AGENDA

JAMES CITY COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

COUNTY GOVERNMENT CENTER BOARD ROOM

101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185

April 9, 2024

5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leaders - Davis Welch and Kylie Willard, student council members from Clara Byrd Baker Elementary School

E. PRESENTATION(S)

1. Share the Air Partnership

F. PUBLIC COMMENT

G. CONSENT CALENDAR

1. VPPSA Curbside Recycling Contract Extension
2. Revised Administrative Plan for the Section 8 Housing Choice Voucher Program

H. PUBLIC HEARING(S)

1. Fiscal Years 2025-2026 County Budget
2. Proposed Real Property Tax Increase (*Agenda Amendment Required at Meeting)*
3. HW-23-0001. Ford's Village Retirement Center Height Waiver
4. Solid Waste Collection
5. Ordinance to Permit Use of Golf Carts on Public Highways in Meadow Lake
6. An Ordinance to Impose a $50 Penalty for Failure to Comply with a Traffic Light Signal
7. An Ordinance to Impose a $100 Penalty for Speeding in School Zones
8. ORD-22-0001. Amendments for Scenic Roadway Protection Comprehensive Plan Amendment: Community Character Corridor and Short-Term Rental Development Standards Revision

I. BOARD CONSIDERATION(S)

J. BOARD REQUESTS AND DIRECTIVES

K. REPORTS OF THE COUNTY ADMINISTRATOR

L. CLOSED SESSION

M. ADJOURNMENT

1. Adjourn until 6 pm on April 10, 2024, for the Budget Community Meeting at Lois Hornsby Middle School

M E M O R A N D U M

DATE: April 9, 2024

TO: The Board of Supervisors

FROM: Robert B. Dittman, Solid Waste Director

SUBJECT: Contract Amendment No. 1 - Curbside Recycling Project

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The current contract between the Virginia Peninsulas Public Service Authority (VPPSA) and James City County (the "County") to provide for the curbside collection of recyclable material expires June 30, 2024. The County desires to make available to its residents curbside collection of recyclable material into the foreseeable future.

General Services staff examined the options available to the County for the curbside collection of recyclable materials. Due to a lack of viable alternatives, it is recommended that the County execute Contract Amendment No. 1.

VPPSA, on behalf of James City County, York County, and the cities of Poquoson and Williamsburg, solicited proposals for the curbside collection of recyclable materials. Only two proposals were received: Tidewater Fibre Corp. (TFC) and Green for Life (GFL Environmental Inc.). VPPSA determined that the proposal from TFC was the most cost-effective as it relates to both curbside collection and drop-off processing. The TFC proposal allows for the continued collection of recyclables at the County's three convenience centers.

Contract Amendment No. 1 increases the monthly cart service fee from $4.22/home to $5.25/home with an annual increase tied to the Consumer Price Index (CPI) for Garbage and Trash Collection and capped at 5%. The processing fee also increases from $95/ton to $105/ton with an annual increase tied to the CPI for Garbage and Trash Collection and capped at 3%. The estimated increase in curbside recycling costs is expected to be $180,000-$190,000 in the first year (Fiscal Year 2025) of the new contract.

Staff recommends adoption of the attached resolution authorizing the execution of Contract Amendment No. 1 between the Virginia Peninsulas Public Service Authority and James City County to extend the curbside recycling contract an additional five years (July 1, 2024-June 30, 2029).

RBD/md
VPPSACA1CrbsRcy-mem

Attachment

R E S O L U T I O N

CONTRACT AMENDMENT NO. 1 - CURBSIDE RECYCLING PROJECT

WHEREAS a Special Project Agreement Curbside Recycling Project was made on March 5, 2019, between the Virginia Peninsulas Public Service Authority (VPPSA) and James City County (the "Agreement"); and

WHEREAS, VPPSA entered into a contract entitled "Agreement for Curbside Recycling Service" between VPPSA and Tidewater Fibre Corp. on December 28, 2018, to provide a regional curbside collection program with a term ending June 30, 2024; and

WHEREAS, the VPPSA Board of Directors, on December 1, 2023, approved the extension of the Agreement for a five-year term beginning July 1, 2024, and ending June 30, 2029; and

WHEREAS, VPPSA desires to extend the Agreement between VPPSA and James City County to continue to provide Curbside Recycling Services, as identified in Article III-Term of Agreement, to coincide with the five-year extension between VPPSA and Tidewater Fibre Corp.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute Contract Amendment No. 1 between James City County and the Virginia Peninsulas Public Service Authority.

_____
Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
NULL	____	____	____	____
HIPPLE	____	____	____	____
MCGLENNON	____	____	____	____
ICENHOUR	____	____	____	____
LARSON	____	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of April, 2024.

VPPSACA1CrbsRcy-res

Amendment Number 1
Special Project Agreement Curbside Recycling Project
Between the
Virginia Peninsulas Public Service Authority
And
James City County, Virginia

This Amendment Number 1 to Special Project Agreement Curbside Recycling Project between the Virginia Peninsulas Public Service Authority and James City County, Virginia is made this __ day of _____, 2024 between the Virginia Peninsulas Public Service Authority (hereinafter designated "VPPSA") an authority created under the Virginia Water and Waste Authorities Act, VA. Code 15.2-5100 et seq (the "Act"), and James City County, Virginia, a political subdivision of the Commonwealth of Virginia (hereinafter designated as "Community").

RECITALS

WHEREAS, a Special Project Agreement Curbside Recycling Project was made on March 5, 2019 between VPPSA and the Community (the "Agreement"); and

WHEREAS, the VPPSA entered a Contract entitled "Agreement for Curbside Recycling Service between the VPPSA and Tidewater Fibre Corp on December 28, 2018 to provide a regional curbside collection program with a term ending June 30, 2024; and

WHEREAS, the VPPSA Board of Directors, on December 1, 2023 approved the extension of the Agreement for a five-year term beginning July 1, 2024 and ending June 30, 2029; and

WHEREAS, VPPSA desires to extend the Agreement between VPPSA and the Community to provide Curbside Recycling Services, as identified in Article lll- Term of Agreement to coincide with the Five-year Extension between VPPSA and Tidewater Fibre Corp.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and for other valuable consideration, receipt, and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. The Agreement is hereby renewed for one renewal term of five years beginning on July 1, 2024 and expiring on June 30, 2029 in accordance with Article III of the Agreement.

2. Except as specifically amended herein, the Agreement shall remain unchanged and in full force and effect.

WITNESS the following signatures.

[*signatures appear on following page*]

VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY

By: _____
Printed Name David Magnant
Title Executive Director

JAMES CITY COUNTY

By: _____
Printed Name: _____
Title: _____

Approved as to form:

_____
County Attorney

M E M O R A N D U M

DATE: April 9, 2024

TO: The Board of Supervisors

FROM: Barbara E. Watson, Director of Social Services

SUBJECT: Revised Administrative Plan for the Section 8 Housing Choice Voucher Program

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The James City County Social Services Housing Unit (Housing) is designated as a Housing and Urban Development (HUD) Approved Public Housing Agency (PHA) responsible for administering the Section 8 Housing Choice Voucher (HCV) Program. A revised Administrative Plan for the HCV Program has been prepared by Housing. Public Housing Agencies are required to adopt an Administrative Plan which states local policies on matters for which federal law and HUD regulations provide discretion to the PHA. Revisions to the Administrative Plan are necessary to incorporate and respond to recent changes in federal policies and regulations related to the operation and funding of the HCV Program.

Significant changes in this revision of the Administrative Plan include: 1) added information on the Housing Opportunity Through Modernization Act (HOTMA) and a new section on Restriction on Assistance Based on Assets, 2) included the term human trafficking with Violence Against Women Act (VAWA) language, 3) clarified language on disparate impact and discriminatory effects per the final rule dated March 31, 2023, 4) included changes regarding exceptions to utility allowances as a reasonable accommodation, and 5) added a record retention policy that the PHA will keep for at least three years records of all complaints, investigations, notices, and corrective actions related to fair housing violations.

Previous revisions approved in the current Administrative Plan included a number of required updates including: 1) formatting and repagination, 2) a subsection and new links for the new version of HUD's HCV Guidebook, 3) updated Public and Indian (PIH) Notices, 4) changes in gender text and references, and 5) increased Violence VAWA protections against termination.

As summarized above, revisions to the Administrative Plan ensure our compliance with federal policies and regulations related to operation and funding of the HCV Program while enabling us to continue to assist current participants and to assist additional families within the amount of funding provided by the federal government. A draft of the revised Administrative Plan can be viewed on the County's website click here.

Staff therefore recommends that the Board of Supervisors adopt the attached resolution to approve the revised Administrative Plan for the Section 8 Housing Choice Voucher Program.

BEW/ap
RevAdminPHCV-rev-mem

Attachment

R E S O L U T I O N

REVISED ADMINISTRATIVE PLAN FOR THE SECTION 8

HOUSING CHOICE VOUCHER PROGRAM

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

WHEREAS, a PHA which operates the Section 8 HCV Program must adopt an Administrative Plan which states local policies on matters for which the PHA has discretion; and

WHEREAS, there have been significant changes in federal policies and regulations related to operation and funding of the HCV Program since the Administrative Plan was last adopted by the Board of Supervisors on January 10, 2023; and

WHEREAS, the Social Services Housing Unit has prepared a revised Administrative Plan which incorporates and responds to changes in federal policies and regulations and has provided opportunities for public review and comment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the revised Administrative Plan for the Section 8 Housing Choice Voucher Program effective April 9, 2024.

_____
Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
NULL	____	____	____	____
HIPPLE	____	____	____	____
MCGLENNON	____	____	____	____
ICENHOUR	____	____	____	____
LARSON	____	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of April, 2024.

RevAdminPHCV-res

Nan McKay
AND ASSOCIATES, INC.

1810 Gillespie Way, Suite 202
El Cajon, CA 92020
phone 800 783 3100
fax 619 258 5791
www.nanmckay.com

Revision: September 2023 Model Admin Plan

Revision Service Users

Welcome, Valued Revision Service Customer. **Enclosed is the September 2023 Revision of the Model Administrative Plan.**

A high-level list of the changes included in this revision can be found in the last section of this Revision Instructions document.

Overview of Changes in the Current Revision

Below is a high-level summary of the changes contained in the September 2023 revision, organized by chapter.

Chapter 1

- Added information on the Housing Opportunity through Modernization Act (HOTMA) to the Overview and History of the Program section.
- Revised the section on Contents of the Plan to include information on project-based vouchers and policies governing special housing types.

Chapter 2

- Expanded the existing policies on discrimination complaints with a new section on Discrimination Complaints., which includes guidance from Notice FHEO 2023-01.

Chapter 3

- Revised various areas of the chapter to account for HOTMA changes, including the Final Rule issued February 14, 2023, Notice PIH 2023-27, and other sources of HUD guidance on the topic. This includes a new section on Restriction on Assistance Based on Assets.
- Included the term *human trafficking* with Violence Against Women Act (VAWA) language, in addition to other VAWA clarifications to better align with current guidelines such as the implementation Guidance for VAWA 2022 published in the *Federal Register* on January 4, 2023.
- Clarified language on disparate impact and discriminatory effects per the final rule dated March 31, 2023.

Chapter 4

- Included the term *human trafficking* with Violence Against Women Act (VAWA) language to better align with current guidelines.

Chapter 5

- Included the term *human trafficking* with Violence Against Women Act (VAWA) language to better align with current guidelines.

Chapter 6

- This chapter was completely rewritten from the ground up to account for HOTMA changes, including the Final Rule issued February 14, 2023, Notice PIH 2023-27, and other sources of HUD guidance on the topic.
- Included also are changes regarding exceptions to utility allowances as a reasonable accommodation.

Chapter 7

- As with Chapter 6, the bulk of this chapter had to undergo a complete rewrite for HOTMA. Many of the changes were required due to updates in verification requirements outlined in Notice PIH 2023-27.

Chapter 8

- This chapter HUD requires that all units occupied by families receiving Housing Choice Voucher (HCV) and Project Based Voucher (PBV) assistance meet HUD's National Standards for the Physical Inspection of Real Estate (NSPIRE) regulations and standards no later than October 1, 2024. The inspection performance standards and procedures for conducting NSPIRE inspections must be included in the administrative plan [Notice PIH 2023-28].

Chapter 9

- Included the term *human trafficking* with Violence Against Women Act (VAWA) language to better align with current guidelines.

Chapter 10

- Included the term *human trafficking* with Violence Against Women Act (VAWA) language to better align with current guidelines.

Chapter 11

- As with Chapters 6 and 7, the bulk of this chapter had to undergo a complete rewrite to account for HOTMA, including the Final Rule issued February 14, 2023, Notice PIH 2023-27, and other sources of HUD guidance on the topic.

Chapter 12

- Revised the policy that the PHA will terminate assistance if the family has been evicted from federally assisted housing in the last five years to reduce the number of years to three.
- Included the term *human trafficking* with Violence Against Women Act (VAWA) language, in addition to other VAWA clarifications to better align with current guidelines such as the implementation Guidance for VAWA 2022 published in the *Federal Register* on January 4, 2023.

Chapter 13

- Revised policy in HAP Contract Term and Terminations section for clarification.
- Included the term *human trafficking* with Violence Against Women Act (VAWA) language, in addition to other minor VAWA clarifications to better align with current guidelines such as the implementation Guidance for VAWA 2022 published in the *Federal Register* on January 4, 2023.

Chapter 14

- Added a new subsection and accompanying policy on De Minimis Errors, plus a minor clarification to account for HOTMA changes, including the Final Rule issued February 14, 2023, Notice PIH 2023-27, and other sources of HUD guidance on the topic.

Chapter 15

- Reworked Chapter 15 to include the policies by default rather than directing to the guide. Policies are now included where relevant in the event that the PHA grants use of a special housing type as needed as a reasonable accommodation.

Chapter 16

- Included the term *human trafficking* with Violence Against Women Act (VAWA) language, in addition to other VAWA clarifications to better align with current guidelines such as the implementation Guidance for VAWA 2022 published in the *Federal Register* on January 4, 2023.
- Included changes regarding exceptions to utility allowances as a reasonable accommodation.
- Modified the policy on evidence for the informal hearing to eliminate the charge of copying documents related to the hearing.
- Added a record retention policy that the PHA will keep for at least three years records of all complaints, investigations, notices, and corrective actions related to fair housing violations.

Chapter 17

- Made minor updates to account for the *Federal Register* notice issued March 3, 2023, on subsidy layering requirements.
- Added a minor clarification on asset limitation requirements to the section on Eligibility for PBV Assistance to account for HOTMA changes.
- Included the term *human trafficking* with Violence Against Women Act (VAWA) language to better align with current guidelines.

Chapter 18

- Added information and clarification to the Applicable Regulations, PBV Percentage Limitation and Unit Cap, Inspecting Units, and Continuation of Housing Assistance Payments sections to account for the most recent Rental Assistance Demonstration (RAD) notice, PIH 2023-19.
- Added a minor clarification on asset limitation requirements to the section on Eligibility for PBV Assistance to account for HOTMA changes.
- Included the term *human trafficking* with Violence Against Women Act (VAWA) language to better align with current guidelines.

Chapter 19

- Added a new Part VI on Stability Vouchers.
- Revised Part II on the Foster Youth to Independence (FYI) Initiative to account for guidance set forth in Notice PIH 2023-04.
- Included the term *human trafficking* with Violence Against Women Act (VAWA) language to better align with current guidelines.

Glossary

- Updated acronyms and definitions for all cumulative changes specified above.

