorporated into the SUP.

Mr. Kinsman indicated the SUP ran with the land opposed to with the property owner(s). He noted a potential recorded affidavit could be submitted to confirm only family members would reside within the detached accessory apartment.

Ms. Larson asked if ownership changed the next property owner would be allowed to rent the detached accessory apartment.

Mr. Kinsman confirmed yes, adding an SUP condition could be incorporated; however, from a zoning standpoint there were challenges regarding that point.

Ms. Larson questioned the support for her request.

Mr. Icenhour asked if Ms. Larson desired extra time prior to a vote on this application.

Ms. Larson confirmed yes, if her fellow colleagues supported her request. She asked Mr. Buckley if the Board postponed action on the application if it would affect his construction timeline.

Mr. Buckley replied a building permit had not yet been acquired.

Ms. Larson thanked Mr. Buckley. She asked her fellow Board members to support her request.

Mr. McGlennon asked about the anticipated timeframe to address at a future Board meeting.

Ms. Larson replied the first meeting in February. She requested a deferral on this application. Ms. Larson asked if she could make that motion.

Mr. Kinsman stated Ms. Null's motion was currently on the floor for approval, adding Ms. Null would either need to amend or pull the motion.

Ms. Null made an amendment to the motion to defer the application until the Board's February 13, 2024, Regular Meeting.

4. SUP-23-0028. 9273 Richmond Road Contractor's Office and Warehouse

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

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

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

Ms. Suzanne Yeats, Planner, addressed the Board noting Ms. Erin Martin, Crossroad Custom Builders, Inc., had applied for an SUP to allow for the construction of an approximately 6,000-square-foot building to be used as a contractor's office and warehouse. She cited the specifics of the SUP application included in the staff report in the Agenda Packet. Ms. Yeats stated the existing residence was currently occupied by a tenant and would remain as such. She mentioned the existing operation was a professional contractor's business that specialized in the building of custom homes, additions, or interior improvements. Ms. Yeats stated at its December 6, 2023, meeting, the Planning Commission voted 7-0 to recommend approval of the application with a motion to amend SUP Condition No. 8. She remarked staff found that the proposed conditions would mitigate impacts to the surrounding properties and development; in addition the proposal was compatible with surrounding zoning and development, and consistent with the 2045 Comprehensive Plan and Zoning Ordinance. Ms. Yeats noted staff recommended approval, subject to the proposed conditions. She welcomed any questions the Board might have, adding the applicant was available as well.

Ms. Larson asked if any Board members had questions.

Mr. Polster addressed the Board noting there was one speaker during Public Comment who had questioned SUP Condition Nos. 8 and 15, noise, and traffic concerns on Richmond Road in addition to future use. He spoke to that point in further detail. Mr. Polster indicated there was much discussion on SUP Condition No. 8 in relation to outdoor storage of heavy equipment. Mr. Polster discussed that point in further detail. He stated at its December 6, 2023, meeting, the Planning Commission voted 7-0 to recommend approval of the application with a motion to amend SUP Condition No. 8. Mr. Polster welcomed any questions the Board might have.

Mr. McGlennon asked about the number of residents on the property.

Ms. Yeats stated the property use consisted of 11 nonconforming units.

Mr. McGlennon asked the type of these units.

Ms. Yeats replied apartments.

Mr. McGlennon asked if all the units were currently occupied.

Ms. Yeats replied she was unsure; however, she could obtain that information for him.

Ms. Larson opened the Public Hearing.

Ms. Larson closed the Public Hearing as there were no speakers.

Mr. Icenhour expressed his concern regarding increased impervious cover on the property. He anticipated that the stormwater facilities would be able to mitigate and manage that. Mr. Icenhour noted the importance of Watershed Management Plans to determine the impacts on a larger scale.

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

A motion to Defer Agenda Item Nos. 5 and 6 until the Board's April 9, 2024, Regular Meeting, was made by Michael Hipple, the motion result was Passed.

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

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

Ms. Larson indicated Agenda Item Nos. 5 and 6 would be discussed and voted on together.

Mr. Thomas Wysong, Principal Planner, addressed the Board stating at its October 26, 2021, meeting, the Board of Supervisors unanimously adopted the 2045 James City County Comprehensive Plan: *Our County, Our Shared Future*. He noted the adopted plan included various strategies within the Goals, Strategies, and Actions (GSAs) portion of the Land Use (LU) Chapter that focused on preserving scenic roadways. Mr. Wysong referenced and cited LU 6.3. He stated at its November 23, 2021, meeting, the Board adopted an Initiating Resolution pertaining to the Zoning Ordinance and Subdivision Ordinance. He advised the Initiating Resolution directed staff to consider additional requirements in both the Zoning Ordinance and Subdivision Ordinance to preserve scenic roadways such as Forge Road. Mr. Wysong highlighted the scenic roadways referenced in GSA LU 6.3 and their classifications. He discussed the proposed setback requirements for Wooded Community Character Corridors (CCCs). Mr. Wysong indicated to provide flexibility regarding structures made nonconforming by this proposed setback, staff had prepared language that permitted those nonconforming structures to expand as long as the expansion was not further within the setback. He touched on that point in greater detail. Mr. Wysong asked the Board if he could grab his materials for Agenda Item No. 6.

The Board agreed.

Mr. Wysong continued his presentation noting that the 2045 Comprehensive Plan amendment would be to revise the CCC list so that the portion of Old Stage Road located outside the Primary Service Area (PSA) would no longer be included on the list. He further noted per the County Attorney's recommendation and the Board's Initiating Resolution the removal of the following development standard for short-term rentals: "Be operated in such a manner that the property owner will continue to live and reside on the property during the rental." He stated the other three criteria would remain and continue to be used in staff's evaluation of these applications. Mr. Wysong stated at its November 1, 2023, meeting, the Planning Commission recommended denial of the proposed amendment regarding the proposed setbacks by a vote of 5-2. He further stated the Planning Commission recommended denial of the proposed Comprehensive Plan amendment in relation to short-term rental development standards revisions by a vote of 6-1. He concluded the presentation and welcomed any questions the

Board might have.

Mr. Hipple asked if the short-term rental development standard for the property owner to live on-site would be removed.

Mr. Wysong confirmed yes.

Mr. Hipple asked about the major road criteria.

Mr. Wysong replied that standard would remain in place.

Mr. Hipple asked what the County considered a major road.

Mr. Wysong deferred that question to Mr. Holt.

Mr. Holt replied the way it had been enforced was by the Virginia Department of Transportation definition which was essentially the minor and major arterials and collector streets. He added roads that were not considered subdivision-level streets.

Mr. Hipple questioned the major road criteria based on the rural lands aspect.

Mr. Holt replied those were the standards adopted as part of the most recent update to the Comprehensive Plan in 2021.

Mr. Hipple mentioned the County had a lot of rural lands that were not connected to a major road, adding that would create significant limitations. He mentioned unique property and the major road aspect. Mr. Hipple recommended the major road criteria be on a case-by-case basis.

Mr. Holt replied in practice since 2021, there had been quite a few applications that had come through. He noted that staff was very upfront with applicants and the recommendations Planning included in the staff reports were based on the 2045 Comprehensive Plan criteria for short-term rentals, adding it was policy guidance for the Planning Commission and the Board of Supervisors. Mr. Holt further noted each site was considered unique and evaluated as such. He elaborated on that point in further detail.

Mr. Hipple expressed his concerns with the property owner must live on-site during the rental period criteria in addition to the major road criteria. He reiterated his recommendation of the major road criteria being on a case-by-case basis.

Ms. Larson mentioned it was currently 6:25 p.m. and potential inclement weather was projected for 7 p.m. She asked the Board if she could open the Public Hearing as there was a public speaker for this item and she wanted to ensure for safety purposes individuals were able to leave in a timely manner.

Mr. Hipple mentioned his desire to postpone action on this item.

Ms. Larson replied ok.

Ms. Larson noted based on the deferral request vote the Public Hearing would remain open. She advised any individual who signed up to speak this evening would be allowed to do so, but only one opportunity to speak during the Public Hearing process was allowed.

Mr. Holt desired to speak prior to opening the Public Hearing for staff guidance on these items.

Mr. Hipple requested a deferral for both items for further evaluation purposes. He spoke to that point in further detail.

Ms. Larson opened the Public Hearing for Agenda Item No. 5.