Sold To:
James City County-Housing & Community Development - CU00023641
5320 Palmer Ln Ste 1A
Williamsburg, VA 23188

Bill To:
James City County-Housing & Community Development - CU00023641
5320 Palmer Ln Ste 1A
Williamsburg, VA 23188

Affidavit of Publication

State of Illinois
County of Cook

Order Number: 7562496
Purchase Order: Section 8

This day, Jeremy Gates appeared before me and, after being duly sworn, made oath that:

1) He/she is affidavit clerk of Virginia Gazette, a newspaper published by Daily Press, LLC in the city of Williamsburg and the state of Virginia
2) That the advertisement hereto annexed has been published in said newspaper on the dates stated below
3) The advertisement has been produced on the websites classifieds.pilotonline.com and https://www.publicnoticevirginia.com

Published on: **Jan 10, 2024.**

Jeremy Gates

Subscribed and sworn to before me in my city and state on the day and year aforesaid this 11 day of January, 2024

My commission expires July 6, 2025

Notary Signature

MARIA JOE
Official Seal
Notary Public - State of Illinois
My Commission Expires Jul 6, 2025

Notary Stamp

VIRGINIA MEDIA

Housing Choice Voucher Program (Section 8) Scheduled Public Hearing

James City County will hold a Public Hearing on Friday, March 1,2024 at 5:00 p.m. at the Housing Office located at 5320 Palmer Lane, Suite 1A, Williamsburg, Virginia 23188 to solicit public input on the Administrative Plan for the Section 8 Housing Choice Voucher (HCV) Administrative Plan. HCV participants, applicants, and landlords are encouraged to attend.

The HCV Administrative Plan is created to delineate the policies used to govern the administration of HCV Programs and used to clarify written policies in accordance with the U.S. Department of Housing and Urban Development (HUD) regulations regarding matters that are not covered under HUD regulations but left to local discretion.

The draft, revised Administrative Plan will be available for review for 45 days beginning on Tuesday, January 16, 2024 in the James City County Office of Housing, 5320 Palmer Lane, Suite 1A, Williamsburg Virginia 23188, and on the Housing page of the County website at http://www.jamescitycountyva.gov/282/Rental-Assistance

For additional information contact Keith Denny, (757) 259-5349.

1/10/2024 7562496

PUBLIC HEARING

03.01.2024 5 PM

Section 8 Housing Choice Voucher Program
Scheduled Public Hearing

James City County will hold a public hearing on Friday, March 1, 2024, at 5:00 p.m. at the Housing Office located at **5320 Palmer Lane, Suite 1A**, Williamsburg, Virginia 23188 to solicit public input on the Administrative Plan for the Section 8 Housing Choice Voucher (HCV) program. HCV participants, applicants, and landlords are encouraged to attend.

M E M O R A N D U M

DATE: April 9, 2024

TO: The Board of Supervisors

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

SUBJECT: Fiscal Years 2025-2026 County Budget

The purpose of the Public Hearing is to invite public comment on the Fiscal Years 2025-2026 Proposed Budget.

No action is required of the Board at this meeting. The budget business meeting is scheduled for Tuesday, April 23, 2024, at 1 p.m. The Board is scheduled to adopt the budget as amended, at its meeting on Tuesday, May 14, 2024.

SBM/md
FY25-26CtyBdgt-mem

M E M O R A N D U M

DATE: April 9, 2024

TO: The Board of Supervisors

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

SUBJECT: Proposed Real Property Tax Increase

The purpose of the Public Hearing is to invite public comment on an increase in property tax levies based upon the recent general reassessment.

The total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 18.06%.

The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be $.6801 per $100 of assessed value. This rate will be known as the "lowered tax rate."

James City County proposes to adopt a tax rate of $.83 per $100 of assessed value. The difference between the lowered tax rate and the proposed rate would be $.1499 per $100, or 18.06%. This difference will be known as the "effective tax rate increase."

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

No action is required of the Board at this meeting. The budget Business Meeting is scheduled for Tuesday, April 23, 2024, at 1 p.m. The Board is scheduled to adopt the budget as amended, at its meeting on Tuesday, May 14, 2024.

SBM/ap
PropRPTaxIncr-mem

SUMMARY FACTS

Applicant:	Mr. Christopher Frommell, Frommell Architects, LLC
Landowners:	SWR-Hockaday LLC and Mr. Richard E. McMurran, Jr.
Proposal:	A height limitation waiver to permit the construction of a continuing care retirement facility building not to exceed a height of ± 68 feet above finished grade.
Location:	3889 News Road
Tax Map/Parcel No.:	3730100004
Project Acreage:	± 179.2 acres
Zoning:	R-4, Residential Planned Community District with proffers
Comprehensive Plan:	Low Density Residential
Primary Service Area (PSA):	Inside
Staff Contact:	Ben Loppacker, Planner

PUBLIC HEARING DATE

Board of Supervisors:	April 9, 2024, 5:00 p.m.

FACTORS FAVORABLE

1. With the proposed conditions, staff finds that the proposal would not impact surrounding development.
2. The proposal is consistent with the adopted Comprehensive Plan.
3. The proposed structure is located over 150 feet from the closest public right-of-way and over 160 feet from the nearest proposed neighboring structure.
4. Staff finds that the proposed application meets the criteria for height waivers found in Section 24-286 of the Zoning Ordinance.

FACTORS UNFAVORABLE

1. With the attached conditions, staff finds there are no factors unfavorable.

SUMMARY STAFF RECOMMENDATION

Staff recommends the Board of Supervisors approve this Height Limitation Waiver, subject to the proposed conditions.

PROJECT DESCRIPTION

Mr. Christopher Frommell of Frommell Architects, LLC, has applied for a Height Limitation Waiver to permit the construction of a building associated with the previously approved Continuing Care Retirement Center (CCRC) at 3889 News Road to exceed the 60-foot allowable height in the Zoning Ordinance by eight feet. On property zoned R-4, structures may be erected up to 60 feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank, athletic field lighting or other accessory functions, which are part of the structure. A structure in excess of 60

feet in height but not in excess of 100 feet, from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank or other accessory functions may be erected only upon the granting of a Height Limitation Waiver by the Board of Supervisors. The tallest ridge line of the roof for the CCRC building is proposed to reach a height of approximately 59 feet, four inches above grade; however, there are four chimneys (each approximately six foot and four inches tall) which extend above the height of the ridge line of the roof structure to a height of 66 feet, 10 inches above finished grade. The applicant is requesting a height waiver to allow the four chimneys to be constructed up to a maximum height of 68 feet (the extra height in the requested approval allows for subtle variations that occur during actual construction).

The applicant conducted a balloon test to simulate the expected height of the structure and is shown in the balloon test exhibit (Attachment No. 3). The balloon test was not visible from adjacent properties, or from News Road. Staff was present during the balloon test and concluded that the balloon test was not visible from News Road, as well as the adjacent Ford's Colony, Springhill, Monticello Woods, and Powhatan Secondary subdivisions.

PLANNING AND ZONING HISTORY

The subject property is currently an undeveloped parcel of land (formerly known as the "Warburton Tract") which is largely in a natural, undisturbed state. The land was previously timbered and remnants of several logging roads cross it in various locations. The parcel is heavily vegetated with a mixture of pines, hardwoods, and dense underbrush. The ground is higher in the center of the property, and slopes steeply toward the eastern, southern, and western edges. Cold Spring Swamp runs along the eastern boundary of the property, and the main stem of Powhatan Creek runs along the western property boundary.

The subject property was rezoned in 2008 from the R-8, Rural Residential Zoning District to the R-4, Residential Planned Community with proffers and incorporated into the Ford's Colony Master Plan. The proposed use for the property on the 2007 Master Plan showed a CCRC consisting of a mix of age-restricted residential units and assisted living, memory care rooms, and skilled nursing bed units totaling 741 units. In conjunction with this rezoning and Master Plan, the parcel was removed from the Gordon Creek Agricultural and Forestal District (AFD).

On September 13, 2022, the Board of Supervisors approved a proffer and Master Plan amendment that revised the overall layout of the approved CRCC and decreased the unit mix to 516 units as shown below in Table 1.

Table 1: Master Plan Unit Mix Comparison

Unit/Bed Type	2007 Master Plan	Adopted 2021 Master Plan	Difference
Single-Family and Multifamily Units	38	286	+248
Apartments	558	75	-483
Assisted Living/Memory Care	85	155	+72
Skilled Nursing	60	40	-20
Total Max	741	516*	-225

**Per the amended proffers, the total amount of apartments, assisted living/memory care rooms/skilled nursing beds within the institutional facility (Land Use "D" on the Master Plan) shall not exceed 230 (see rows shaded blue in the Table), which is why this number is capped at 516.*

SURROUNDING ZONING AND DEVELOPMENT

- The following table lists the information on the adjacent parcels:

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	R-2, General Residential and R-4, Residential Planned Community District	Single-Family Residential	Low Density Residential
SOUTH	PUD-R, Residential Planned Community District	Single-Family Residential	Low Density Residential
EAST	R-4, Residential Planned Community District	Single-Family Residential	Low Density Residential
WEST	A-1, General Agricultural	Gordon Creek AFD	Low Density Residential

COMPREHENSIVE PLAN

- The property is designated as Low Density Residential on the adopted 2045 Comprehensive Plan Land Use Map.

- Land designated Low Density Residential is generally located within the PSA and used for single-family and multifamily units, accessory units, cluster or cottage homes on small lots, and recreation areas. This use is classified as a Group 3 use, which includes timeshares and retirement and care facilities and communities. This height waiver is for four chimneys to be located on the CCRC building, which is a recommended use in the Comprehensive Plan.

HEIGHT LIMITATION WAIVER ANALYSIS

- Section 24-286 of the James City County Zoning Ordinance states that structures in excess of 60 feet in height may be erected only upon the granting of a Height Limitation Waiver by the Board of Supervisors upon finding that the following criteria are met:

  1. Such structure is in accordance with the uses, densities, design, and traffic analysis shown on the original Master Plan.

     Staff Comment: Staff finds the proposed structure is in accordance with the approved Master Plan.

  2. Such structure will not obstruct light from adjacent property.

     Staff Comment: Given that the structure is over 150 feet from the nearest public right-of-way, and that the nearest proposed neighboring structure is over 160 feet south of the proposed chimneys, staff finds that the proposed structure will not obstruct light from adjacent properties.

3. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments.

   Staff Comment: Given that the proposed structure has no expected visual impacts on adjacent development, staff finds that the proposed structure will not impair the enjoyment of historic attractions or areas of historic interest.

4. Such structure will not impair property values in the area.

   Staff Comment: It is the opinion of the Real Estate Assessments division that the proposed six-foot, four-inch-high chimneys above the structure's roof ridge line will not impair property values in the area.

5. Such structure is adequately designed and served from the standpoint of safety and that the County Fire Chief finds the fire safety equipment installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property.

   Staff Comment: The Fire Department indicates that it has no concerns with the proposed buildings from a fire service standpoint.

6. Such structure will not be contrary to public health, safety, and welfare.

   Staff Comment: Based on the current proposal and supporting information submitted by the applicant, staff finds that the proposed buildings will not unduly or adversely affect the public health, safety, or general welfare.

PUBLIC IMPACTS

- Staff finds that impacts from the proposed project on the environment, utility service, or traffic generation have already been mitigated through existing proffers. The project is located interior to the site, which is significantly buffered from nearby properties and News Road through the existing 150-foot Community Character Corridor Buffer.

PROPOSED CONDITIONS

- Proposed conditions are provided as Attachment No. 1.

STAFF RECOMMENDATION

Staff recommends the Board of Supervisors approve this Height Limitation Waiver application, subject to the proposed conditions.

BL/ap
HW23-1FordsVillRC

Attachments:
1. Resolution
2. Height Waiver Balloon Test Exhibit
3. Ford's Village Master Plan
4. Applicant Narrative
5. Building Elevations
6. Overall Roofing Plan
7. Building Renderings
8. Location Map

R E S O L U T I O N

CASE NO. HW-23-0001. FORD'S VILLAGE RETIREMENT CENTER

HEIGHT LIMITATION WAIVER

WHEREAS, the Board of Supervisors of James City County has adopted by Ordinance specific land uses that shall be subjected to a Height Limitation Waiver process; and

WHEREAS, Mr. Christopher Frommell has applied for a Height Limitation Waiver to allow for the construction of four chimneys up to 66 feet, 10-inches above finished grade on a continuing care retirement facility (the "Project"); and

WHEREAS, the Project will be constructed in its entirety on property zoned R-4, Residential Planned Community District with proffers and further identified as James City County Real Estate Tax Map Parcel No. 3730100004; and

WHEREAS, the location of the highest point of the Project is depicted on the plan prepared by AES Consulting Engineers, entitled "Ford's Village CCRC Building Balloon Test Report"; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. HW-23-0001.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors finds that the requirements of Section 24-286 of the James City County Zoning Ordinance have been satisfied, in order to grant a Height Limitation Waiver to allow for the erection of structures in excess of 60 feet in height.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Height Limitation Waiver HW-23-0001, pursuant to the following conditions:

1. *Plan*. This Height Waiver shall be valid for an eight-foot waiver to the height limitation requirements set forth in Section 24-286 of the James City County Code to allow for the Project as described herein. The Project shall be constructed as generally shown on the plan prepared by AES Consulting Engineers, entitled "Ford's Village CCRC Building Balloon Test Report."

2. *Lighting*. All lighting locations and specifications shall be shown on future development plans. Unless otherwise required by the Federal Aviation Authority or necessary for safety purposes, installation of any lights on the Project at points above 60 feet in height or installation of lights that direct light upward to illuminate any part of the Project shall be prohibited.

3. *Commencement of Construction.* Construction on the Project shall commence within 36 months from the date of approval of this Height Limitation Waiver or this Height Limitation Waiver shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings for the Project.

4. *Severance Clause.* This Height Limitation Waiver is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

_____
Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

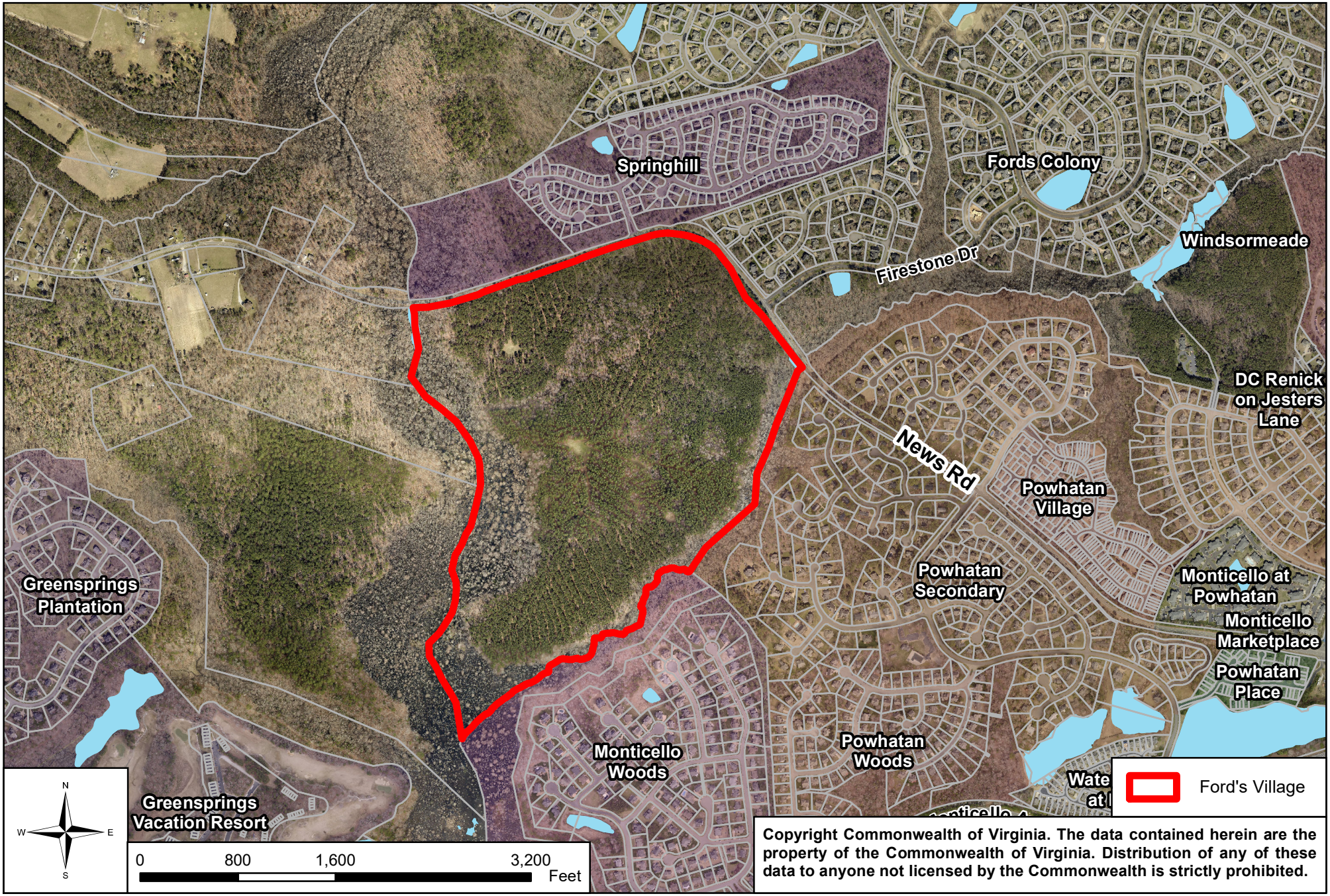
_____
Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
NULL	____	____	____	____
HIPPLE	____	____	____	____
MCGLENNON	____	____	____	____
ICENHOUR	____	____	____	____
LARSON	____	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of April, 2024.

HW23-1FordsVillRC-res

JCC HW-23-0001
Ford's Village Retirement Center Height Waiver



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AES
CONSULTING ENGINEERS

5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone (757) 253-0040
aesva.com

Ford's Village CCRC Building Balloon Test Report
JCC Project: HW-23-0001

Balloon Test Location: 3889 News Road
Date of Test: February 8, 2024

AES Personnel: Graham Corson & Jordan Bristow
Other Attendees: Ben Loppacker (JCC), Suzanne Yeats (JCC) & Amanda Frazier (JCC)

Purpose: This balloon test report was prepared to accompany the height waiver request associated with the Ford's Village CCRC Building (HW-23-0001).

Test Report:

At 10:00 AM on February 8th, 2024, AES performed the balloon test for the Ford's Village CCRC Building. The chimneys on the proposed building will reach a height of 65', which is 5' higher than the maximum allowable building height for the R4 Zoning District. A 5' diameter, bright orange balloon was lifted to an elevation matching that of the proposed chimneys at the corner of the proposed building closest to News Road. This location is shown on the attached aerial map and is roughly 200' away from the right of way at its closest point. It should be noted that the chimney locations on the proposed building are actually even further away from the News Road right of way, but in order to be conservative, the balloon was lifted in this closer location. A photo title "Balloon Location Photo" is provided with this report showing the balloon in its raised position.

Five photographs were taken from the News Road right of way pointing towards the balloon to see if the balloon (and thus, the proposed building) would be visible from the adjacent properties and right of way. It should be noted that the test was performed during the middle of winter, and with the trees being leafless this would be the time of year that would allow for the most visibility from the adjacent properties. As seen in the photos, the balloon was not visible from any of the photo locations.

The proposed project will leave the 150' Character Corridor Buffer along News Road in place with its existing vegetation along this stretch of News Road. We believe that this balloon test shows that there will be little to no visibility of the proposed CCRC building from the adjacent properties after construction.

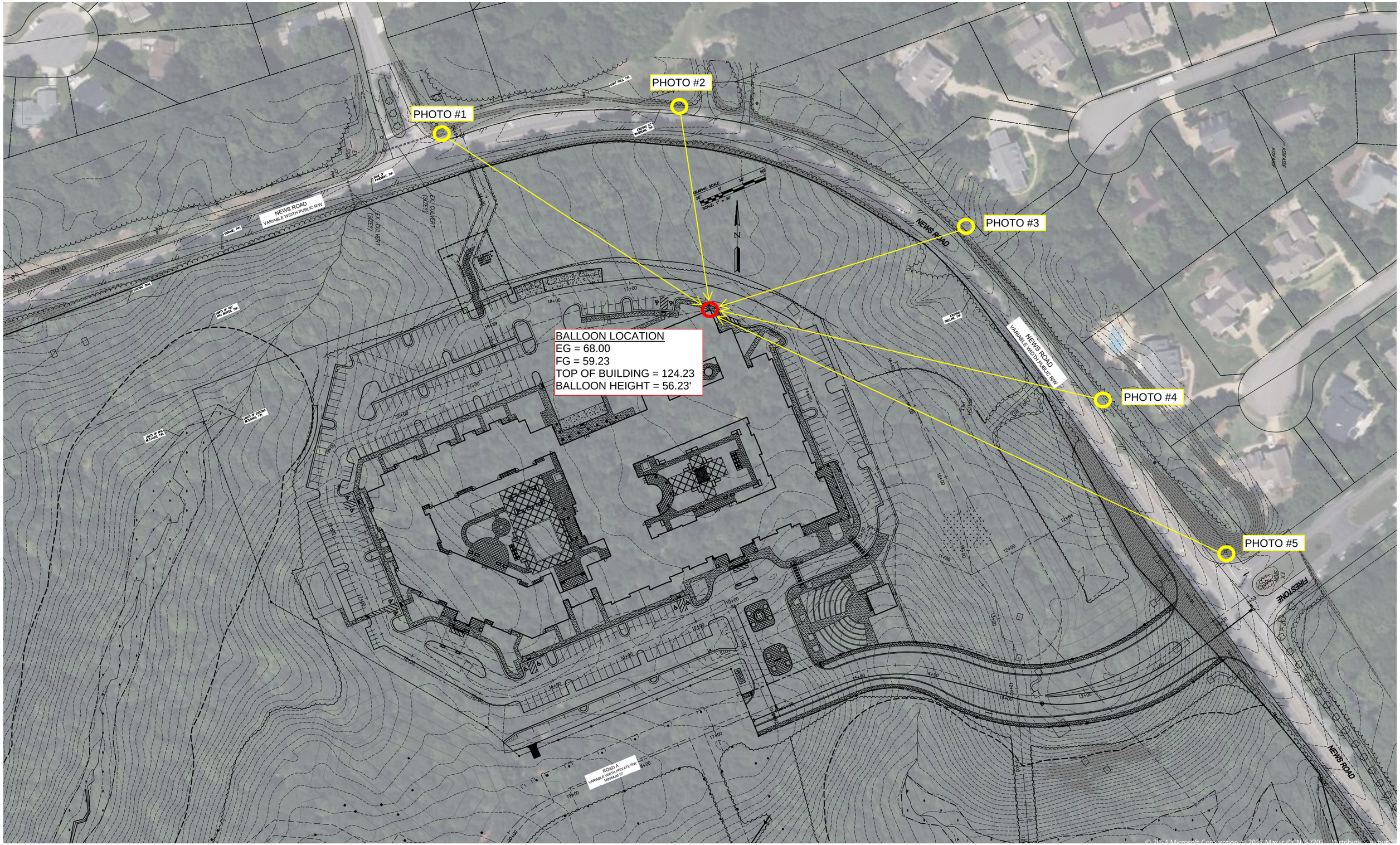


PHOTO #1
PHOTO #2
PHOTO #3
PHOTO #4
PHOTO #5
BALLOON LOCATION
EG = 68.00
FG = 59.23
TOP OF BUILDING = 124.23
BALLOON HEIGHT = 56.23'
NEWS ROAD
VARIABLE WIDTH PUBLIC R/W
NEWS ROAD
NEWS ROAD
VARIABLE WIDTH PUBLIC R/W
FIRESTONE
NEWS ROAD
ROAD A
VARIABLE WIDTH PRIVATE R/W
MINIMUM 50'
N

BALLOON LOCATION PHOTO

SPRINGHILL DR
NEWS RD
PHOTO #1

PHOTO #2

PHOTO #3

PHOTO #4

PHOTO #5

MASTER PLAN AMENDMENT FOR FORD'S VILLAGE

AT

FORD'S COLONY · WILLIAMSBURG ·

FOR

FRYE DEVELOPMENT, LLC

PROJECT TEAM

DEVELOPER: FRYE DEVELOPMENT, LLC

CCRC OPERATOR: RETIREMENT UNLIMITED, INC

LAND PLANNING: MICHAEL WATKINS ARCHITECT, LLC

ENVIRONMENTAL: WETLANDS SOLUTIONS, INC.

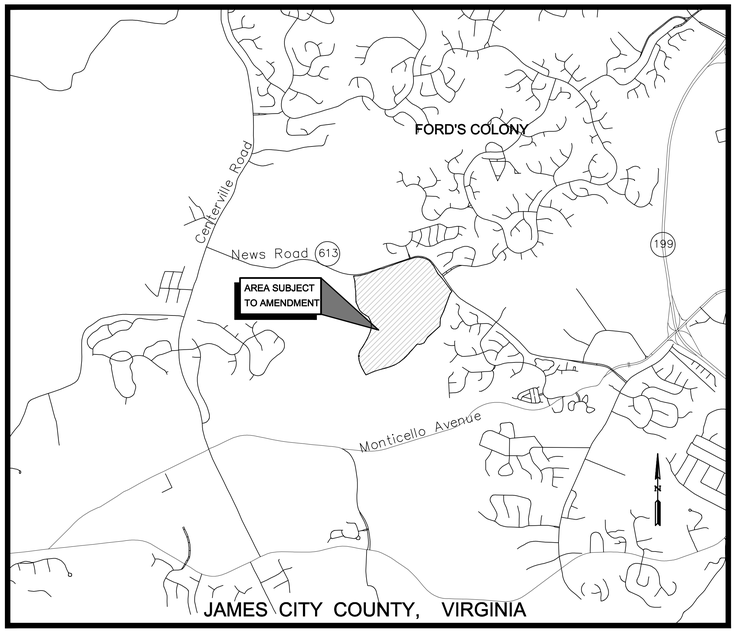
TRAFFIC: DRW & ASSOCIATES

CIVIL CONSULTING: AES CONSULTING ENGINEERS

LEGAL COUNSEL: GEDDY, HARRIS, FRANK & HICKMAN, LLP

SITE DATA:

PARCEL ID:	3730100004
PROPERTY OWNERS:	SWR-HOCKADAY, LLC & MARTHA WARBURTON McMURRAN
PROPERTY ADDRESS:	3889 NEWS ROAD
CURRENT ZONING:	R-4 W/PROFFERS
PROPERTY ACREAGE:	180.7 AC. ±



VICINITY MAP

(APROX. SCALE 1"=2000')

ORIGINALLY SUBMITTED: JUNE 2021

INDEX OF SHEETS

1	COVER SHEET
2	FORD'S COLONY LAND USE MASTER PLAN
3	ENVIRONMENTAL INVENTORY
4	BINDING MASTER PLAN
5	MASTER UTILITY PLAN
6	MASTER STORMWATER MANAGEMENT PLAN

NOTE: THIS PROJECT LIES WITHIN THE POWHATAN CREEK WATERSHED OF THE JAMES RIVER. THE EASTERN HALF OF THE PROPERTY IS PART OF POWHATAN CREEK SUBWATERSHED 209 (COLD SPRING SWAMP) AND THE WESTERN HALF IS PART OF THE NON-TIDAL POWHATAN CREEK MAINSTEM.

FORD'S COLONY
WILLIAMSBURG

NON RESIDENTIAL AMENITY AND SERVICE SITES

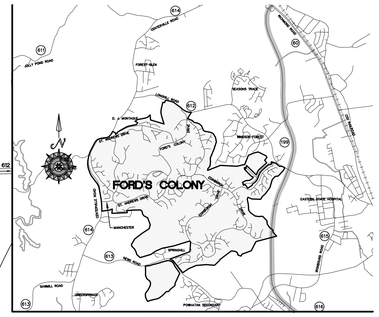
1	100 HOTEL CONDOMINIUMS, EXECUTIVE MEETING FACILITIES AND GOLF ACADEMY	4.71 AC.
2	GOLF CLUB AND PRO SHOP	5.05 AC.
3	INFORMATION AND SALES CENTER	1.81 AC.
4	ADMINISTRATIVE BUILDING	3.50 AC.
5	PUBLIC SERVICE AREA *	28.05 AC.
6	GOLF MAINTENANCE	3.90 AC.
7	COMMUNITY CLUB	7.72 AC.
8	PROJECT MAINTENANCE	10.59 AC.
9	DRIVING RANGE/CART STORAGE	10.34 AC.
10	ADDITIONAL RECREATION AREA	6.36 AC.
11	ADDITIONAL PUBLIC SERVICE AREA	6.76 AC.
12	CONTINUING CARE RETIREMENT COMMUNITY (CORC)	180.8 AC.
	TOTAL	269.49 AC.

* NOTE: 1.21 AC. PORTION OF ORIGINAL 30.0 AC. P.S.A. SOLD TO FORD'S COLONY

LEGEND

- RESIDENTIAL "A"
- RESIDENTIAL "B"
- RESIDENTIAL "D"
- OPEN SPACE
- WILLIAMSBURG WEST SUBDIVISION AND APARTMENTS NOT A PORTION OF MASTER PLAN

NOTE:
VARIABLE WIDTH (25' MIN) BUFFER ALONG THE FORD'S COLONY TRACT WHERE IT ADJOINS CENTERVILLE ROAD SHALL BE RESERVED FOR FUTURE WIDENING AND REALIGNMENT OF S.R. 614



VICINITY MAP
SCALE 1"= 4000'

GENERAL NOTES:

1. RECORDATION OF THIS PLAN IS SOLELY FOR THE PURPOSE OF IDENTIFYING THE LAND COVERED BY THE PROFFERS RECORDED HEREWITH AND DOES NOT CONSTITUTE A PLAT OF SUBDIVISION NOR DOES IT DEDICATE TO PUBLIC OR PRIVATE USE ANY ROADS, COMMON AREAS, GREEN AREAS, OR RECREATION AREAS.
2. THE PROPERTY SHOWN ON THIS PLAN IS COVERED BY PROTECTIVE COVENANTS OF RECORD IN THE CLERK'S OFFICE IN THE COURTHOUSE OF JAMES CITY COUNTY, VIRGINIA, WHICH PROVIDE FOR THE MAINTENANCE OF COMMON OPEN SPACE, RECREATION AREAS, SIDEWALKS, PARKING, PRIVATE STREETS AND OTHER PRIVATELY OWNED, BUT COMMON FACILITIES SERVING THIS PROJECT.
3. LOTS NUMBERED REPRESENT RECORDED SECTIONS OR SECTIONS THAT HAVE RECEIVED PRELIMINARY APPROVAL.
4. THE 2008 MASTER PLAN AMENDMENT WILL BE CONSIDERED A STAND ALONE PROJECT FOR THE PURPOSES OF STORMWATER MANAGEMENT POINTS AND CREDITS.