Ms. Larson continued the Public Hearing.

Ms. Larson opened the Public Hearing for Agenda Item No. 6.

Ms. Larson continued the Public Hearing.

Mr. Polster addressed the Board regarding Agenda Item No. 5 noting there were no speakers at the Public Hearing. He noted the ongoing challenges regarding the subject matter. Mr. Polster stated the Planning Commission had separated the Old Stage Road component with a consensus reached among the Planning Commission members with the exception of Forge Road. He noted some of the Planning Commission members thought the 400-foot setback was excessive and the various potential restrictions this amendment would pose on the surrounding area and development. Mr. Polster provided examples to the Board. He stated in summary the Planning Commission desired to convey to the Board the concern on the language to address accessory structures, adding a consensus on the Wooded CCC component in relation to Agenda Item No. 5. Mr. Polster stated three to four Planning Commission members were in acceptance of the 400-foot setback despite the unintended consequences. He stated the Planning Commission recommended denial to the Board of Supervisors by a vote of 5-2.

Mr. Polster addressed the Board regarding Agenda Item No. 6 noting there were no speakers at the Public Hearing. He further noted Planning Commission discussion on the CCCs and the 400-foot setback on Forge Road. Mr. Polster stated the Planning Commission members were supportive of the revisions to the CCCs and the modifications to Old Stage Road. He spoke about the short-term rental development standards and the progress made. Mr. Polster noted Planning Commission members had raised concern regarding the elimination of one of the short-term rental development standards for short-term rentals which required owners to live on-site during the rental period, adding that only left three determining factors for review and evaluation purposes. Mr. Polster mentioned a recent opinion from the 5th Circuit that a residency requirement such as that discriminated against interstate commerce. He added while JCC was not in the 5th Circuit jurisdiction, it was a persuasive opinion that could potentially be applied in the County's circuit. Mr. Polster stated the County Attorney's Office felt that development standard should be omitted. He noted the Planning Commission recommended approval to the Board of Supervisors on the Comprehensive Plan amendment for CCC standards revision by a vote of 6-1. Mr. Polster further noted the Planning Commission recommended denial to the Board of Supervisors regarding the short-term rental development standards revision by a vote of 6-1. He welcomed any questions the Board might have.

Ms. Larson asked if any Board members had questions.

Mr. Holt addressed the Board seeking guidance on next steps. He noted these Agenda items would need to be postponed for a particular date due to being Public Hearing items. Mr. Holt asked if he should bring materials to the future meeting for both Forge Road and Old Stage Road.

Mr. Icenhour expressed he felt the Board was pretty certain regarding the Old Stage Road component, adding he preferred just the Forge Road materials. He stated his concern was not with the 400-foot setback itself, but the ability to mitigate the adverse impacts to the individuals who essentially would be made nonconforming by the setback requirement. Mr. Icenhour added he was unsure of the legal flexibility to that point and recommended discussion to ensure protection to those individuals who would be impacted. He asked the Board if that was a fair assessment.

Mr. Hipple confirmed yes, adding it was imperative if the setback requirement were to be

approved that the individuals or businesses impacted would not have restrictions and/or limitations. He recommended time for further evaluation, adding he preferred to hold off on applications regarding these areas until the Board was able to work through the subject matter. Mr. Hipple looked to Mr. Kinsman on guidance in relation to that point.

Mr. Kinsman addressed the Board noting it depended on the timeframe aspect of things. He referenced the Comprehensive Plan update as an example, adding a formal resolution was required due to the lengthy timeframe. He recommended if the Board needed six months to a year on this item he would suggest a formal resolution to notify applicants.

Mr. Hipple asked Mr. Holt on the timeframe aspect.

Mr. Holt replied the only other option aside from the options presented this evening from a legal standpoint would be the idea of rezoning specific properties and an overlay district. He advised requested Board materials could be ready as early as the Board's February 27, 2024, Business Meeting. Mr. Holt mentioned if potential amendments, readvertisements, etc. were needed he would recommend postponing this item until the Board's April 9, 2024, Regular Meeting.

Mr. Hipple requested that Agenda Item Nos. 5 and 6 were postponed until the Board's April 9, 2024, Regular Meeting.

6. Comprehensive Plan Amendment: Community Character Corridor and Short-Term Rental Development Standards Revision

As Ms. Larson mentioned Agenda Item Nos. 5 and 6 would be discussed and voted on collectively. Refer to Agenda Item No. 5 for discussion.

7. Ordinance to Amend and Reordain Chapter 20, Taxation, of the Code of the County of James City, Virginia, by Amending Article I, Exemption of Certain Persons From Real Estate Taxes, Section 20-10, Qualifications for Exemption and Section 20-11, Amount of Exemption

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

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

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

Mr. Richard Bradshaw, Commissioner of the Revenue, addressed the Board noting the County had provided tax relief to its elderly and disabled homeowners since 1973. He further noted the program was designed to assist those individuals with limited resources to remain in their homes without having undue tax burden. He indicated the program did require an annual application including documentation to verify qualifying assets and income. Mr. Bradshaw advised before the Board were two Ordinances, adding one would modify the income eligibility requirements and the other would modify the benefits to the taxpayer. He advised based on changing conditions he recommended the following changes to go into effect starting next fiscal year: raising the qualifying income to \$55,000; and raising the exemption to cover the first \$150,000. Mr. Bradshaw spoke to that point in further detail and welcomed any questions the Board might have.

Ms. Larson asked if any Board members had questions.

Ms. Larson opened the Public Hearing.

Ms. Larson closed the Public Hearing as there were no speakers.

Mr. Icenhour questioned the net combined financial worth total referenced in the Chapter 20 Taxation Ordinance for Section 20-10 (b) included in the Board's Agenda Packet. He asked if

the \$200,000 net combined financial worth went from \$200,000 to \$150,000.

Mr. Bradshaw replied no, adding the total assets should remain at \$200,000.

Mr. Icenhour requested Mr. Jason Purse, Assistant County Administrator, to verify that.

Mr. Purse clarified that the strikethrough seen in the Ordinance Chapter 20 Taxation Ordinance for Section 20-10 (b) should remain \$200,000 not decrease to \$150,000. He noted those changes would be made to reflect accuracy.

Ms. Larson thanked Mr. Bradshaw.

I. BOARD CONSIDERATION(S)

None.

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon mentioned he attended the dedication of new and expanded space at The Martha W. Goodson Center in McLaws Circle. He advised this facility provided support for individuals affected by memory disorders and other neurological disorders. He elaborated on that point in greater detail. Mr. McGlennon noted he attended JCC's Emerging Leaders Academy Graduation Ceremony. He mentioned positive remarks about the program.

Mr. Icenhour expressed his desire to share a photo with the community. He mentioned the Home for the Holidays Program noting this past year the program raised enough money to provide 43 Enlisted service members a \$300 stipend to travel home for the holidays. He recognized Captain Scott Rae, Command Officer, United States Coast Guard Training Center Yorktown. Mr. Icenhour displayed a photo of the service members who were not able to travel home for Christmas. Mr. Icenhour noted on Christmas Day those service members attended Sentara Williamsburg Regional Medical Center to serve meals to patients and staff. He expressed his sincerest gratitude to those service members.

Ms. Larson thanked Mr. Icenhour for all his efforts regarding the Home for the Holidays Program. She extended positive remarks to the newly elected Supervisor Null for her role and participation at her first meeting for the Board of Supervisors and the JCSA Board of Directors. Ms. Larson noted she was the Chair of Visit Williamsburg, adding Ms. Victoria Cimino, CEO of Visit Williamsburg, had decided to step down. She further noted Ms. Julia Smyth-Young had been selected as the Interim CEO of Visit Williamsburg. Ms. Larson indicated a national search would be conducted next week. She extended thanked to Ms. Cimino for her significant efforts during her tenure as CEO of Visit Williamsburg. Ms. Larson noted she attended the Visit Williamsburg Finance meeting earlier in the day and reported positive trends.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens advised a Community Conversation would be held on Wednesday, January 31, 2024, at 6 p.m. at Legacy Hall in New Town. He highlighted topics for discussion included: the regional sports complex, trash consolidation, the proposed government center, and Police Chief Mark Jamison would provide a public safety update. Mr. Stevens encouraged County citizens to attend.

L. CLOSED SESSION

A motion to Enter a Closed Session was made by Barbara Null, the motion result was Passed.