LAND USE TABULATION

	2021	2008
RESIDENTIAL "A"		
TOTAL NUMBER OF UNITS	2,856 UNITS	2,856 UNITS
GROSS AREA OF RESIDENTIAL "A"	1,868.77± AC.=(63.09%)	1,868.77± AC.=(63.09%)
PERMITTED DESTINY	4.00 UNITS/ ACRE	4.00 UNITS/ ACRE
UNIT DENSITY	1.53 UNITS/ ACRE	1.53 UNITS/ ACRE
RESIDENTIAL "B"		
TOTAL NUMBER OF UNITS	80 UNITS	80 UNITS
GROSS AREA OF RESIDENTIAL "B"	22.9± AC.=(0.77%)	22.9± AC.=(0.77%)
PERMITTED DENSITY	9.60 UNITS/ ACRE	9.60 UNITS/ ACRE
UNIT DENSITY	3.49 UNITS/ ACRE	3.49 UNITS/ ACRE
RESIDENTIAL "D"		
TOTAL NUMBER OF UNITS	314 UNITS	314 UNITS
GROSS AREA OF RESIDENTIAL "D"	31.82 AC.=(1.07%)	31.82 AC.=(1.07%)
PERMITTED DENSITY	18.00 UNITS/ ACRE	18.00 UNITS/ ACRE
UNIT DENSITY	9.87 UNITS/ ACRE	9.87 UNITS/ ACRE
C.C.R.C. "A","B" & "C"		
TOTAL NUMBER OF UNITS	270 UNITS	38 UNITS
C.C.R.C. "D"		
TOTAL NUMBER OF UNITS	75 UNITS	558 UNITS
TOTAL NUMBER OF BEDS	125 BEDS	145 BEDS
ACREAGE FOR DENSITY* *SEE SHT 4	125.03 AC.	125.03 AC.
OVERALL C.C.R.C. DENSITY (SEE SHT 4)	2.76 UNITS/ AC.	4.77 UNITS/ AC.
NOTE: BEDS ARE NOT INCLUDED IN DENSITY CALCULATIONS		
OPEN SPACE		
WITHIN NON-RESIDENTIAL AMENITY AND SERVICE SITES	150.27 AC.	150.27 AC.
* GOLF COURSE, LAKES AND BUFFERS, MARSH RESERVE	844.71 AC.	844.71 AC.
OPEN SPACE WITHIN RESIDENTIAL "A"	514.12 AC.	514.12 AC.
OPEN SPACE WITHIN RESIDENTIAL "B" & "D"	38.77 AC.	38.77 AC.
TOTAL AREA OF OPEN SPACE	1,547.87 AC.	1,547.87 AC.
TOTAL AREA OF PROJECT	2,962.24 AC.	2,962.24 AC.
% OF OPEN AREA	52.3%	52.3%
OVERALL DENSITY		
TOTAL PROJECT AREA	2,962.28 AC.	2,962.28 AC.
GROSS AREA (FOR DENSITY CALCULATION ONLY)	2,830.8 AC.	2,830.8 AC.
TOTAL NUMBER OF RESIDENTIAL UNITS	3,340 UNITS	3,701 UNITS
OVERALL PROJECT DENSITY	1.28 UNITS/ AC.	1.36 UNITS/ AC.

* NOTES	
MARSH RESERVES, LAKES AND BUFFERS	278.12 AC.
GOLF COURSE (INCLUDES LAKES IN PLAY)	491.09 AC.
RESERVED FOR ROUTE 199	20.0 AC.
ASSOCIATED GREENBELTS NATURAL OPEN SPACE IN 1993 ADDITION	3.30 AC.
OPEN SPACE IN 1995 ADDITION	5.00 AC.
OPEN SPACE IN 1998 ADDITION	47.20 AC.
OPEN SPACE IN 2008 ADDITION	112.49 AC.

No.	DATE	REVISION / COMMENT / NOTE	REVISED BY	REVIEWED BY
2	5/20/08	REVISIONS PER RELOCATION OF BUILDINGS	AES	JAC
1	4/14/08	REVISIONS PER JCC COMMENTS DATED MARCH 25, 2008	AES	JAC

5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
(757) 253-0040
Fax (757) 220-8994
CONSULTING ENGINEERS
WILLIAMSBURG • RICHMOND • GLOUCESTER

LAND USE MASTER PLAN
FORD'S COLONY
AT WILLIAMSBURG
OWNER / DEVELOPER : REALTEC, INCORPORATED
POWHATAN DISTRICT JAMES CITY COUNTY VIRGINIA

Designed	Drawn
AES	AES
Scale 1"= 600'	Date 6/2021
Project No. W10514-01	
Drawing No. 2	

SOIL CHARACTERISTICS

SOIL #	SOIL NAME	TYPICAL SLOPES	EROSION FACTOR (K)	EROSION FACTOR (T)
5	BETHERA	0–2%	0.28–0.32	5
10B	CRAVEN	2–6%	0.32–0.37	3
10C	CRAVEN	6–10%	0.32–0.37	3
11C	CRAVEN–UCHEE COMPLEX	6–10%	0.32–0.37	3
14B	EMPORIA	2–6%	0.20–0.28	4
15D	EMPORIA COMPLEX	10–15%	0.20–0.28	4
15E	EMPORIA COMPLEX	15–25%	0.20–0.28	4
19B	KEMPSVILLE EMPORIA	2–6%	0.20–0.32	3
26B	PAMUNKEY	2–6%	0.28	4
27	PEAWICK	RELATIVELY FLAT	0.24–0.37	4
29A	SLAGLE	0–2%	0.24	3

INFORMATION TAKEN FROM "SOIL SURVEY OF JAMES CITY AND YORK COUNTIES AND THE CITY OF WILLIAMSBURG, VIRGINIA" ISSUED IN APRIL, 1985 BY THE UNITED STATES DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE IN COOPERATION WITH VIRGINIA POLYTECHNIC INSTITUTE AND STATE

SOIL SUSCEPTIBILITY TO EROSION CLASSIFICATION (K)
0.23 AND LOWER – LOW ERODIBILITY
0.23–0.36 – MODERATE ERODIBILITY
0.36 AND UP – HIGH ERODIBILITY

THE MAP SHOWN IS A "BEST FIT MODEL" OF THE SCS MAPS WITH EXISTING BASE INFORMATION.

ENVIRONMENTAL IMPACTS

TIDAL WETLANDS:	NONE
TIDAL SHORES:	NONE
100 FT RPA BUFFER:	5,685 S.F.; 0.13 AC.
NON-TIDAL WETLANDS IN RMA:	17,055 S.F.; 0.39 AC.
NON-TIDAL WETLANDS IN RPA:	8,050 S.F.; 0.18 AC.
HYDRIC SOILS:	NOT MODIFIED
25% OR GREATER SLOPES:	8,000± S.F.; 0.18 AC.
NON-RPA BUFFERS:	52,383 S.F.; 1.20 AC.

SITE DATA:
TOTAL SITE AREA=
7,871,302 S.F.; 180.7 AC±
DISTURBED AREA=
3,126,056 S.F.; 71.8 AC±
(39.7% OF TOTAL SITE)
SITE IMPERVIOUS COVER=
1,128,353 S.F.; 25.9 AC±
(14.3% OF TOTAL SITE)
CCRC BUILDING IMPERVIOUS COVER=
370,200 S.F.; 8.50 AC±
SINGLE FAMILY IMPERVIOUS COVER=
758,153 S.F.; 17.40 AC±
GREEN AREA =
5,625,470 S.F.; 129.14 AC±
(71.5% OF TOTAL SITE)

STEEP SLOPE IMPACT=
7,998 S.F.; 0.18 AC.

WETLAND IMPACT 2=
3,736 S.F.; 0.08 AC.
ROAD CROSSING
100 LF OF STREAM IMPACT
RPA BUFFER IMPACT=
18,336 S.F.; 0.42 AC.

PILE SEWER BRIDGE
RPA BUFFER IMPACT=
7,069 S.F.; 0.16 AC.

POWHATAN SECONDARY SUBDIVISION

SPRINGHILL SUBDIVISION

COLD SPRING SWAMP

APPROX. LOCATION OF 100 YR. FLOOD PLAIN VARIABLE ELEV. 23–21 FT.

LIMITS OF RPA WETLANDS

100' RPA BUFFER

EXISTING ACCESS/LOGGING ROAD TO REMAIN WITHIN THE RPA AS PEDESTRIAN PATH

APPROX. LOCATION OF 100–YR. FLOOD PLAIN VARIABLE ELEVATION 23–21

ZONE 2 BUFFER

ZONE 3 BUFFER

LIMITS OF NON–RPA WETLANDS

NOTE: SITE CONTAINS SOILS CLASSIFIED AS C AND D HYDROLOGIC GROUP. (11C SOILS HAVE BEEN CONSIDERED GROUP C FOR THE PURPOSES OF CALCULATIONS) SOILS TESTING IS BEING PERFORMED TO DETERMINE INFILTRATION RATES ON SITE.

APPROX. LOCATION OF 100 YR. FLOOD PLAIN VARIABLE ELEV. 23–21 FT.

GRAPHIC SCALE
100' 0' 100' 200'
SCALE: 1" = 100'

- RPA WETLAND
- NON-RPA WETLAND
- RPA BUFFER (100')
- ZONE 2 RIPARIAN BUFFER (VARIABLE WIDTH)
- ZONE 3 IMPERVIOUS COVER SETBACK (25')
- NON-RPA BUFFER (50')
- WETLAND (STORMWATER) IMPACTS
- ROAD WETLAND IMPACTS
- WETLAND IMPACTS (PILE CONSTRUCTION)
- STEEP SLOPE IMPACTS

Rev.	Date	Description	Revised By
2	5/20/08	REVISIONS PER RELOCATION OF BUILDINGS	JAG
1	4/14/08	REVISIONS PER JCC COMMENTS DATED MARCH 25, 2008	JAG

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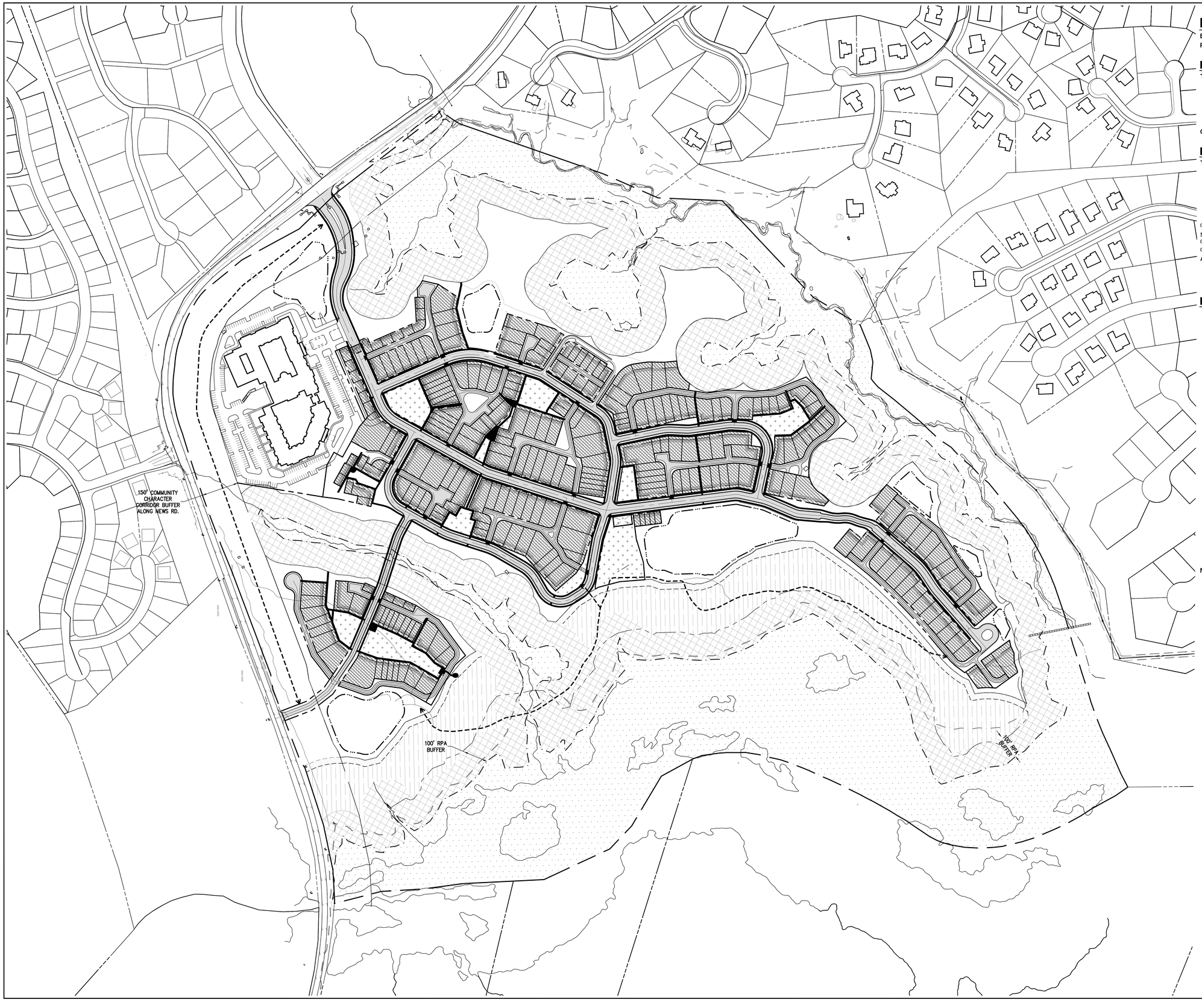
Hampton Roads | Central Virginia | Middle Peninsula

ENVIRONMENTAL INVENTORY AT
FORDS' VILLAGE
AT
FORD'S COLONY OF WILLIAMSBURG
FOR
FRYE DEVELOPMENT, LLC
POWHATAN DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	GVC
Project Number:	W10514-01
Scale: 1"=100'	Date: 6/2021
Sheet Number	3



DEVELOPMENT TABULATIONS:

EXISTING ZONING (AND LAND USE DESIGNATION)	R-4 (B & D)
PROPOSED LAND USE DESIGNATION:	R-4 (A, B, C, & D)

DENSITY TABULATIONS:

TOTAL ACREAGE:	180.79 AC. +/-
LESS RPA WETLANDS:	47.42 AC. +/-
LESS RPA BUFFERS:	35.35 AC. +/-
LESS 25% SLOPES:	0.0 AC. +/- (OUTSIDE WETLANDS/BUFFER AREAS)
LESS FLOOD PLAIN (1):	0.01 AC. +/- (OUTSIDE WETLANDS/BUFFER AREAS)
TOTAL NON-DEVELOPABLE AREA:	82.78 AC. +/- (45% OF TOTAL PARCEL)
GROSS ACREAGE FOR PARCEL DENSITY:	125.03 AC. +/-

LAND-USE TABULATIONS:

TOTAL PARCEL:	**180.79 AC. +/-**
LAND USES A, B, C, & D (2):	71.87 AC. +/-
OPEN SPACE:	
RPA WETLANDS:	47.42 AC. +/-
BUFFER AREAS (3) :	58.81 AC. +/-
TOTAL OPEN SPACE:	108.92 AC. +/-

(1) FLOOD PLAIN IS DELINEATED ON THE PLANS AND GENERALLY LOCATES THE LIMITS OF THE FLOOD PLAIN BASED UPON FIELD SURVEYED ELEVATIONS.
(2) INCLUDES (±4 AC.) RECREATIONAL-AMENITY OPEN SPACE AREA.
(3) BUFFER AREAS INCLUDE RPA BUFFER (35.36 AC.), ZONE 2 RIPARIAN BUFFER (11.17 AC.), ZONE 3 RIPARIAN BUFFER (1.37 AC.), COMMUNITY CHARACTER CORRIDOR BUFFER (10.91 AC.).

LEGEND:

- RPA WETLAND (47.42 AC. ±)
- RPA BUFFER (100') (35.35 AC. ±)
- ZONE 2 RIPARIAN BUFFER (7.10 AC. ±) (VARIABLE WIDTH)
- ZONE 3 RIPARIAN BUFFER (25') (1.38 AC. ±)
- LANDUSE BOUNDARIES (61.59 AC. ± "A, B, & C"; 12.90 AC.± "D")
- APPROX. LOCATIONS OF RECREATIONAL-AMENITY OPEN SPACE (4 AC. ±)
- SLOPES 25% OR GREATER
- PEDESTRIAN CIRCULATION
- STORMWATER FEATURE
- STANDARD PAVEMENT SECTION
- SIDEWALK/DRIVEWAY CONCRETE
- STANDARD MEDIAN CURB
- PHASE BOUNDARY LINE

NOTE: 15 FT. BUILIDNG SETBACK TO RPA BUFFER ALONG COLD SPRING SWAMP.

Land Use Density Chart	Max. # Units	Max. Non-Residential Floor Space	Land Use Pod Size
Land Use A, B, & C A - Single Family B - Multifamily (2-4 unit buildings) C- Multifamily (2 over 4 unit buildings) TOTAL	270 (1) UNITS	N/A	±58 Acres
D - Independent Living Apartments D - Commom Areas Dining Areas Administration Offices Other Amenities Other Limited Commercial Uses (2) D - Health Care Center Assisted Living/Memory Care Skilled Nursing	75 Units 125 Rooms	UP TO 150,000 S.F.	±13 Acres
MAXIMUMS:	345 UNITS(3)	150,000 gsf	±72 Acres

NOTES
(1) MASTERPLAN WILL CONSIST OF A MIX OF SINGLE FAMILY, TOWNHOME, AND CONDOMINIUM, STYLE UNITS . MASTER PLAN LAYOUT SHOWN FOR DENSITY PURPOSES; FINAL CONFIGURATION TO BE REVIEWED AND APPROVED AT SITE PLAN.
(2) LIMITED COMMERCIAL USES SHALL BE PERMITTED FOR USE BY RESIDENTS, GUEST OF THE COMMUNITY, & EMPLOYEES.
(3) TOTAL NUMBER OF UNITS, ROOMS & BEDS SHALL NOT EXCEED 470 AS DESCRIBED IN PROFFERS.