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

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

At approximately 6:43 p.m., the Board entered Closed Session.

At approximately 6:56 p.m., the Board re-entered Open Session.

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

- a. Appointment - Williamsburg Area Transit Authority Board of Directors

A motion to Appoint Ms. Diane Finney as an Alternate Member (no term limit) was made by James Icenhour, the motion result was Passed.

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

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

- b. Appointments - VPPSA Board of Directors

A motion to Appoint Ms. Grace Boone and Mr. Bob Dittman for terms to December 31, 2026, was made by James Icenhour, the motion result was Passed.

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

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

- c. Appointments - Historic Triangle Bicycle Advisory Committee

A motion to Appoint Ms. Grace Bascetta for a term to expire December 31, 2025, was made by James Icenhour, the motion result was Passed.

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

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

- d. Appointments - Board of Equalization

A motion to make recommendations to the Circuit Court Judge for four individuals for the Board of Equalization: Mr. Michael Grimes, Ms. Vickie Nase, Mr. Christopher Hedrick, and Mr. Robert Singley, Jr. for terms to expire December 31, 2027, was made by James Icenhour, the motion result was Passed.

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

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

- e. Appointments - Planning Commission

A motion to Appoint Mr. Michael Scott Maye - Powhatan District for a term to expire January 31, 2026, and Mr. Jay Everson - Stonehouse District for a term to expire January 31, 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, Null

- f. Appointment - Williamsburg Regional Library Board of Trustees

A motion to Appoint Mr. Eugene Bruss for a term to expire June 30, 2025, was made by James Icenhour, the motion result was Passed.

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

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

2. Certification of Closed Session

M. ADJOURNMENT

1. Adjourn until _____ pm on January _____, 2024 for the Business Meeting

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

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

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

At approximately 6:58 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
January 23, 2024
2:00 PM

A. CALL TO ORDER

B. ROLL CALL

Barbara E. Null, Stonehouse District
Michael J. Hipple, Powhatan District
John J. McGlennon, Roberts District
James O. Icenhour, Vice Chair, Jamestown District
Ruth M. Larson, Chair, Berkeley District

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

Ms. Larson thanked her colleagues and the public for the 2 p.m. start time.

C. PRESENTATION(S)

1. Proclamation - February 2024 as Williamsburg Community Foundation Month

Ms. Larson welcomed Ms. Nancy Sullivan, President and Chief Executive Officer (CEO) of the Williamsburg Community Foundation, to the podium. Ms. Larson read the proclamation which highlighted the work of the Williamsburg Community Foundation.

Ms. Sullivan thanked the Board and noted it was an honor to serve the community.

2. Proclamation - Rich Krapf

Ms. Larson noted the next proclamation recognized Mr. Rich Krapf, a long-time member of the County's Planning Commission. Ms. Larson asked Mr. Hipple if he would join her and Mr. Krapf at the podium. She read the proclamation which highlighted Mr. Krapf's 17-year tenure on the Planning Commission. Ms. Larson noted Mr. Krapf had served on several other committees and had been actively engaged in three award-winning Comprehensive Plan updates.

Mr. Krapf thanked the Board, adding it had been an honor to serve the County. He thanked three particular Supervisors for appointments and reappointments over the years: Mr. Andy Bradshaw, Mr. Jim Kennedy, and Mr. Hipple. Mr. Krapf thanked staff for their professionalism, knowledge, and support. He thanked his colleagues and his wife. Mr. Krapf encouraged citizens to get involved.

Ms. Larson noted both honorees were great assets to the community and the area was fortunate to have organizations and individuals such as those honorees.

3. Colonial Soil and Water Conservation District Annual Report

Mr. Robert Lund, one of two Directors elected from James City County as a representative to the Colonial Soil and Water Conservation District (Colonial SWCD), addressed the Board with the Colonial SWCD Annual Report for Fiscal Year (FY) 2023. Mr. Lund highlighted the 47 SWCD districts within Virginia in a PowerPoint presentation. He noted the districts supported and encouraged voluntary conservation efforts. Mr. Lund further noted Colonial SWCD supported the counties of New Kent, Charles City, York, and the City of Williamsburg in addition to James City County. He stated Colonial SWCD district covered 825 square miles. Mr. Lund provided data on cost-share programs and funding. He noted James City County had approximately 3,158 acres of crop land. Mr. Lund details the specifics of the Virginia Agricultural Cost-Share Programs for topsoil protection from erosion and other aspects of conservation. He highlighted the funding in cost-share programs from 2019-2023. Mr. Lund continued the presentation identifying the top five areas of substantial benefit with nutrient management plans as the primary area. He added these benefits were from Colonial SWCD funding. Mr. Lund noted Colonial SWCD also completed two significant environmental improvement structural practices in the County indicated in the presentation. He further noted Colonial SWCD conducted five annual assessments on the district's agricultural lands in cooperation with the County to support the Chesapeake Bay Preservation Ordinance. Mr. Lund addressed educational programs sponsored by Colonial SWCD such as the Envirothon and Youth Conservation Camp. He added Colonial SWCD also provided technical advice and financial assistance through the adoption of non-agricultural conservation practices with the Virginia Conservation Assistance Program (VCAP). Mr. Lund cited details of this program. He noted three staff members were state certified in turf and landscape management. Mr. Lund cited data for completed certified nutrient management plans in 2023. He noted the Turf Love program. Mr. Lund thanked Dominion Energy and James City County for the land use agreement that allowed the use of the area for the community garden. Mr. Lund noted the collaborative work done between Colonial SWCD and the County's Stormwater and Resource Protection Division and the James City Service Authority. He requested continued support from the County for these same programs for FY 2025. Mr. Lund stated Colonial SWCD valued its partnership with the County and the efforts to enhance conservation initiatives and opportunities. He highlighted several conservation opportunities which included the VCAP and the Alliance to Advance Climate-Smart Agriculture. Mr. Lund noted staff updates to assist with programs. He thanked the many program participants, sponsors, volunteers, and numerous other groups.

Mr. McGlennon thanked Mr. Lund and the Colonial SWCD for the great work. He noted numerous improvements over the past years.

The Board thanked Mr. Lund.

D. CONSENT CALENDAR

Ms. Larson asked if any Board member wished to pull any item(s). She requested Item Nos. 1, 3, and 5. Ms. Larson noted she was fine if someone wanted to make a motion on the Consent Calendar, but she requested more information on those three items. Ms. Larson requested Fire Chief Ryan Ashe call his appointee forward.

1. Appointment of Assistant Fire Marshal and Authorization of Fire Prevention Powers

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, Null

Chief Ashe addressed the Board introducing Mr. Joe Davis as the Assistant Fire Marshal appointee. He noted the resolution in the Board's Agenda Packet addressed authorization of the fire prevention powers of the Assistant Fire Marshal. Chief Ashe noted Mr. Davis started as a James City County firefighter in 1984 and retired as the Deputy Fire Chief in 2013. He further noted Mr. Davis' role in developing the Fire Marshal's Office in the 1980s and 1990s. Chief Ashe stated Mr. Davis returned to work with the Fire Department in various roles.

The Board thanked Mr. Davis.

2. Contract Award - Annual Job Order Contract Services

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, Null

3. Contract Awards - Annual Stormwater Construction and Repair Services

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, Null

Ms. Larson welcomed Mr. Shawn Gordon, Chief Civil Engineer, for a quick overview of this item citing the significance of stormwater concerns to the area.

Mr. Gordon addressed the Board noting the resolution in the Board's Agenda Packet was for annual services award contracts. He noted it was a continuation of ones the County currently had with a six-month extension. Mr. Gordon further noted the resolution was for six awards for various local contractors, each with its own specialty and service. He stated this allowed for work to be done for small drainage and other issues, adding the work was smaller scale with a \$100,000 contract. He detailed the contract terms. Mr. Gordon cited the type of work done with these contract awards consisted of Best Management Plans, small drainage, and other types.

Ms. Larson thanked Mr. Gordon.

4. Contract Amendment - Tyler Technology

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, Null

5. Fitness Court Grants - Williamsburg Health Foundation and National Fitness Campaign

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, Null

Ms. Larson welcomed Ms. Carla Brittle, Tourism and Centers Administrator, to talk about this exciting item.