ADDITIONAL MASTER PLAN NOTES

- NO STRUCTURES WITHIN THE "D" PORTION OF THE SITE SHALL EXCEED 60-FT IN HEIGHT AS DEFINED BY JCC ORDINANCE.
- ALL STREETS, ALLEYS AND DRIVEWAYS SHALL BE PRIVATELY MAINTAINED. ALL ENTRANCES TO THE VDOT RIGHT OF WAY SHALL BE DESIGNED IN ACCORDANCE WITH VDOT COMMERCIAL ENTRANCE DESIGN STANDARDS.
- A MINIMUM OF 4 ACRES OF DEDICATED RECREATION AREAS SHALL BE PROVIDED. THESE AREAS SHALL BE GENERALLY AS SHOWN ON THE MASTER PLAN AND PROVIDE BASIC AMMENITIES SUCH AS A POOL, CLUBHOUSE, PARK BENCHES AND LANDSCAPED AREAS. ADDITIONALLY PASSIVE OPEN SPACES AND WALKING TRAILS SHALL BE PROVIDED.

Rev.	Date	Description	Revised By

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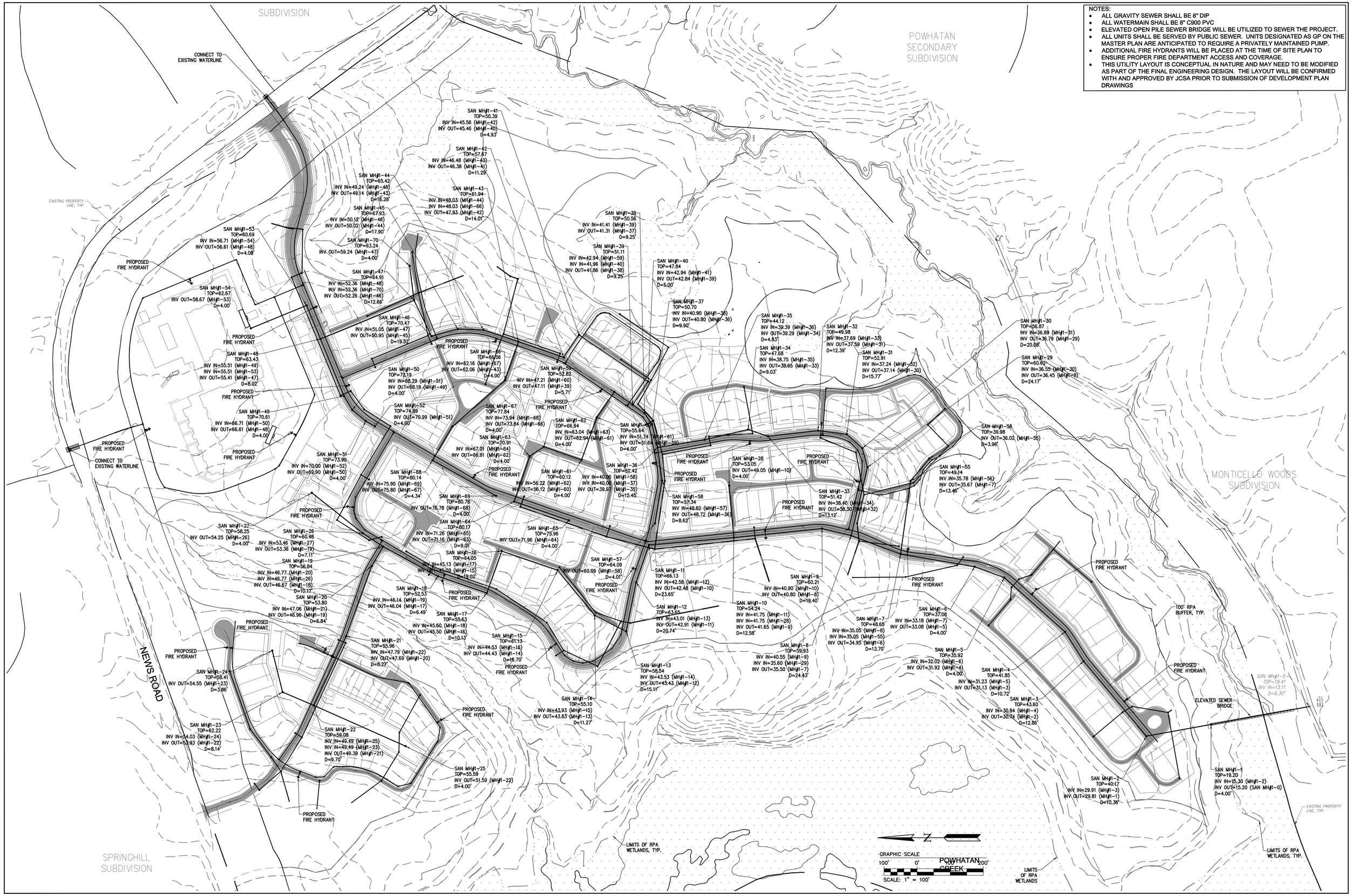
AMENDED LAND-USE MASTER PLAN
FORDS' VILLAGE
AT
FORD'S COLONY OF WILLIAMSBURG
FOR
FRYE DEVELOPMENT, LLC
POWHATAN DISTRICT | JAMES CITY COUNTY | VIRGINIA

Project Contacts:	GVC
Project Number:	W10514-01
Scale: 1"=100'	Date: 6/2021
Sheet Number	4

S:\JOBS\W10514 - 3800 New Town\01 - News Road CCRC\Planning\Master Plan\mp\W10514\Vol2\6 - Section 21 Land Use Master Plan.dwg, 7/23/2022 7:09:42 AM, James Griffin

NOTES:

- ALL GRAVITY SEWER SHALL BE 8" DIP
- ALL WATERMAIN SHALL BE 8" C900 PVC
- ELEVATED OPEN PILE SEWER BRIDGE WILL BE UTILIZED TO SEWER THE PROJECT.
- ALL UNITS SHALL BE SERVED BY PUBLIC SEWER. UNITS DESIGNATED AS GP ON THE MASTER PLAN ARE ANTICIPATED TO REQUIRE A PRIVATELY MAINTAINED PUMP.
- ADDITIONAL FIRE HYDRANTS WILL BE PLACED AT THE TIME OF SITE PLAN TO ENSURE PROPER FIRE DEPARTMENT ACCESS AND COVERAGE.
- THIS UTILITY LAYOUT IS CONCEPTUAL IN NATURE AND MAY NEED TO BE MODIFIED AS PART OF THE FINAL ENGINEERING DESIGN. THE LAYOUT WILL BE CONFIRMED WITH AND APPROVED BY JCSA PRIOR TO SUBMISSION OF DEVELOPMENT PLAN DRAWINGS



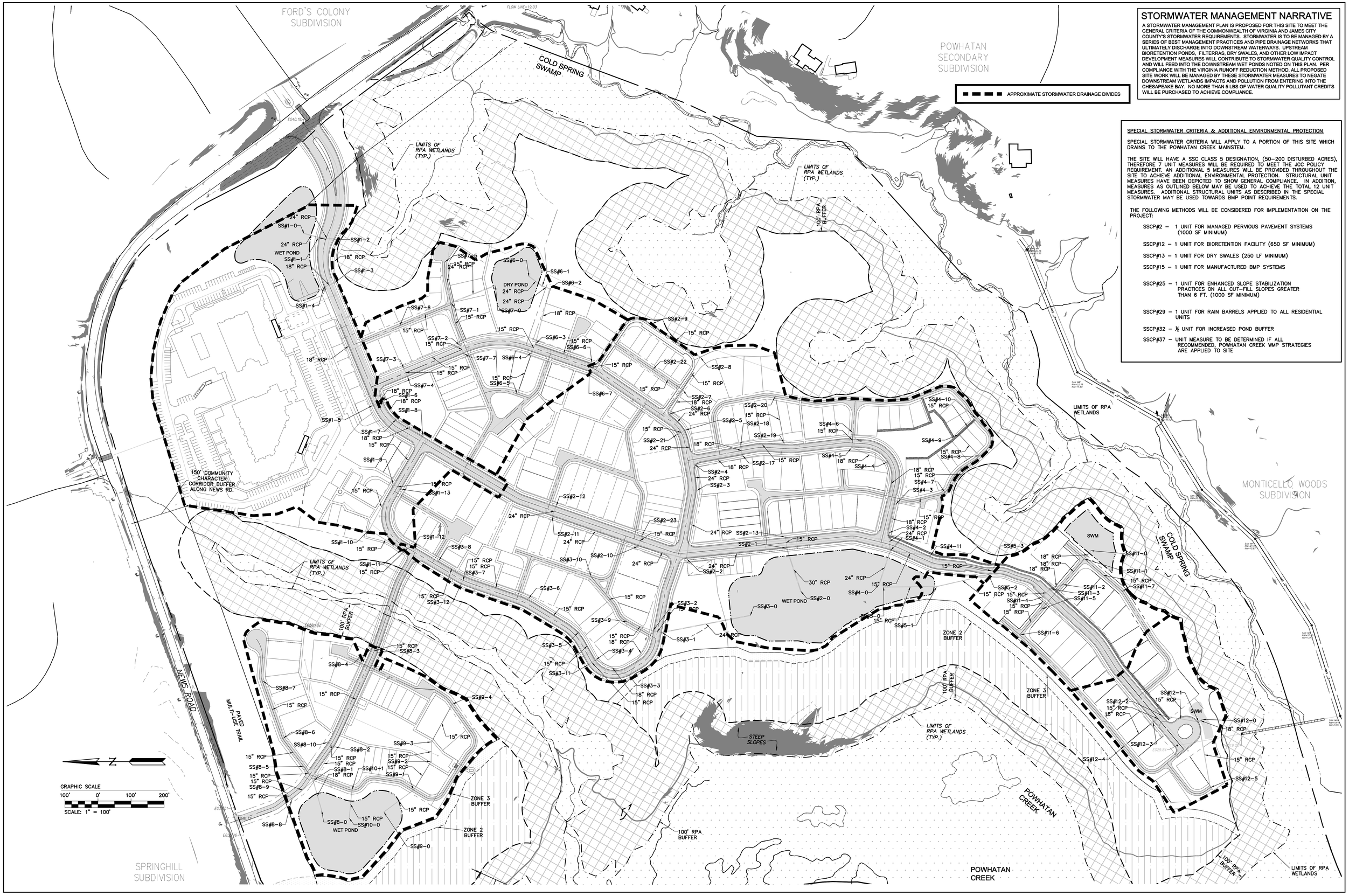
Rev.	Date	Description	Revised By

AES CONSULTING ENGINEERS
5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 253-0040
Fax: (757) 220-8994
www.aesva.com
Hampton Roads | Central Virginia | Middle Peninsula

FORDS' VILLAGE
AT
FORD'S COLONY OF WILLIAMSBURG
FOR
FRYE DEVELOPMENT, LLC

POWHATAN DISTRICT | JAMES CITY COUNTY | VIRGINIA

Project Contacts:	GVC
Project Number:	W10514-01
Scale: 1"=100'	Date: 6/2021
Sheet Number	5



STORMWATER MANAGEMENT NARRATIVE

A STORMWATER MANAGEMENT PLAN IS PROPOSED FOR THIS SITE TO MEET THE GENERAL CRITERIA OF THE COMMONWEALTH OF VIRGINIA AND JAMES CITY COUNTY'S STORMWATER REQUIREMENTS. STORMWATER IS TO BE MANAGED BY A SERIES OF BEST MANAGEMENT PRACTICES AND PIPE DRAINAGE NETWORKS THAT ULTIMATELY DISCHARGE INTO DOWNSTREAM WATERWAYS. UPSTREAM BIORETENTION PONDS, FILTERRAS, DRY SWALES, AND OTHER LOW IMPACT DEVELOPMENT MEASURES WILL CONTRIBUTE TO STORMWATER QUALITY CONTROL AND WILL FEED INTO THE DOWNSTREAM WET PONDS NOTED ON THIS PLAN. PER COMPLIANCE WITH THE VIRGINIA RUNOFF REDUCTION METHOD, ALL PROPOSED SITE WORK WILL BE MANAGED BY THESE STORMWATER MEASURES TO NEGATE DOWNSTREAM WETLANDS IMPACTS AND POLLUTION FROM ENTERING INTO THE CHESAPEAKE BAY. NO MORE THAN 5 LBS OF WATER QUALITY POLLUTANT CREDITS WILL BE PURCHASED TO ACHIEVE COMPLIANCE.

SPECIAL STORMWATER CRITERIA & ADDITIONAL ENVIRONMENTAL PROTECTION

SPECIAL STORMWATER CRITERIA WILL APPLY TO A PORTION OF THIS SITE WHICH DRAINS TO THE POWHATAN CREEK MAINSTEM.

THE SITE WILL HAVE A SSC CLASS 5 DESIGNATION, (50–200 DISTURBED ACRES), THEREFORE 7 UNIT MEASURES WILL BE REQUIRED TO MEET THE JCC POLICY REQUIREMENT. AN ADDITIONAL 5 MEASURES WILL BE PROVIDED THROUGHOUT THE SITE TO ACHIEVE ADDITIONAL ENVIRONMENTAL PROTECTION. STRUCTURAL UNIT MEASURES HAVE BEEN DEPICTED TO SHOW GENERAL COMPLIANCE. IN ADDITION, MEASURES AS OUTLINED BELOW MAY BE USED TO ACHIEVE THE TOTAL 12 UNIT MEASURES. ADDITIONAL STRUCTURAL UNITS AS DESCRIBED IN THE SPECIAL STORMWATER MAY BE USED TOWARDS BMP POINT REQUIREMENTS.

THE FOLLOWING METHODS WILL BE CONSIDERED FOR IMPLEMENTATION ON THE PROJECT:

- SSCP#2 – 1 UNIT FOR MANAGED PERVIOUS PAVEMENT SYSTEMS (1000 SF MINIMUM)
- SSCP#12 – 1 UNIT FOR BIORETENTION FACILITY (650 SF MINIMUM)
- SSCP#13 – 1 UNIT FOR DRY SWALES (250 LF MINIMUM)
- SSCP#15 – 1 UNIT FOR MANUFACTURED BMP SYSTEMS
- SSCP#25 – 1 UNIT FOR ENHANCED SLOPE STABILIZATION PRACTICES ON ALL CUT–FILL SLOPES GREATER THAN 6 FT. (1000 SF MINIMUM)
- SSCP#29 – 1 UNIT FOR RAIN BARRELS APPLIED TO ALL RESIDENTIAL UNITS
- SSCP#32 – ½ UNIT FOR INCREASED POND BUFFER
- SSCP#37 – UNIT MEASURE TO BE DETERMINED IF ALL RECOMMENDED, POWHATAN CREEK WMP STRATEGIES ARE APPLIED TO SITE

Rev.	Date	Description	Revised By

AES CONSULTING ENGINEERS
5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 253-0040
Fax: (757) 220-8994
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Hampton Roads | Central Virginia | Middle Peninsula

CONCEPTUAL STORMWATER MANAGEMENT PLAN OF
FORDS' VILLAGE
AT
FORD'S COLONY OF WILLIAMSBURG
FOR
FRYE DEVELOPMENT, LLC
POWHATAN DISTRICT | JAMES CITY COUNTY | VIRGINIA

Project Contacts:	GVC
Project Number:	W10514-01
Scale: 1"=100'	Date: 6/2021
Sheet Number	6

6767 N. Industrial Road Milwaukee, WI 53223 / 888-876-0987 / fax 866-339-1596 / DirectSupply.com

November 16, 2023

Thomas Wysong
Senior Planner II, AICP
James City County, Planning Division
101-A Mounts Bay Roard
Williamsburg, VA 23185

RE: CCRC site for Ford's Village Development
3889 New Road
Williamsburg, VA

Dear Mr. Wysong

This letter is a formal request for a waiver to the height limitation set forth in Sec. 24-490 of the Zoning Ordinance, which reads:

(a) Structures may be erected up to 60 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of the structure.
(b) A structure in excess of 60 feet in height but not in excess of 100 feet from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions may be erected only upon the granting of a height limitation waiver by the board of supervisors.
Upon the application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:
(1) Such structure is in accordance with the uses, densities, design and traffic analysis shown on the original master plan;
(2) Such structure will not obstruct light from adjacent property;
(3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
(4) Such structure will not impair property values in the surrounding area;
(5) Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, to offer adequate protection to life and property; and
(6) Such structure would not be contrary to the public health, safety or general welfare.