Ms. Brittle addressed the Board noting the County had received this grant award to install a new fitness court at the Warhill Sports Complex. She noted it was basically an outdoor gymnasium and detailed the equipment and other features of the fitness court. Ms. Brittle further noted the fitness court would serve as a community engagement area for residents who preferred to work out outdoors. She added it was an exciting partnership.

Ms. Larson thanked Ms. Brittle.

6. Grant Award - \$95,594 - Commonwealth's Attorney - V-STOP Grant Program Fund

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, Null

7. 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, Null

The Minutes Approved for Adoption included the following meetings:

- o December 12, 2023, Regular Meeting
- o January 9, 2024, Organizational Meeting

8. Resolution of Chesapeake Bay Preservation Ordinance Violation at 3520 Barrett's Ferry Drive

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, Null

9. Resolution of Illicit Discharge Detection and Elimination Violation at 4540 Casey Boulevard

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, Null

E. BOARD DISCUSSIONS

1. Solid Waste Consolidation

Mr. Bob Dittman, Solid Waste Director, addressed the Board with an update on solid waste consolidation. He noted there were currently five haulers in the County which were highlighted in the PowerPoint presentation. Mr. Dittman stated a free-market system was currently used which allowed the homeowner the choice of haulers. He addressed the efficiencies within that system that maintained higher costs with a greater environmental impact. Mr. Dittman noted that in the solid waste industry, the greater housing density equaled greater route efficiency which equaled lower operating costs to the haulers and lower costs to the homeowners. He stated the term bundling was frequently referenced, particularly if solid waste collection costs decreased monthly per homeowner, then other value-added services could be incorporated. Mr. Dittman noted those services could include minor storm debris cleanup and other factors as noted in the PowerPoint presentation. He added that bundling would eliminate multiple trucks from various haulers in neighborhoods on the same day. Mr. Dittman questioned why the consolidation had not occurred sooner. He noted difficulties with change, adding Virginia Code regulations were cumbersome with many requirements the County had to make for the process. Mr. Dittman continued the presentation highlighting the required regulations. He noted the first requirement was a public hearing must be held with notice 45 days prior to that public hearing. Mr. Dittman stated then the County had to wait five years after that point, adding that was according to how the law was written. He provided additional details on that point. Mr. Dittman

continued the presentation highlighting the effects of the delay which included continued rate hikes for homeowners, wear and tear on County roads from hauling trucks, and other factors. Mr. Dittman stated benefits to solid waste consolidation included reduced rates with maximized housing density, the County as the single point of contact, and other factors. He noted he had visited 14 localities, adding those with solid waste consolidation or a control mechanism for it within their respective boundaries had customers with solid waste and recycling combined monthly costs per household below \$30. Mr. Dittman provided more detail on that point. He noted the connection to available savings with density. Mr. Dittman noted the next three years were critical if the County moved forward with solid waste consolidation. He further noted the timeline for fleet acquisition and other components of the plan. Mr. Dittman reiterated the scheduling of a public hearing as the starting point to the process.

Ms. Larson noted she had used the same trash company for approximately 30 years. She noted she paid \$35 month for trash and \$21 per quarter for recycling. Ms. Larson added that was for once-a-week pickup.

Mr. Dittman addressed the difference in rates regarding the independent haulers and rate variations versus a County program.

Ms. Larson noted she had received several emails in favor of solid waste consolidation, but none against the proposal. She added that storm debris cleanup was an issue and cited York County provided that service to its residents.

Mr. Dittman agreed. He stated the City of Newport News had an equal number of trash trucks and storm debris pickup trucks that ran daily routes. Mr. Dittman noted that schedule may not work in the County, but he felt 1,500 annual bulk or storm debris pickups with two trucks and full-time drivers was feasible. He further noted that service was currently provided by convenience center staff.

Ms. Larson asked the Board if it wanted to schedule the public hearing for March 26, 2024.

The Board concurred.

Ms. Larson noted the scheduling of the public hearing would move forward.

Mr. Dittman noted the 45-day notice to the five affected haulers.

Ms. Larson requested Mr. Kinsman notify the haulers within the designated time.

Mr. McGlennon asked if a County service could be provided before the five-year mark.

Mr. Dittman noted there were two potential scenarios. He stated one scenario was if 55% of property owners petitioned the County to manage solid waste. Mr. Dittman reiterated that was all property owners, not residents. He noted the second scenario was if a threat to public health and welfare existed.

Mr. Stevens noted that the haulers could be paid to be displaced. He provided details to that point but added that was not the preferred recommendation. Mr. Stevens stated another option for the County was its involvement on a voluntary basis, but not as a requirement. He noted the public hearing allowed for public input, started the clock, and allowed time for discussion.

Mr. McGlennon discussed the 55% requirement and concerns regarding open burning control in residential areas. He expressed his disappointment at the time constraints.

Mr. Dittman noted the law and revenue penalties.

Mr. McGlennon asked about the status of the Grove area convenience center that was in the Capital Improvements Program (CIP).

Mr. Dittman responded that a meeting was scheduled for January 30 with the consultant from the 2020 study. He noted that information would be reviewed and the cost estimate would be updated for the Board's review.

Mr. McGlennon noted the convenience center had been in the plans for some time and he was hopeful it would move forward this year. He further noted persistent littering in the area and the travel logistics for area residents to other County convenience centers.

Mr. Stevens noted the delay was on his part as he evaluated the need pending the solid waste consolidation review. He further noted the need was there and moving forward on that point.

Mr. Icenhour noted the importance of starting the clock on the process. He cited some personal dealings with trash haulers. Mr. Icenhour noted the difficulties in contacting the trash companies and receiving no response. He further noted the County's involvement could assist in the customer service aspect in particular.

Mr. McGlennon commented that almost monthly increases by haulers was being noted. He stated those increases included gas surcharges, yet gas prices were lower currently.

F. BOARD CONSIDERATION(S)

1. Yarmouth Creek Watershed Management Plan Adoption

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

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

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

Mr. Michael Woolson, Section Chief, Stormwater and Resource Protection Division, addressed the Board noting he was joined by Ms. Toni Small, Director of Stormwater and Resource Protection Division, and Mr. Daniel Proctor with Stantec, the project's consultant. He noted the management plan would be presented for the Board's consideration. Mr. Woolson stated six watershed management plans had been undertaken by the County since 1998. He noted two of the six watershed management plans had been updated in consideration of current conditions. Mr. Woolson stated Powhatan Creek was readopted last year and Yarmouth Creek was being considered currently. Mr. Woolson cited details of the Yarmouth Creek Watershed Management Plan. He noted Mr. Proctor would present the management plan and that staff recommended adoption of the resolution.

Mr. Proctor addressed the Board noting the three main areas that were followed for the watershed assessment. He noted those three areas included a review of past information, field-level reconnaissance, and desktop-level analysis. Mr. Proctor highlighted key findings in the PowerPoint presentation. He noted all the subwatersheds within the Yarmouth Creek Watershed were all listed as sensitive with the least amount of development and less than 10% impervious cover in 2000. Mr. Proctor further noted changes in 2008 to one subwatershed's impact with greater than 10% impervious cover. He indicated impacts in 2022 and future years in the presentation. Mr. Proctor stated a conservation area review was performed on resources. He continued the presentation highlighting key findings in water quality modeling to assess current and future bacterial rates. Mr. Proctor stated most of the watershed was undeveloped with very low pollution which served to balance the area along Route 60. He noted main takeaways were the majority of the watershed was very healthy despite some impairments. Mr. Proctor

reiterated the development along the Route 60 corridor could affect the watershed health if unmitigated. He highlighted the five main recommendation categories for the watershed and presented examples of those recommendations. Mr. Proctor noted the various public outreach initiatives implemented over the past year.

Mr. Hipple addressed soil conditions, septic tanks, and direct discharge. He noted preapproved development and discharge into area streams. Mr. Hipple questioned the dilemma of poor soil that would support construction of a home but would not support a septic system. He noted the tie-in to the watershed management plans and protection of the waterways while also maintaining the protection of landowners' rights. Mr. Hipple noted the dilemma of maintaining that balance. He cited water issues at Cranston's Mill Pond dam when significant rain fell and impacted the water level. Mr. Hipple noted Route 60 and Croaker Road was another problem area. He further noted he was looking for solutions to address these issues to help the environment, the citizens, and the Board.