The Senior Living building (CCRC) at the Ford's Village development is designed as a 3-story structure in the Williamsburg Colonial architectural style with steep roof pitches, double chimneys, dormers, strong gables with pilasters and columns, washed brick and lap siding on the walls, windows with divided lights and shutters, balconies with

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decorative railings, and extensive moldings throughout. There are two entrances to the building that are taller than the adjacent portions of the building. These taller volumes give prominence to the entrances. The tallest ridge line of the roof at the entrances is 59'-4" above grade. The chimneys extend to a height of 66'-10" above grade and are an important design element of the colonial building. There are four chimneys that extend this high and are shown in the renderings and exterior elevations that are enclosed. The building detailing is rich with trim and the detailing extends to the chimneys with brick and corbeling. The design implements proportions to guide placement of the building elements and relationship to each other to work as one design. Decreasing the roof pitch to lower the chimneys will negatively affect the proportions of the design of the façade and diminish the prominence of the main entrances. This is why we are requesting the height limitation waiver to allow the chimneys to exceed the maximum height. I advocate approving this Height Limitation Waiver to 68'-0" from grade to allow for any unforeseen design issues as we complete the final stage of the design.

The impacts on the neighbors is negligible.

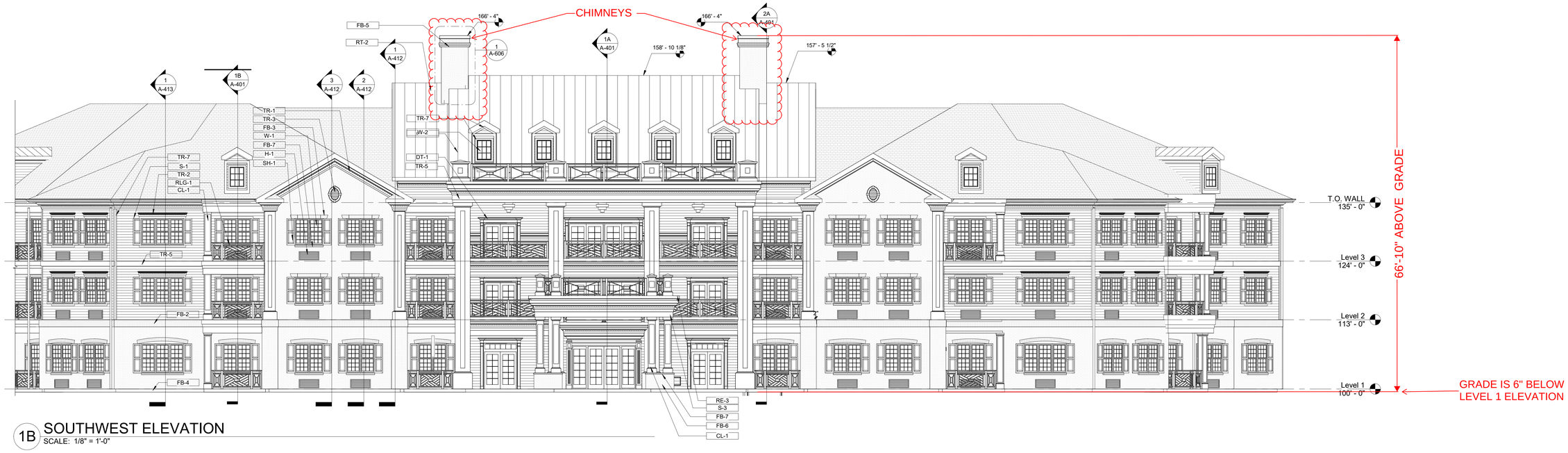
1. The structure is in accordance with the uses, densities, and traffic per the Ford's Village Master Plan.
2. The 6'-4" high chimneys above the ridge line of the roof will not obstruct light to the neighboring properties. The closest neighboring building planned is over 160 feet south from these chimneys and will not cast a shadow onto the neighboring structure. The chimneys are an important design element.
3. The design is consistent with the historic Williamsburg character of the development and the neighboring developments.
4. The structure is not expected to impair property values in the area.
5. The building structure with the granted height waiver is designed to comply with Virginia Construction and Fire codes – Type II-A Non-Combustible construction, fully sprinkled NFPA 13.
6. The structure promotes the health safety and welfare of its residents, guests, staff and the public.

I ask that this request for the height waiver apply to both the R4 zoning maximum height and the height reiterated in the master plan. I request that the approved waiver be adequate to allow the Ford's Village Master Plan to remain unchanged.

Please find attached additional graphics documenting the design and height of the chimneys. Let me know if any additional information is needed and we look forward to your review.

Respectfully,

Christopher S. Frommell, NCARB, AIA
Architect, 16740 Virginia
Frommell Architects, LLC



1B SOUTHWEST ELEVATION
SCALE: 1/8" = 1'-0"

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RUI - THE MORGAN
AT FORD'S VILLAGE
WILLIAMSBURG, VA

NOT FOR CONSTRUCTION

CONSULTANT INFO AND STAMP

REVISIONS

PROJECT STATUS:	50% CD
DATE ISSUED:	09/13/2023
DRAWN BY:	KK/YW
CHECKED BY:	GDR
PROJECT#	1376DB

EXTERIOR ELEVATIONS

A-301

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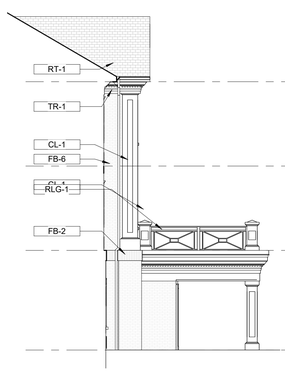
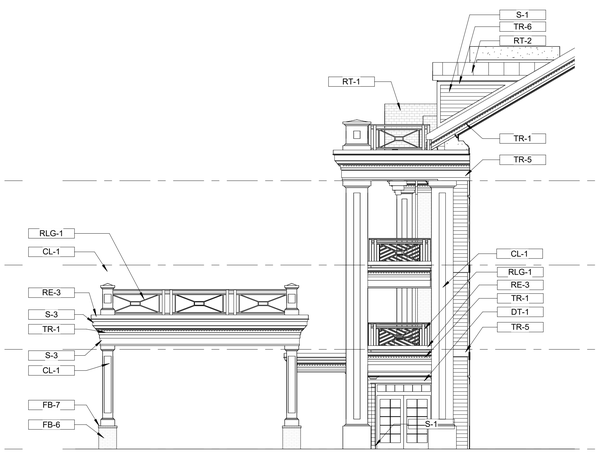
1A PARTIAL SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

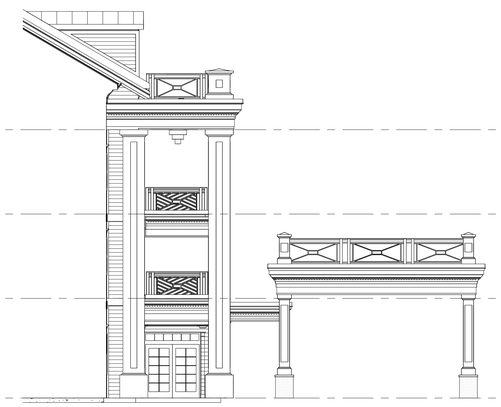
KEYNOTE LEGEND	
KEY VALUE	KEYNOTE TEXT
CL-1	FIBER-CEMENT BOARD TRIM WITH APPLIED MOULDING OVER GYPSUM BOARD SHEATHING AND STUD-FRAMED PILASTERS, TYP.
DT-1	
DWNSPT-1	DOWNSPOUT
FB-2	MODULAR FACE BRICK DOUBLE COURSE SOLDIER BAND
FB-3	MODULAR FACE BRICK SOLDIER JACK HEADER
FB-4	MODULAR FACE BRICK SOLDIER ARCH HEADER
FB-5	MODULAR THIN-VENEER BRICK
FB-6	MODULAR FACE BRICK 1/3 RUNNING BOND
FB-7	MODULAR ROWLOCK FACE BRICK
GTR-1	4" x 4" COVE GUTTER
H-1	PTAC UNIT WITH ARCHITECTURAL GRILLE
RE-3	6" METAL ROOF EDGE
RLG-1	COMPOSITE CHIPPENDALE DECORATIVE RAILING, BASIS OF DESIGN: CHEYENNE
RT-1	ASPHALT SHINGLES, SEE SHEET G-004
RT-2	STANDING SEAM METAL ROOF, SEE SHEET G-004
S-1	FIBER-CEMENT SIDING
S-3	FIBER-CEMENT BOARD
SH-1	ACRYLIC COATED SHUTTER, BASIS OF DESIGN PLY GEM
TR-1	POLYURETHANE CORNICE WITH DENTIL
TR-2	POLYURETHANE CROSS HEADER WITH DENTIL
TR-3	POLYURETHANE DECORATIVE OVAL LOUVER, , BASIS OF DESIGN: FYPON
TR-5	FIBER-CEMENT BAND, BASIS OF DESIGN: HARDIE TRIM
TR-6	FIBER-CEMENT TRIM 5 1/2" x 1", BASIS OF DESIGN: HARDIE TRIM
TR-7	FIBER-CEMENT TRIM, BASIS OF DESIGN: HARDIE TRIM
W-2	CLAD WOOD FIXED WINDOW
W-3	CLAD WOOD FOLDING PASS-THRU WINDOW



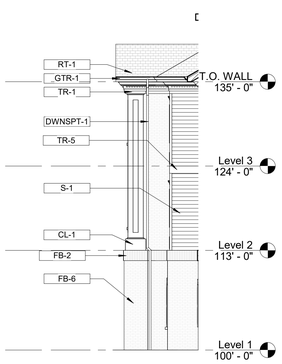
1B AL BAR BISTRO BUMP OUT EAST
SCALE: 1/8" = 1'-0"



2B AL ENTRY & CANOPY - EAST
SCALE: 1/8" = 1'-0"



3B AL ENTRY & CANOPY - WEST
SCALE: 1/8" = 1'-0"



4B AL WEST BUMP OUT 1
SCALE: 1/8" = 1'-0"

1C PARTIAL SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

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RUI - THE MORGAN
AT FORD'S VILLAGE
WILLIAMSBURG, VA

NOT FOR CONSTRUCTION

CONSULTANT INFO AND STAMP

REVISIONS

PROJECT STATUS:	50% CD
DATE ISSUED:	09/13/2023
DRAWN BY:	KK/YW
CHECKED BY:	GDR
PROJECT#	1376DB

EXTERIOR ELEVATIONS

A-304

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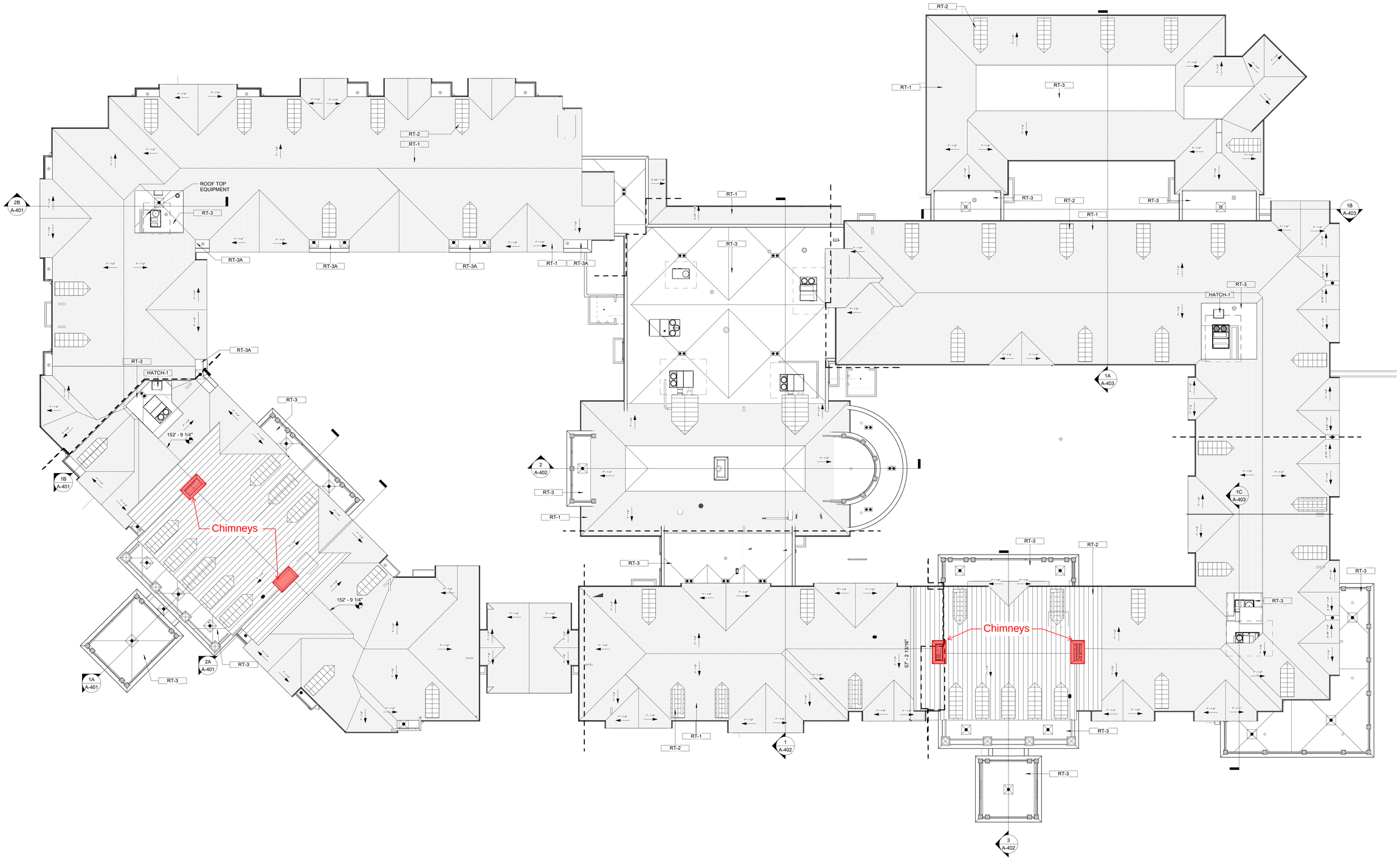

PLAN 1 OVERALL ROOF PLAN
SCALE: 1/16" = 1'-0"

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AT FORD'S VILLAGE
WILLIAMSBURG, VA

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REVISIONS

PROJECT STATUS:	50% CD
DATE ISSUED:	09/13/2023
DRAWN BY:	KK/YW
CHECKED BY:	GDR
PROJECT#	1376DB

ROOF PLAN - OVERALL

A-140

10/13/2023 4:14:15 PM

SPACE

BIRDS EYE

SPACE

AMPHITHEATER & AL ENTRY

SPACE

BAR BISTRO

SPACE

IL ENTRY

M E M O R A N D U M

DATE: April 9, 2024

TO: The Board of Supervisors

FROM: Robert B. Dittman, Solid Waste Director

SUBJECT: Solid Waste Collection

Currently, James City County does not provide curbside solid waste collection for its residents. Homeowners can manage their solid waste via contracting with a private waste company (either individually or through their homeowners association), delivering it to one of three, County-owned Convenience Centers (for a fee), and/or burning their trash.