Mr. Paul Holt, Director of Community Development, addressed the Board noting some developments had lots that were platted several decades ago and prior to modern regulations. He noted the watershed document in the Board's Agenda Packet was primarily a policy document with legislative application. Mr. Holt cited examples of Special Use Permits and rezoning and the various points the Board could consider for those cases. He noted staff review in spring or summer to address some of the earlier points as the state had made numerous legislative changes recently with a July 1, 2024, effective date. Mr. Holt further noted this same process had taken place 11 years earlier when legislative changes were implemented. He detailed the process. Mr. Holt stated the new regulations would impact new subdivisions more than older platted parcels.

Mr. Hipple addressed the need to look forward. He noted there were still other watershed management plans to address and the impacts on those watersheds.

Mr. Holt reiterated the changes to County stormwater and Chesapeake Bay regulations would align with new state legislative changes. He noted those changes could be implemented to better address concerns from past situations.

Mr. Hipple questioned a list of parcels that potentially would not be suitable for septic.

Mr. Holt noted difficulty with obtaining that information, adding staff would watch for that information.

Discussion ensued.

Mr. Holt mentioned the difficulty with many permits issued by the Virginia Department of Health (VDH) and the minimal involvement by the County.

Mr. Hipple noted VDH input and the County's control over various issues.

Ms. Larson thanked Mr. Proctor for the presentation.

2. Support of the Virginia American Revolution 250 Commission

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

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

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

Ms. Brittle addressed the Board noting a resolution in the Agenda Packet to establish a James City County 250th Anniversary American Revolution Committee. She noted the Virginia

General Assembly created the Virginia American Revolution 250 Commission to facilitate a multi-year series of events. Ms. Brittle stated the Commission had requested each local government in Virginia to form a committee to assist in the Commission's endeavors. She cited some of the specific events slated to occur. Ms. Brittle noted each locality would have access to request the mobile museum, access to grant funds for assistance with programs, and webpage development promoting the County's specific history. She further noted a small committee of staff members and several Historical Commission members was planned to assist in starting support with the state commission. Ms. Brittle sought approval of the committee and any guidance on the formation from the Board. She noted upon approval, she planned to attend the Historical Commission meeting later in the week.

Ms. Larson noted the significance of this committee and local events which were upcoming. She expressed her excitement at the County's involvement and potentially drawing tourists who had never visited previously.

Ms. Brittle noted gathering Board input on potential events. She further noted some funding allotted in the upcoming budget. Ms. Brittle also stated she was checking on the mobile museum coming to James City County.

Ms. Larson stated that was great.

Mr. Hipple noted the importance of being the frontrunner for this event. He further noted this area was the starting point.

Ms. Larson stated this was a major part of the Visit Williamsburg CEO search. She noted that point was significant in helping with the Historic Triangle.

Ms. Brittle noted she had a meeting with York County and the City of Williamsburg, adding each locality had its own committee. She further noted possible joint events and coordination among the three localities. Ms. Brittle stated York County had numerous events planned and could be a possible partner.

Ms. Larson thanked Ms. Brittle.

At approximately 3:11 p.m., the Board recessed for a short break.

At approximately 3:15 p.m., the Board reconvened.

3. Interim Agreement for New Consolidated Government Center

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

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

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

Ms. Larson welcomed Mr. Brad Rinehimer, Assistant County Administrator.

Mr. Rinehimer addressed the Board regarding the interim agreement. He noted the Board's Agenda Packet contained a memorandum and resolution regarding the new consolidated Government Center interim agreement. Mr. Rinehimer stated at its November 14, 2023, meeting, the Board directed the County Administrator to negotiate an interim agreement with Henderson, Inc., and Gilbane Building Company. He detailed the next steps of the interim agreement which encompassed the proposed site plan, building design, and other factors. Mr. Rinehimer noted the funding for this phase had been previously allocated in the CIP for FY 2024 which marked 30% design completion phase. He provided details on the various components of that phase. Mr. Rinehimer added input would be gathered from the public,

County employees, and the Board of Supervisors in consideration of design and building completion prior to that 30% mark. He noted the total cost for that phase would not exceed \$4,450,000.

Mr. Icenhour noted that expenditure, allocated in the current CIP, marked a 30% design, but he questioned the timeline of the project specifications for the Board's review. He inquired about the level of detail from financial to other aspects. Mr. Icenhour stressed the need to know and understand the costs, expectations of the building, cost impact, and the timeline for the Board to review that information. He noted the competitiveness of projects and the importance of the timing of when to build the new consolidated Government Center. Mr. Icenhour further noted the importance of phasing the project from an affordability aspect while balancing the need for other projects for the County. He stated the need to ensure a timeline that allowed adequate public input on this project.

Mr. Rinehimer agreed on that point. He noted public discussion would take place at the first Community Conversations meeting on January 31, 2024, at Legacy Hall. Mr. Rinehimer stated it would be nine months to get to the 30% mark, but after that, the timing would be dependent on the County's decision. He stated the comprehensive agreement would indicate when groundbreaking and final steps would occur and then it would require Board approval.

Mr. Icenhour asked if that timeline was late this year or early next year.

Mr. Rinehimer responded that would be the earliest timeline.

Ms. Larson thanked Mr. Rinehimer.

4. Appointment of Alternate for the Hampton Roads Planning District Commission and Transportation Planning Organization

A motion to Appoint John McGlennon as alternate to the Hampton Roads Planning District Commission and Transportation Planning Organization was made by Barbara Null, the motion result was Passed.

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

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

Ms. Larson noted there were several schedule conflicts with Mr. Icenhour for the appointments. She further noted Mr. McGlennon had offered to serve as the alternate.

5. Amend the Board Calendar to add April 12, 2024, at 7:30 am for the 2023 James City County Service Award Ceremony at the Busch Gardens Globe Theater

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

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

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

G. BOARD REQUESTS AND DIRECTIVES

Ms. Null and Mr. Hipple noted they had no reports.

Mr. McGlennon noted his attendance at the Martin Luther King Afro-Academic, Cultural, Technological and Scientific Olympics (ACT-SO) luncheon the previous weekend. He further noted the event recognized regional high school students and their academic and other accomplishments. Mr. McGlennon stated ACT-SO has offered local talent opportunities to showcase their talents nationally.

Mr. Icenhour noted he was invited to speak at the CLS class in Williamsburg. He stated the

subject was the relationship between the local government and the military in the area.

Ms. Larson noted she represented the Board at the Day of Racial Healing held at Legacy Hall last week where she presented a resolution. She cited details of the event. Ms. Larson reiterated that the CEO search for Visit Williamsburg had begun, adding if anyone locally was interested then they could contact Ms. Larson on her County email. She added from that point she would connect the individual(s) from the representative from the search firm. Ms. Larson noted the representative had been in town last week and had met Mr. Stevens, the City of Williamsburg City Manager, and the Interim County Administrator for York County. She further noted he had met with other stakeholders and the Tourism Council Board also. She provided additional details on the CEO job search. Ms. Larson emphasized the importance of County employees and extended thanks to everyone. She noted the somber news of suicides in the Greater Williamsburg area for families as well as first responders. Ms. Larson stated the need for people to reach out for help and the importance of mental health.

Mr. Hipple requested Ms. Larson speak with the Chair of the York County Board of Supervisors. He noted the abundance of building occurring at the County line, Lightfoot, and other areas and the impact on James City County's community.

Ms. Larson stated she would reach out for discussion, particularly as she was wondering about the Virginia Department of Transportation road improvement plans also.

Mr. Hipple thanked Ms. Larson.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens reminded everyone of the Community Conversation at 6 p.m. on Wednesday, January 31, 2024, at Legacy Hall in New Town. He noted there would be a discussion with questions and answers from residents on the Williamsburg Regional Sports Complex, trash consolidation, proposed consolidated Government Center, and a public safety update from Police Chief Mark Jamison. He extended an invitation to residents and Board members to attend.

I. CLOSED SESSION

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

At approximately 3:37 p.m., the Board of Supervisors entered a Closed Session.

At approximately 3:39 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, Null

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

A motion to Appoint Kira Allman as the Roberts District representative on the Planning Commission for a term starting February 1, 2024, and ending January 31, 2028, was made by John McGlennon, the motion result was Passed.

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

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

J. ADJOURNMENT

1. Adjourn until 9 am on February 1, 2024, for Local Government Day at the Capitol in Richmond, VA

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

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

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

At approximately 3:40 p.m., Ms. Larson adjourned the Board of Supervisors.