The County recognized that the current system of waste management created inequities in pricing, collection company choice and availability, adversely affected the environment and roads of the County, and did not provide the most efficient collection of solid waste throughout the County.

In 2020, the Board of Supervisors authorized the hiring of a consultant to study solid waste management throughout the County and provide recommendations for improvement. In 2021, Gershman, Brickner & Bratton, Inc. - Solid Waste Management Consultants (GBB) issued its findings. GBB recommended that the County move forward with solid waste consolidation.

The first step in County-wide solid waste consolidation is to meet the notification and public hearing requirements of Virginia Code Section 15.2-934. On February 7, 2024, the County notified the affected haulers and scheduled a public hearing for April 9, 2024, to satisfy that statute.

Staff recommends adoption of the attached resolution displacing private waste haulers and providing them notice in accordance with Virginia Code Section 15.2-934. Furthermore, staff resolves that the County take measures necessary to provide such service.

RBD/md
SolidWasteCollect-mem

Attachment

R E S O L U T I O N

SOLID WASTE COLLECTION

WHEREAS, the James City County (the "County") Board of Supervisors (the "Board") has sought comment on the advisability of the County providing garbage, trash, and refuse collection services; and

WHEREAS, there are at least five private waste haulers in the County providing weekly garbage, trash, or refuse collection service to County residents at various price points and operating on various days throughout the County; and

WHEREAS, the overlapping service areas of private waste haulers has created a nuisance in many parts of the County; and

WHEREAS, the Board is of the opinion that County-provided waste collection services will reasonably improve waste collection services for County residents and will be more cost-efficient than the current network of private waste haulers; and

WHEREAS, the Board desires to displace private waste haulers providing garbage, trash, or refuse collection services; and

WHEREAS, notice of this hearing has been provided according to Virginia Code Section 15.2-934.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby make the following findings:

a) the use of privately-owned and operated services has created a public nuisance; and

b) privately-owned services, although available, are not able to provide needed services in a reasonable and cost-efficient manner.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby direct the County Administrator and the County Attorney to prepare an Ordinance displacing private waste haulers for the Board's consideration no earlier than the time frame established in Virginia Code Section 15.2-934.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby direct the County Attorney to provide notice of the Board's decision to private waste haulers pursuant to Virginia Code Section 15.2-934.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to take measures necessary to provide such service.

_____
Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
NULL	____	____	____	____
HIPPLE	____	____	____	____
MCGLENNON	____	____	____	____
ICENHOUR	____	____	____	____
LARSON	____	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of April, 2024.

SolidWasteCollect-res

M E M O R A N D U M

DATE: March 12, 2024

TO: The Board of Supervisors

FROM: Mark L. Jamison, Chief of Police

SUBJECT: Ordinance to Permit Use of Golf Carts on Public Highways in Meadow Lake

---

In 2007, the Board adopted an Ordinance permitting neighborhoods to apply to have public highways in neighborhoods designated for golf cart use. Several neighborhoods have had roads designated. Mr. Scott Maye, President of the Meadow Lake Homeowners Association (HOA), submitted an application on behalf of the homeowners in the community, pursuant to Section 13-60 et seq. of the County Code, requesting that the Board designate streets for golf cart use. The HOA has agreed to pay for the appropriate sign on Meadow Lake Drive.

Following careful consideration of Meadow Lake's request and the results of a subsequent traffic study conducted by the Police Department, staff feels that golf carts may be safely accommodated along the public highways in Meadow Lake. These roads include Meadow Lake Drive, Thomas Higgs Court, and Oak Lawn Way.

Staff recommends adoption of the attached Ordinance designating certain roads in Meadow Lake for golf cart use.

MLJ/md
OrdGlfcMdowLake-mem

Attachment

ORDINANCE NO. _____

ORDINANCE TO PERMIT USE OF GOLF CARTS ON

PUBLIC HIGHWAYS IN MEADOW LAKE

WHEREAS, the residents of Meadow Lake have petitioned the Board of Supervisors of James City County, Virginia, to designate the streets in Meadow Lake for golf cart use; and

WHEREAS, the Board has carefully considered the concerns voiced by the residents of Meadow Lake, the recommendation of staff, and the speed, volume, and character of motor vehicle traffic using the public highways in Meadow Lake; and

WHEREAS, pursuant to Section 46.2-916.2 et seq. of the Code of Virginia and Section 13-60 et seq. of the County Code, the Board has determined that golf cart operation on the public highways in Meadow Lake is compatible with state and local transportation plans and is consistent with the Commonwealth of Virginia's Statewide Pedestrian Policy.

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors of James City County, Virginia, does hereby designate the following roads located in the Meadow Lake neighborhood for golf cart use:

a) Meadow Lake Drive (Route 1677)
b) Thomas Higgs Court (Route 1678)
c) Oak Lawn Way (Route 1679)

BE IT FURTHER ORDAINED that no golf carts shall be permitted on any of the designated streets until the County receives full payment for all signage required by Section 13-62 of the County Code and such signage is installed.

_____
Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
NULL	____	____	____	____
HIPPLE	____	____	____	____
MCGLENNON	____	____	____	____
ICENHOUR	____	____	____	____
LARSON	____	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of March, 2024.

OrdGlfcMdowLake-ord

Police
P.O. Box 8784
4600 Opportunity Way
Williamsburg, VA 23187-8784
P: 757-253-1800

jamescitycountyva.gov

January 29, 2024

Mr. Bradley J. Rinehimer
Assistant County Administrator

RE: Meadow Lake Golf Cart Community Site Review

Date Assessed: August 29, 2023
Weather Conditions: Clear
Roadway type: Street
Speed limit: 25
Surface type: Asphalt/bituminous

Site Assessment

The roadways in Meadow Lake are well constructed, with ample shoulders and very few defects. The posted speed limit is 25 mph, as required, and is consistent throughout the neighborhood. Meadow Lake has one entrance from Old Stage Road. Signage would be required on Meadow Lake Drive in order to notify drivers entering the neighborhood to expect golf carts on the roadway. Signage would also need to notify golf cart drivers that operating golf carts on Old Stage Road would be a violation of the law.

Current problems

No problems that would prohibit Meadow Lake from being considered a golf cart community have been identified.

Summary

Based on the information available, I feel that this community would be appropriate to be designated as a golf cart community.

Respectfully Submitted,

Mark L. Jamison
Chief of Police
James City County Police
757-259-5143

OrdGlfcMdowLake-ltr

To: Clerk – Board of Supervisors

101 Mounts Bay Road

Building D

Williamsburg, Va. 23185

From: Scott Maye – HOA President

Meadow Lake Homeowner's Association

SCC Entity ID#: 08438855

Greetings,

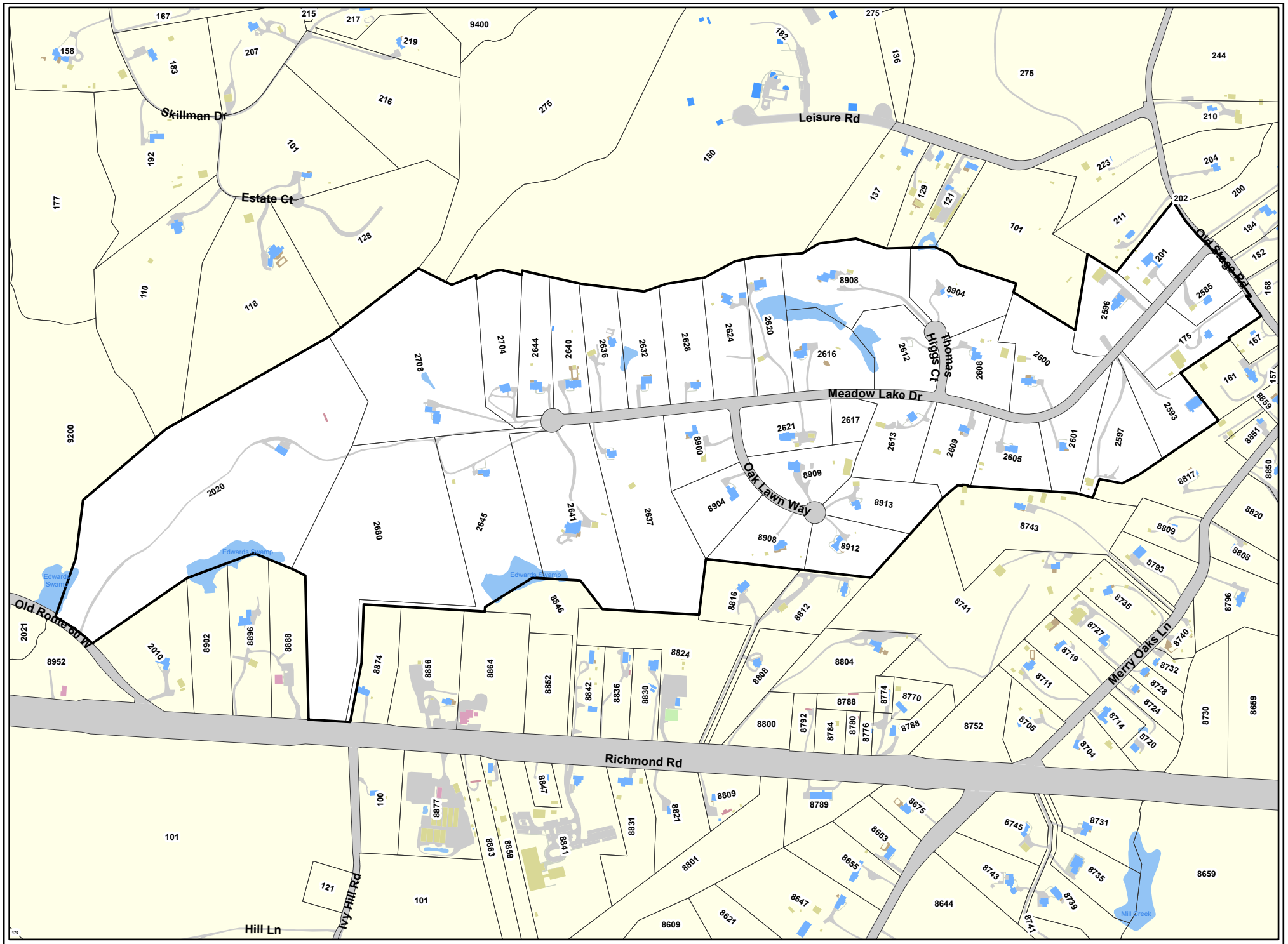
The residents of the Meadow Lake Subdivision in Toano are requesting that the roadways within the Meadow Lake Subdivision be designated for golf cart use as per County Code (Section 13-64). The Meadow Lake Subdivision includes three (3) main roads and does not contain any through streets. The roadways within the Subdivision include: Meadow Lake Drive (Route 1677), Thomas Higgs Court (Route 1678), and Oaklawn Way (Route 1679). Each of the roadways within the Subdivision terminate in a cul-de-sac. Meadow Lake is zoned A-1 General Agriculture and includes 28 properties within the HOA. Thank you for your consideration.

Respectfully,

Scott Maye

HOA President

Scott Maye
757-880-5128



0 400 800 Feet

James City County
Meadow Lake

N

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information,and data obtained from various sources,and James City County is not responsible for its accuracy or how current it may be.

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M:\Departments\Police\Golf_Carts\MeadowLake.aprx

M E M O R A N D U M

DATE: April 9, 2024

TO: The Board of Supervisors

FROM: Mark L. Jamison, Chief of Police
Adam R. Kinsman, County Attorney

SUBJECT: An Ordinance to Impose a $50 Penalty for Failure to Comply with a Traffic Light Signal

---

County Code Section 13-15 allows the County to install a traffic light signal violation monitoring system at one intersection for every 10,000 residents within the County. Such monitoring system takes photographs when a vehicle fails to comply with a traffic signal, for example, by running a red light. These photographs evidence a traffic violation and may be used to assess a civil penalty.

The proposed amendment to County Code Section 13-15 Ordinance sets the civil penalty for Failure to Comply with a Traffic Light Signal at $50.

MLJ/ARK/ap
Sec13-15FTCTLSgl-mem

Attachments:
1. Ordinance
2. Ordinance Final

ORDINANCE NO._____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 13-15, TRAFFIC LIGHT SIGNAL VIOLATION MONITORING SYSTEMS; ENFORCEMENT AND PENALTY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by amending Article I, In General, Section 13-15, Traffic light signal violation monitoring systems; enforcement and penalty.

Chapter 13. Motor Vehicles and Traffic

Article I. In General

Sec. 13-15. Traffic light signal violation monitoring systems; enforcement and penalty.

(a) *Definitions.* The following words and terms used in this section shall have the following meanings:

Owner. The registered owner of such vehicle on record with the Virginia Department of Motor Vehicles.

Traffic light signal violation monitoring system. A vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or more photographs, two or more microphotographs, video or other recorded images of each vehicle at the time a vehicle is used or operated in violation of Code of Virginia sections 46.2-833, 46.2-835 or 46.2-836, which are incorporated herein by reference. For each such vehicle, at least one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one recorded image shall be of the same vehicle after it has illegally entered that intersection.

(b) *Installation and operation of traffic light signal photo-monitoring systems.* Traffic light signal violation monitoring systems may be installed and operated at no more than one intersection for every 10,000 residents within the county, at any one time.

(c) *Monetary penalty; effect of conviction.* The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal within the county. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. The ~~No~~ monetary penalty imposed under this section shall ~~exceed~~ *be* $50.00, ~~nor shall it include~~ *not including* court costs.

(d) *Proof; certificate.* Proof of a violation of this section shall be evidenced by information obtained from a traffic light signal violation monitoring system. A certificate, sworn to or affirmed by a law enforcement officer employed by the county authorized to impose penalties pursuant to this section, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a traffic light signal violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to this section.

(e) *Evidence of violation; presumption.* In the prosecution of an offense established under this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of this section, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle:

(i) files an affidavit by regular mail with the clerk of the general district court that he or she was not the operator of the vehicle at the time of the alleged violation; or

(ii) testifies in open court under oath that he or she was not the operator of the vehicle at the time of the alleged violation.

Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section, is presented, prior to the return date established on the summons issued pursuant to this section to the court adjudicating the alleged violation.

(f) *Summons.* A summons for a violation of this section may be executed pursuant to the Code of Virginia, section 19.2-76.2. Notwithstanding the provisions of the Code of Virginia section 19.2-76, a summons for violation of this section may be executed by mailing by first class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of the Department of Motor Vehicles; in the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or rentor. Every such mailing shall include, in addition to the summons, a notice of:

(i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection (e); and

(ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent.

If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in the Code of Virginia section 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for a violation of this section shall provide to the person summoned at least 60 business days from the mailing of the summons to inspect information collected by a traffic light signal violation monitoring system in connection with the violation.

(g) *Admissibility of evidence*. Information collected by a traffic light signal violation monitoring system installed and operated pursuant to this section shall be limited exclusively to that information that is necessary for the enforcement of traffic light violations.

(h) *Private entities*. On behalf of the county, a private entity may not obtain records regarding the registered owners of vehicles, which fail to comply with traffic light signals. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other personal information collected by a traffic light signal violation monitoring system shall be used exclusively for enforcing traffic light violations and shall not:

(i) be open to the public;

(ii) be sold or used for sales, solicitation, or marketing purposes;

(iii) be disclosed to any other entity except as may be necessary for the enforcement of a traffic light violation or to a vehicle owner or operator as part of a challenge to the violation; or

(iv) be used in court in a pending action or proceeding unless the action or proceeding relates to a violation of Virginia Code sections 46.2-833, 46.2-835, or 46.2-836 or requested upon order from a court of competent jurisdiction.

A private entity may enter into an agreement with the county to be compensated for providing the traffic light signal violation monitoring system or equipment, and all related support services, to include consulting, operations and administration. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. If a summons for a violation of this section has not been executed within 10 business days, all information collected pertaining to that suspected violations shall be purged within 2 business days. The traffic light signal violation monitoring system shall be annually certified in compliance with Virginia Code.