MEMORANDUM

DATE: February 27, 2024

TO: The Board of Supervisors

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

SUBJECT: ORD-22-0001. Amendments for Scenic Roadway Protection
Comprehensive Plan Amendment: Community Character Corridor and Short-Term Rental Development Standards Revision

Introduction

At its January 9, 2024, public hearing, the Board of Supervisors discussed ORD-22-0001 and the proposed amendment to the Comprehensive Plan regarding the approved list of Community Character Corridors (CCCs) and Short-Term Rental Development Standards. The Board requested more time to consider the impact of the proposed setback on existing structures located along affected roadways. The Board also requested further discussion on the short-term rental standards.

Scenic Road Protection Approach: Open/Agricultural CCCs 400-foot Setback

In accordance with the Initiating Resolution for scenic roadway protection (Attachment No. 1), staff has proposed a setback for certain scenic roadways. The proposed draft language would establish a baseline 400-foot setback for A-1 zoned parcels located outside of the Primary Service Area (PSA) and abutting scenic roadways designated Open/Agricultural in the Comprehensive Plan. The draft language would allow lots with a depth of 300 feet or less to have the 75-foot setback requirement, lots with a depth greater than 300 feet and up to and including 500 feet to have a setback requirement of 200 feet, and lots with a depth greater than 500 feet to have the 400-foot setback (see Attachment No. 2 for exhibits showing these setbacks).

To provide flexibility for existing structures made nonconforming by this proposed setback, staff included draft language that permits these nonconforming structures to expand, provided said expansion is not further within the setback. Details regarding the number of nonconformities that would be created as a result of this amendment are included in Attachment No. 3.

In response to the specific inquiry from January 9, should the Board desire to have separate setback standards for some lots and not other lots along the corridor (currently improved lots versus currently vacant lots, for example), this could only be accomplished via the creation of an Overlay District. As noted in staff's May 23, 2023, memorandum, an Overlay District is a potential tool that could be utilized to establish unique development standards. Unlike the proposed setback idea, which requires the same standards be applied to entire roadway segments, such as Open/Agricultural or Wooded CCCs, the Overlay District concept could be established more uniquely. In short, the Overlay District would first have to be created, and the desired parcels would then be placed into the district via a Board initiated rezoning.

In the absence of an Overlay District, having setback standards that vary based on consideration of building square footage, height, and other existing or nonexisting features, is not recommended by the County Attorney's Office. 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.

Limited Comprehensive Plan Amendment

In response to the Board's Initiating Resolution (Attachment No. 4), Planning staff prepared a limited amendment to the Comprehensive Plan that accomplishes the following:

1. Revises the CCC Table CC-1: County CCC designations list such that the portion of Old Stage Road located outside of the PSA will no longer be classified as a CCC.
2. Remove the following recommended development standard for short-term rentals: "Be operated in such a manner that the property owner will continue to live and reside on the property during the rental."

Based on the Comprehensive Plan adopted on October 26, 2021, the current standards include:

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

Staff Recommendation

Staff looks forward to discussing these items with the Board in advance of the public hearing, which was continued to April 9, 2024.

TW/JLR/JR/md

ORD22-1AmdSRPCPl-mem

Attachments:

1. Scenic Roadway Initiating Resolution
2. Setback Exhibits
3. Nonconformity Analysis
4. Comprehensive Plan Amendment Initiating Resolution

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

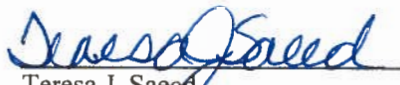
WHEREAS, the Board is of the opinion that the public necessity, general welfare, and good zoning practice warrant the consideration of amendments to the Zoning Ordinance and Subdivision Ordinance.

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

SADLER
ICENHOUR
LARSON
MCGLENNON
HIPPLE

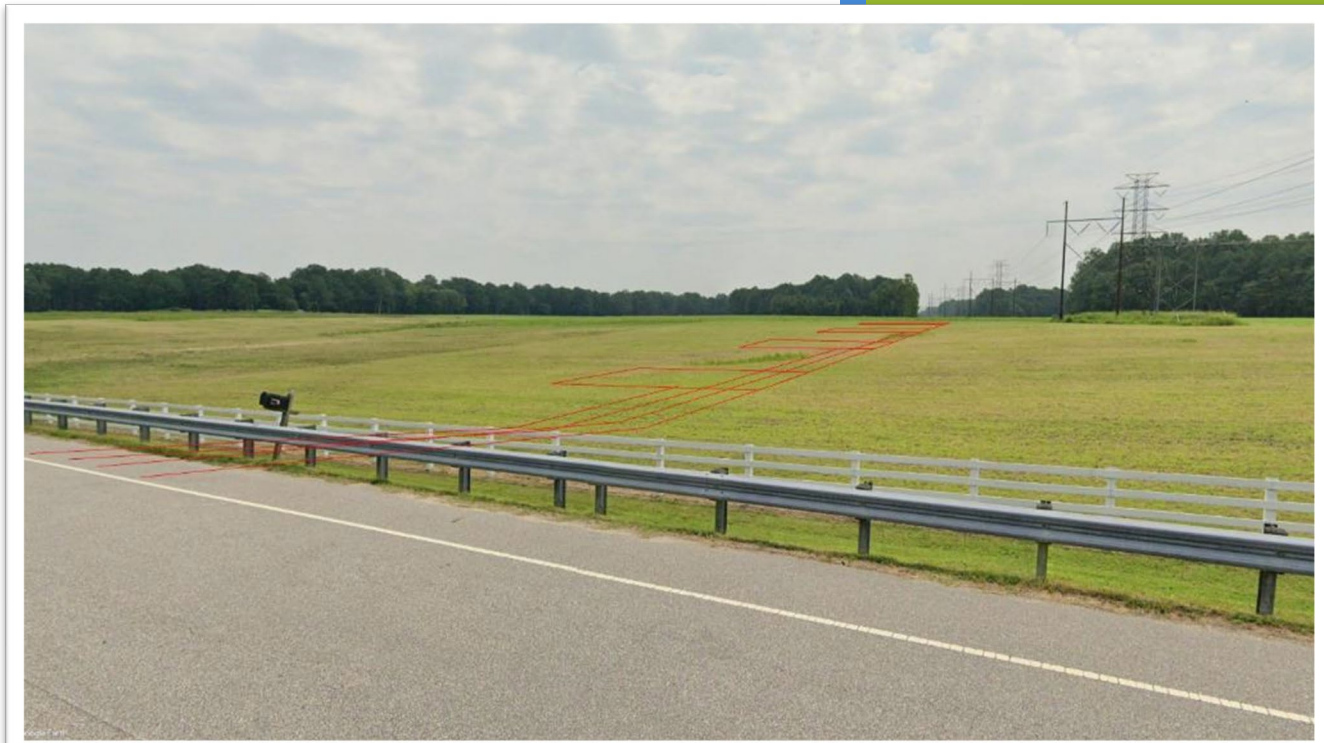
VOTES			
<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<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



Rural Roadway Preservation



James City County Zoning Update
DRAFT August 2, 2022

Prepared by EPR,PC

Contents

Part 1. Visual Analysis of Viewsheds	2
Introduction	2
Ground Level Visualizations	2
Methodology.....	2
Results	3
House A:	4
House B.	6
Conclusions	8
Aerial Visualizations	9
Methodology.....	9
Results:	9
Conclusions	13

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

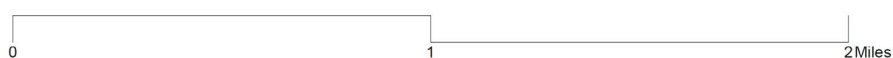
Based on County staff request, EPR developed an aerial mapping analysis of different distance widths applied to a section of Forge Road located outside of the PSA. The maps were presented as aerial photos with the distances shown as colored buffers on the photos and as oblique aerial views of segments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

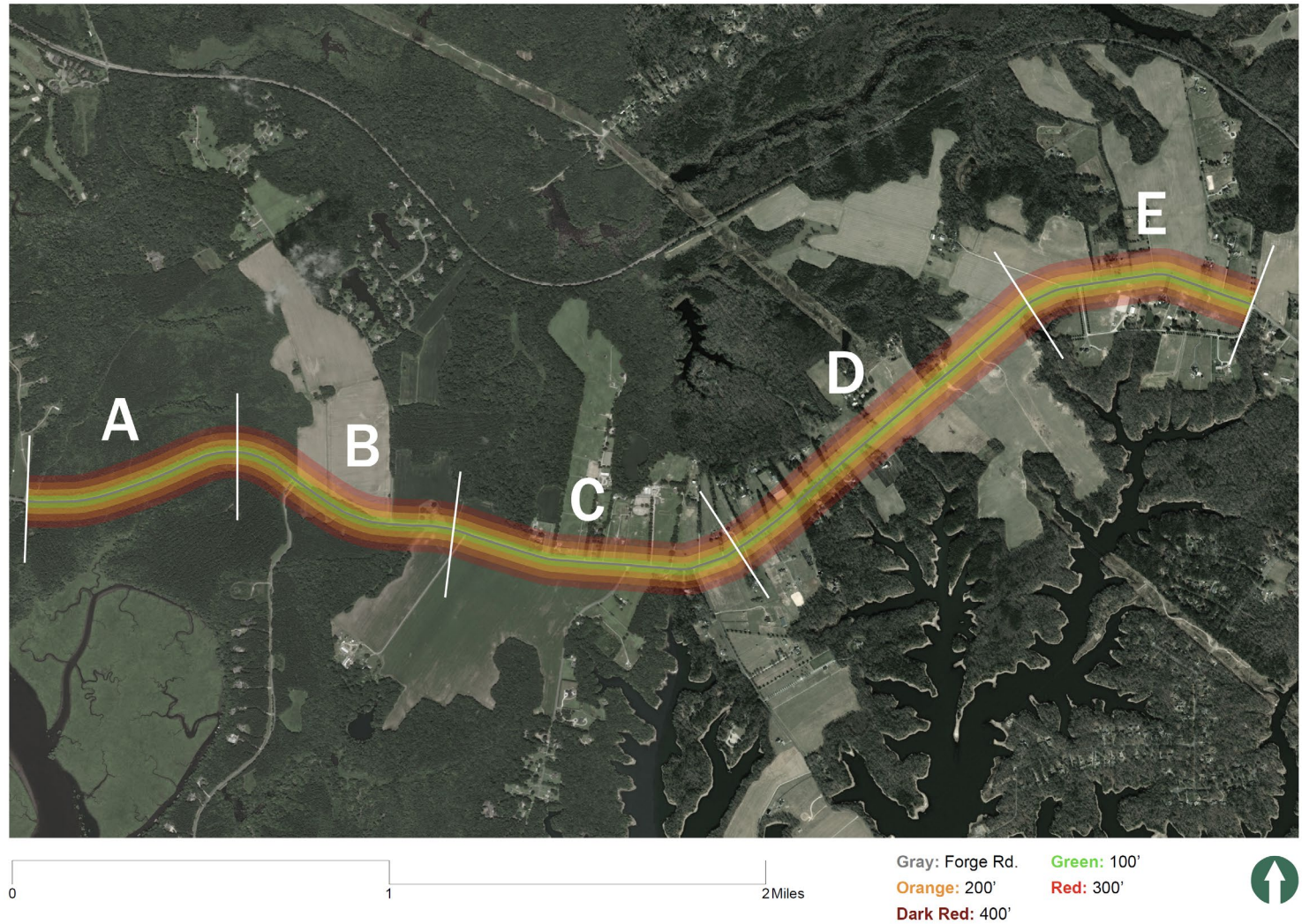


Figure 11. Base map showing alternate distances from the roadway

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

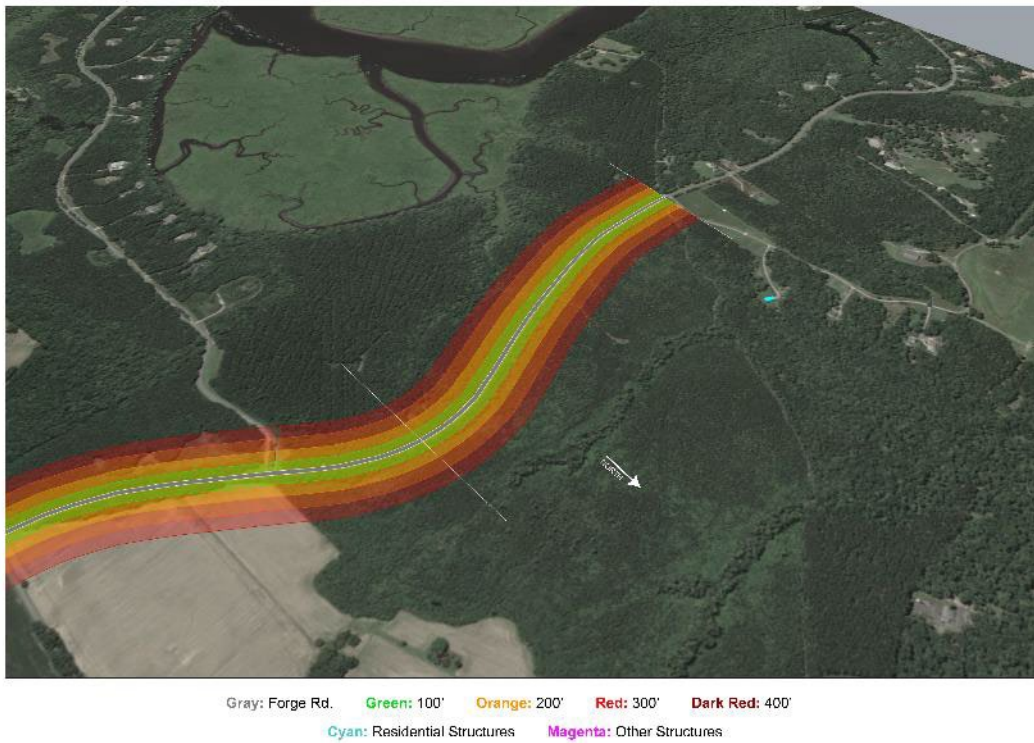


Figure 13. Potential distances - Segment A.

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

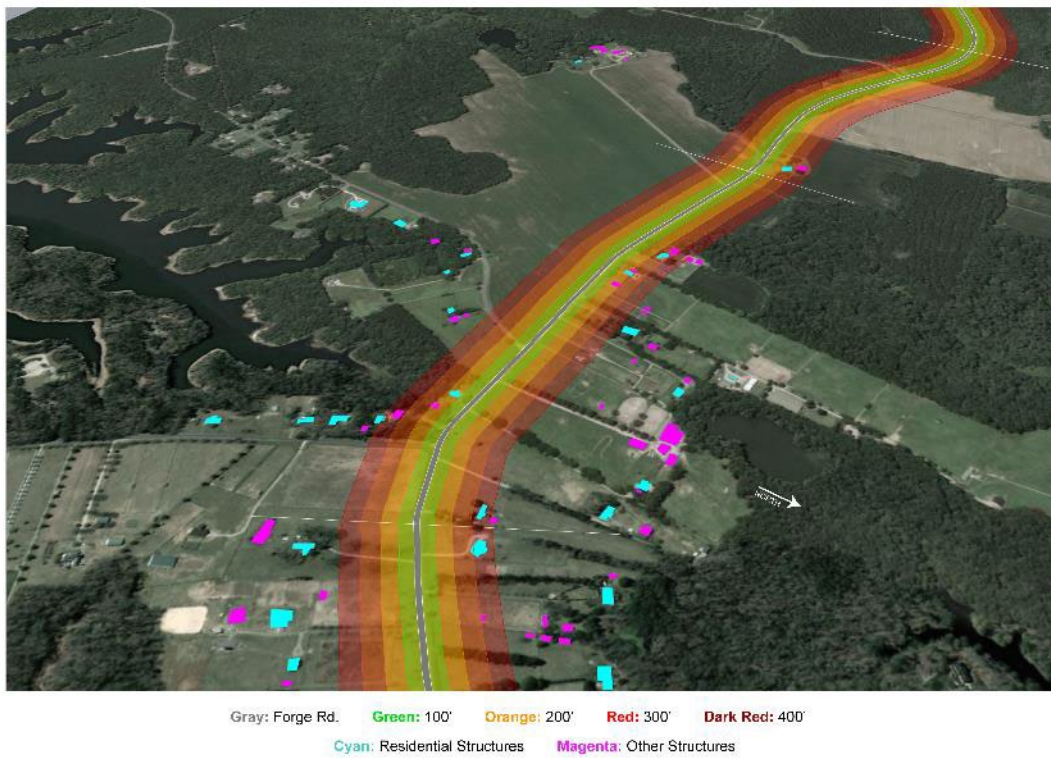


Figure 15. Potential distances - Segment C.