_____
Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
NULL	____	____	____	____
HIPPLE	____	____	____	____
MCGLENNON	____	____	____	____
ICENHOUR	____	____	____	____
LARSON	____	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of April, 2024.

Sec13-15FTCTLSgl-ord

ORDINANCE NO._____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 13-15, TRAFFIC LIGHT SIGNAL VIOLATION MONITORING SYSTEMS; ENFORCEMENT AND PENALTY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by amending Article I, In General, Section 13-15, Traffic light signal violation monitoring systems; enforcement and penalty.

Chapter 13. Motor Vehicles and Traffic

Article I. In General

Sec. 13-15. Traffic light signal violation monitoring systems; enforcement and penalty.

(a) *Definitions.* The following words and terms used in this section shall have the following meanings:

Owner. The registered owner of such vehicle on record with the Virginia Department of Motor Vehicles.

Traffic light signal violation monitoring system. A vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or more photographs, two or more microphotographs, video or other recorded images of each vehicle at the time a vehicle is used or operated in violation of Code of Virginia sections 46.2-833, 46.2-835 or 46.2-836, which are incorporated herein by reference. For each such vehicle, at least one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one recorded image shall be of the same vehicle after it has illegally entered that intersection.

(b) *Installation and operation of traffic light signal photo-monitoring systems.* Traffic light signal violation monitoring systems may be installed and operated at no more than one intersection for every 10,000 residents within the county, at any one time.

(c) *Monetary penalty; effect of conviction.* The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal within the county. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. The monetary penalty imposed under this section shall be $50.00, not including court costs.

(d) *Proof; certificate.* Proof of a violation of this section shall be evidenced by information obtained from a traffic light signal violation monitoring system. A certificate, sworn to or affirmed by a law enforcement officer employed by the county authorized to impose penalties pursuant to this section, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a traffic light signal violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to this section.

(e) *Evidence of violation; presumption.* In the prosecution of an offense established under this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of this section, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle:

(i) files an affidavit by regular mail with the clerk of the general district court that he or she was not the operator of the vehicle at the time of the alleged violation; or

(ii) testifies in open court under oath that he or she was not the operator of the vehicle at the time of the alleged violation.

Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section, is presented, prior to the return date established on the summons issued pursuant to this section to the court adjudicating the alleged violation.

(f) *Summons.* A summons for a violation of this section may be executed pursuant to the Code of Virginia, section 19.2-76.2. Notwithstanding the provisions of the Code of Virginia section 19.2-76, a summons for violation of this section may be executed by mailing by first class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of the Department of Motor Vehicles; in the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or rentor. Every such mailing shall include, in addition to the summons, a notice of:

(i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection (e); and

(ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent.

If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in the Code of Virginia section 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for a violation of this section shall provide to the person summoned at least 60 business days from the mailing of the summons to inspect information collected by a traffic light signal violation monitoring system in connection with the violation.

(g) *Admissibility of evidence*. Information collected by a traffic light signal violation monitoring system installed and operated pursuant to this section shall be limited exclusively to that information that is necessary for the enforcement of traffic light violations.

(h) *Private entities*. On behalf of the county, a private entity may not obtain records regarding the registered owners of vehicles, which fail to comply with traffic light signals. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other personal information collected by a traffic light signal violation monitoring system shall be used exclusively for enforcing traffic light violations and shall not:

(i) be open to the public;

(ii) be sold or used for sales, solicitation, or marketing purposes;

(iii) be disclosed to any other entity except as may be necessary for the enforcement of a traffic light violation or to a vehicle owner or operator as part of a challenge to the violation; or

(iv) be used in court in a pending action or proceeding unless the action or proceeding relates to a violation of Virginia Code sections 46.2-833, 46.2-835, or 46.2-836 or requested upon order from a court of competent jurisdiction.

A private entity may enter into an agreement with the county to be compensated for providing the traffic light signal violation monitoring system or equipment, and all related support services, to include consulting, operations and administration. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. If a summons for a violation of this section has not been executed within 10 business days, all information collected pertaining to that suspected violations shall be purged within 2 business days. The traffic light signal violation monitoring system shall be annually certified in compliance with Virginia Code.

M E M O R A N D U M

DATE: April 9, 2024

TO: The Board of Supervisors

FROM: Mark L. Jamison, Chief of Police
Adam R. Kinsman, County Attorney

SUBJECT: An Ordinance to Impose a $100 Penalty for Speeding in School Zones

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Virginia Code Section 46.2-882.1 permits a local law enforcement agency to place and operate a photo speed monitoring device in school crossing zones for the purposes of recording speeding violations. Such monitoring devices take photographs when a vehicle speeds through a school zone. These photographs evidence a traffic violation and may be used to assess a civil penalty.

The proposed Ordinance imposes a $100 penalty for traveling at speeds of at least 10 miles per hour above a posted school crossing zone speed limit when evidenced by information obtained from a photo speed monitoring device.

MLJ/ARK/md
Ch13-SchZnSpdPen-mem

Attachment

ORDINANCE NO._____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 13-15, TRAFFIC LIGHT SIGNAL VIOLATION MONITORING SYSTEMS; ENFORCEMENT AND PENALTY; BY ADDING NEW SECTION 13-15.1., SCHOOL ZONE SPEED VIOLATIONS; ENFORCEMENT AND PENALTY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by amending Article I, In General, Section 13-15, Traffic light signal violation monitoring systems; enforcement and penalty; by adding new Section 13-15.1., School zone speed violations; enforcement and penalty.

Chapter 13. Motor Vehicles and Traffic

Article I. In General

Sec. 13-15.1. School zone speed violations; enforcement and penalty.

a. *Definitions. The following words and terms used in this section shall have the following meanings.*

   "Photo speed monitoring device" means equipment that uses radar or LIDAR-based speed detection and produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles.

   "School crossing zone" has the same meaning ascribed to it in Va. Code § 46.2-873.

b. *Installation and operation. The James City County Police Department may place and operate a photo speed monitoring device in school crossing zones for the purposes of recording violations of Va. Code § 46.2-873.*

c. *Monetary penalty. The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a photo speed monitoring device, to be traveling at speeds of at least 10 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone. Such civil penalty shall be $100, and any prosecution shall be instituted and conducted in the same manner as prosecution for traffic infractions. Civil penalties collected under this section resulting from a summons issued by a James City County Police Department law enforcement officer shall be paid to James City County.*

d. *Proof; certificate. If a photo speed monitoring device is used, proof of a violation of Va. Code § 46.2-873 shall be evidenced by information obtained from such device. A certificate, or a facsimile thereof, sworn to or affirmed by a law-enforcement officer, employed by the James City County Police Department, based upon inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo speed monitoring device, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotapes, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation of Va. Code § 46.2-873.*

e. Evidence of violation; presumption. In the prosecution for a violation of Va. Code § 46.2-873 in which a summons was issued by mail, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of Va. Code § 46.2-873, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of Va. Code § 46.2-873, is presented, prior to the return date established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

f. Summons. A summons for a violation of Va. Code § 46.2-873 issued by mail pursuant to this section may be executed pursuant to Va. Code § 19.2-76.2. Notwithstanding the provisions of Va. Code § 19.2-76, a summons issued by mail pursuant to this section may be executed by mailing by first-class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of or accessible to the Virginia Department of Motor Vehicles. In the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subdivision 3 and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in Va. Code § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. If the summons is issued to an owner, lessee, or renter of a vehicle with a registration outside the Commonwealth and such person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons will be eligible for all legal collections activities. Any summons executed for a violation of Va. Code § 46.2-873 issued pursuant to this section shall provide to the person summoned at least 30 days from the mailing of the summons to inspect information collected by a photo speed monitoring device in connection with the violation. If the law-enforcement agency that was operating the photo speed monitoring device does not execute a summons for a violation of Va. Code § 46.2-873 issued pursuant to this section within 30 days from the date of the violation, all information collected pertaining to that suspected violation shall be purged within 60 days from the date of the violation.

g. Driving record. Imposition of a penalty pursuant to this section by mailing a summons shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. However, if a James City County Police Department law-enforcement officer uses a photo speed monitoring device to record a violation of Va. Code § 46.2-873 and personally issues a summons at the time of the violation, the conviction that results shall be made a part of such driver's driving record and used for insurance purposes in the provision of motor vehicle insurance coverage.

h. Private vendor. A private vendor may enter into an agreement with the James City County Police Department to be compensated for providing a photo speed monitoring device and all related support services, including consulting, operations, and administration. However, only a James City County Police Department law-enforcement officer may swear to or affirm the certificate required by this subsection. Any such agreement for compensation shall be based on the value of the goods and services provided, not on the number of violations paid or monetary penalties imposed. Any private vendor contracting with the James City County Police Department pursuant to this section may enter into an agreement with the Virginia Department of Motor Vehicles, in accordance with the provisions of subdivision B 31 of Va. Code § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that committed a violation of § Va. Code 46.2-873. Any such information provided to such private vendor shall be protected in a database.

i. Collected information. Information collected by a photo speed monitoring device operated pursuant to this section shall be limited exclusively to that information that is necessary for the enforcement of school crossing zone and highway work zone speeding violations. Information provided to the operator of a photo speed monitoring device shall be protected in a database and used only for enforcement against individuals who violate the provisions of this section or Va. Code § 46.2-873. Notwithstanding any other provision of law, all photographs, microphotographs, videotapes, or other recorded images collected by a photo speed monitoring device shall be used exclusively for enforcing school crossing zone and highway work zone speed limits and shall not be (i) open to the public; (ii) sold or used for sales, solicitation, or marketing purposes; (iii) disclosed to any other entity except as may be necessary for the enforcement of school crossing zone and highway work zone speed limits or to a vehicle owner or operator as part of a challenge to the violation; or (iv) used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of this section or Va. Code § 46.2-873, or such information is requested upon order from a court of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties.

j. Signage. A conspicuous sign shall be placed within 1,000 feet of any school crossing zone or highway work zone at which a photo speed monitoring device is used, indicating the use of the device. There shall be a rebuttable presumption that such sign was in place at the time of the commission of the speed limit violation.

_____
Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
NULL	____	____	____	____
HIPPLE	____	____	____	____
MCGLENNON	____	____	____	____
ICENHOUR	____	____	____	____
LARSON	____	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of April, 2024.

Ch13-SchZnSpdPen-rev-ord

ORDINANCE NO._____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 13-15, TRAFFIC LIGHT SIGNAL VIOLATION MONITORING SYSTEMS; ENFORCEMENT AND PENALTY; BY ADDING NEW SECTION 13-15.1., SCHOOL ZONE SPEED VIOLATIONS; ENFORCEMENT AND PENALTY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by amending Article I, In General, Section 13-15, Traffic light signal violation monitoring systems; enforcement and penalty; by adding new Section 13-15.1., School zone speed violations; enforcement and penalty.

Chapter 13. Motor Vehicles and Traffic

Article I. In General

Sec. 13-15.1. School zone speed violations; enforcement and penalty.

a. *Definitions.* The following words and terms used in this section shall have the following meanings.

   "Photo speed monitoring device" means equipment that uses radar or LIDAR-based speed detection and produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles.

   "School crossing zone" has the same meaning ascribed to it in Va. Code § 46.2-873.

b. *Installation and operation.* The James City County Police Department may place and operate a photo speed monitoring device in school crossing zones for the purposes of recording violations of Va. Code § 46.2-873.

c. *Monetary penalty.* The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a photo speed monitoring device, to be traveling at speeds of at least 10 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone. Such civil penalty shall be $100, and any prosecution shall be instituted and conducted in the same manner as prosecution for traffic infractions. Civil penalties collected under this section resulting from a summons issued by a James City County Police Department law enforcement officer shall be paid to James City County.

d. *Proof; certificate.* If a photo speed monitoring device is used, proof of a violation of Va. Code § 46.2-873 shall be evidenced by information obtained from such device. A certificate, or a facsimile thereof, sworn to or affirmed by a law-enforcement officer, employed by the James City County Police Department, based upon inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo speed monitoring device, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotapes, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation of Va. Code § 46.2-873.

e. *Evidence of violation; presumption.* In the prosecution for a violation of Va. Code § 46.2-873 in which a summons was issued by mail, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of Va. Code § 46.2-873, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of Va. Code § 46.2-873, is presented, prior to the return date established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

f. *Summons*. A summons for a violation of Va. Code § 46.2-873 issued by mail pursuant to this section may be executed pursuant to Va. Code § 19.2-76.2. Notwithstanding the provisions of Va. Code § 19.2-76, a summons issued by mail pursuant to this section may be executed by mailing by first-class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of or accessible to the Virginia Department of Motor Vehicles. In the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subdivision 3 and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in Va. Code § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. If the summons is issued to an owner, lessee, or renter of a vehicle with a registration outside the Commonwealth and such person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons will be eligible for all legal collections activities. Any summons executed for a violation of Va. Code § 46.2-873 issued pursuant to this section shall provide to the person summoned at least 30 days from the mailing of the summons to inspect information collected by a photo speed monitoring device in connection with the violation. If the law-enforcement agency that was operating the photo speed monitoring device does not execute a summons for a violation of Va. Code § 46.2-873 issued pursuant to this section within 30 days from the date of the violation, all information collected pertaining to that suspected violation shall be purged within 60 days from the date of the violation.

g. *Driving record.* Imposition of a penalty pursuant to this section by mailing a summons shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. However, if a James City County Police Department law-enforcement officer uses a photo speed monitoring device to record a violation of Va. Code § 46.2-873 and personally issues a summons at the time of the violation, the conviction that results shall be made a part of such driver's driving record and used for insurance purposes in the provision of motor vehicle insurance coverage.

h. *Private vendor.* A private vendor may enter into an agreement with the James City County Police Department to be compensated for providing a photo speed monitoring device and all related support services, including consulting, operations, and administration. However, only a James City County Police Department law-enforcement officer may swear to or affirm the certificate required by this subsection. Any such agreement for compensation shall be based on the value of the goods and services provided, not on the number of violations paid or monetary penalties imposed. Any private vendor contracting with the James City County Police Department pursuant to this section may enter into an agreement with the Virginia Department of Motor Vehicles, in accordance with the provisions of subdivision B 31 of Va. Code § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that committed a violation of § Va. Code 46.2-873. Any such information provided to such private vendor shall be protected in a database.

i. *Collected information.* Information collected by a photo speed monitoring device operated pursuant to this section shall be limited exclusively to that information that is necessary for the enforcement of school crossing zone and highway work zone speeding violations. Information provided to the operator of a photo speed monitoring device shall be protected in a database and used only for enforcement against individuals who violate the provisions of this section or Va. Code § 46.2-873. Notwithstanding any other provision of law, all photographs, microphotographs, videotapes, or other recorded images collected by a photo speed monitoring device shall be used exclusively for enforcing school crossing zone and highway work zone speed limits and shall not be (i) open to the public; (ii) sold or used for sales, solicitation, or marketing purposes; (iii) disclosed to any other entity except as may be necessary for the enforcement of school crossing zone and highway work zone speed limits or to a vehicle owner or operator as part of a challenge to the violation; or (iv) used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of this section or Va. Code § 46.2-873, or such information is requested upon order from a court of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties.

j. *Signage.* A conspicuous sign shall be placed within 1,000 feet of any school crossing zone or highway work zone at which a photo speed monitoring device is used, indicating the use of the device. There shall be a rebuttable presumption that such sign was in place at the time of the commission of the speed limit violation.

M E M O R A N D U M

DATE: April 9, 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

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At the January 9, 2024, meeting, the Board of Supervisors opened the public hearing for the Ordinance and Comprehensive Plan amendments. The Board members expressed concern with how the changes proposed under ORD-22-0001 and the Comprehensive Plan amendments would be applied. This concern was reiterated at the February 27, 2024, meeting. The Board believed those changes should be indefinitely deferred while the possible creation of an Overlay District is considered.

Staff recommends this case be indefinitely deferred. Should the Board desire to revisit these items in the future, staff will readvertise these items for another public hearing.

TW/JLR/JR/md
CPAmd-ORD22-1SRP-mem