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

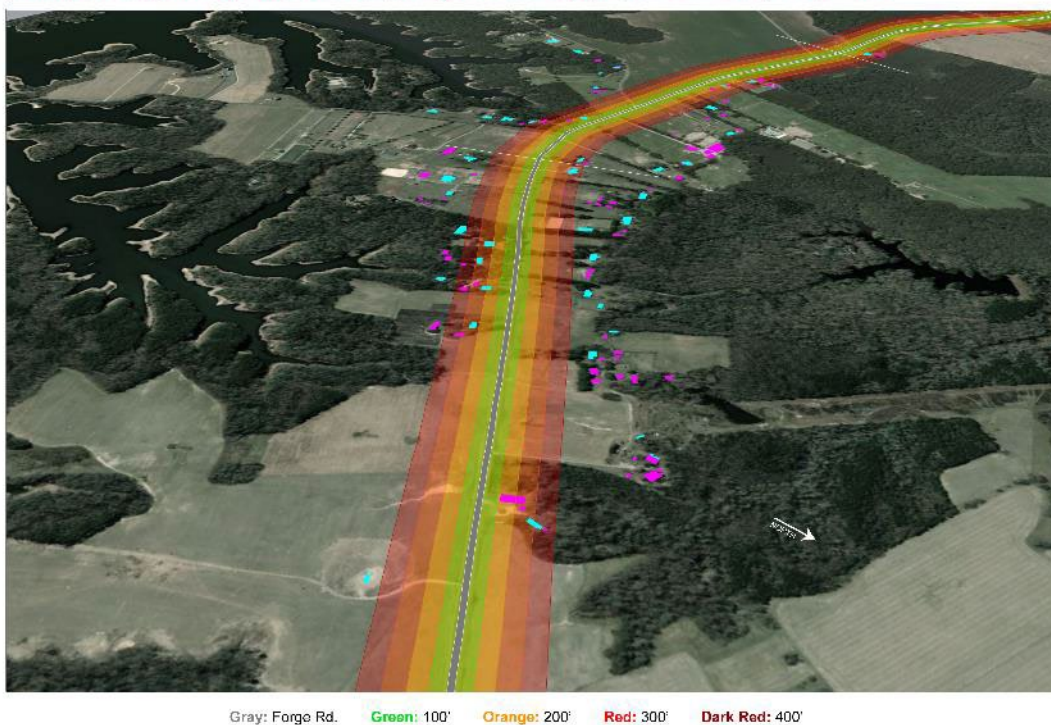


Figure 14. Potential distances - Segment D.

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

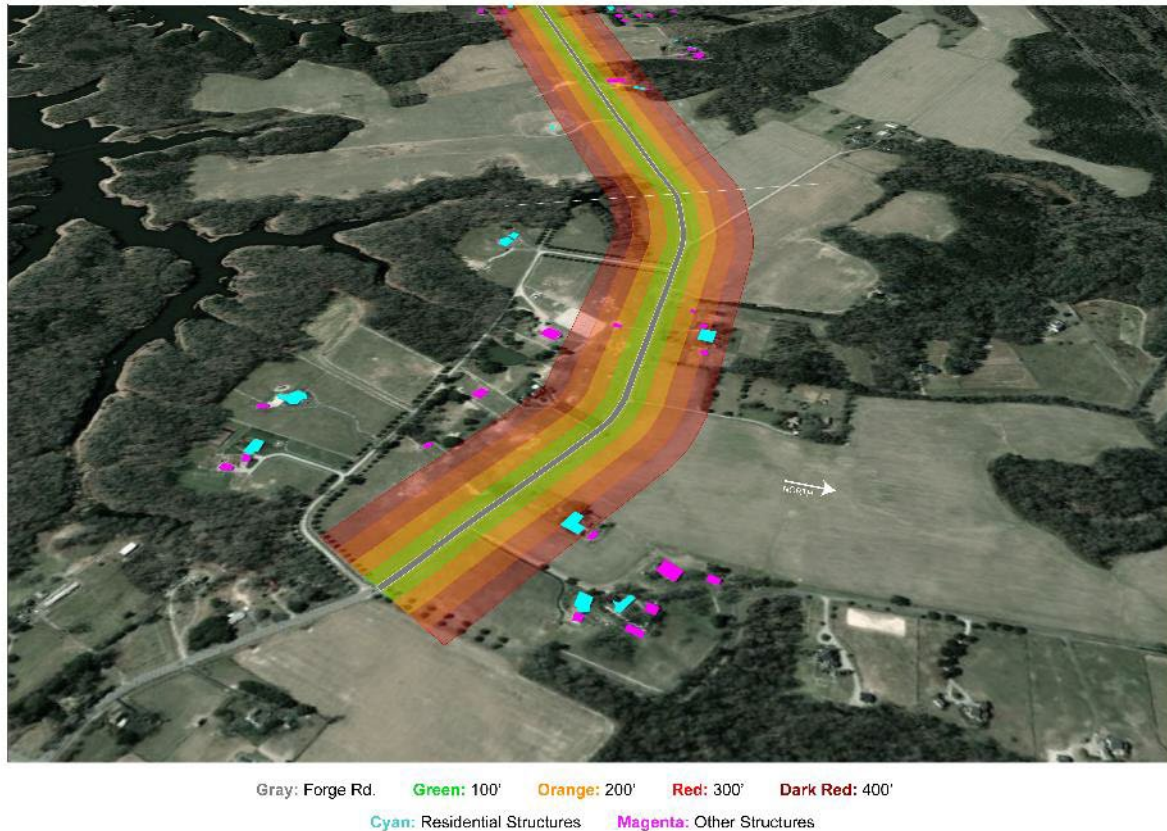


Figure 16. Potential distances - Segment E.

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.

Nonconformity Summary

Option No. 2: 400-foot Setback, 200-foot Setback for lot depth greater than 300 and less than or equal 500 feet, 75-foot Setback lot depth of 300 feet or less)

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

**Staff notes that 8 of the 22 accessory structures appear to be utilized for agricultural purposes.*

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENT TO THE COMPREHENSIVE PLAN

TO REVISE THE COMMUNITY CHARACTER CORRIDOR DESIGNATION CATEGORY

AND TO REMOVE A RECOMMENDATION THAT SHORT-TERM RENTALS BE

OPERATED IN A MANNER WHERE THE OWNER RESIDES ON THE PROPERTY

DURING THE RENTAL

WHEREAS, at its October 26, 2021, meeting, the Board of Supervisors of James City County, Virginia, adopted the James City County Comprehensive Plan, *Our County, Our Shared Future: James City County 2045 Comprehensive Plan* (the "Comprehensive Plan"); and

WHEREAS, under Section 15.2-2229 of the Virginia Code, the Board of Supervisors may consider amendments to the Comprehensive Plan; and

WHEREAS, at its July 25, 2023, meeting, the Board of Supervisors, in response to concerns regarding the development pressure on Forge Road and in coordination with fulfilling "ORD-22-0001: Amendments for Scenic Roadway Protection" requested staff prepare a limited amendment to said Comprehensive Plan to revise the Community Character Corridor Designation list such that the portion of Old Stage Road located outside of the Primary Service Area no longer be classified as a Community Character Corridor; and


WHEREAS, also at its July 25, 2023, meeting, the Board of Supervisors, in response to concerns from the County Attorney's Office regarding the Comprehensive Plan's recommendation that short-term rentals "be operated in a manner such that the property owner will continue to live and reside on the property during the rental" may run afoul of recent jurisprudence, requested that staff remove such recommendation from the short-term rental section.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate an amendment to the Comprehensive Plan to (1) revise the Community Character Designation category such that the portion of Old Stage Road located outside of the Primary Service Area is no longer included within this category and (2) remove the recommendation that short-term rentals be operated in a manner such that the property owner will continue to live and reside on the property during the rental.




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>
<u>✓</u>	<u> </u>	<u> </u>	<u>✓</u>
<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of September, 2023.

InitConsCCC-STRnt-res